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Our ref: GM-1873-2020

12 November 2020

Dear Janice

Surrender Principle

Kellie Armstrong MLA has requested information in respect of evidence which was gathered by the Department in 2007, in respect of the impact of abolishing the surrender principle.

I have attached the evidence referred to which was a Business Impact Assessment carried out by Grant Thornton UK LLP, and associated documentation, which was shared with the Committee in 2016.

I hope the Committee finds the attached information helpful.

Yours sincerely

Diane Mulligan
Departmental Assembly Liaison Officer

BUSINESS IMPACT ASSESSMENT

The listed documents are attached.

1. Business Impact Assessment
2. Appendix 1 - Breakdown of licences in Northern Ireland
3. Appendix 2 – Consultee Questionnaire
4. Appendix 3 - Benchmarking
5. Appendix 4 - Tax Implications

ANNEX A - BUSINESS IMPACT ASSESSMENT

Liquor Licensing Law: Assessment of Impact on Business of Abolishing 'Surrender'

**Report compiled by Grant Thornton UK LLP for the Department for Social
Development**

30th October 2007

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Our Ref g/cf/dsd/11/oct2007rep

Mrs. Linda MacHugh
Director
Urban Regeneration Strategy Directorate
Department for Social Development
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Belfast
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October 2007

Dear Mrs. MacHugh

DSD - Liquor Licensing Law: Assessment of Impact on Business of Abolishing 'Surrender'

We have pleasure in presenting to the Department our report of an independent study into the potential impact upon key stakeholders of abolition of the 'Surrender' requirement. At this stage we would like to take the opportunity to thank all consultees who gave freely of their time.

If there are any matters upon which you require clarification or further information please do not hesitate to contact either Charlie Kerlin or Mairead McEntee on 028 9031 5500.

Yours sincerely

Grant Thornton UK LLP

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Glossary

Abbreviations

Abbreviation	Full Title
CBI	Confederation of British Industry
CoC	Chamber of Commerce
CTN	Confectionery, Tobacco and Newsagent
DHSSPS	Department of Health, Social Services and Public Safety
DSD	Department for Social Development
FSB	Federation of Small Businesses
FRLT	Federation of the Retail Licensed Trade in NI
HMRC	HM Revenue & Customs
IAS	Institute of Alcohol Studies
NIGLF	Northern Ireland Grocery Licensing Forum
NIIRTA	NI Independent Retail Trade Association
OECD	Organisation for Economic Co-operation and Development
OFT	Office of Fair Trading
PwC	PricewaterhouseCoopers
RICS	Royal Institution of Chartered Surveyors
Rol	Republic of Ireland

Definitions

Term	Definition
Licensed Trade	Licensed trade refers to public houses - including nightclubs- and off licences only (for this report)
Liquor Review Team	Established in 2004, within DSD, and is tasked with taking forward a review of the laws governing liquor licensing and registered clubs
Need	New licence may only be granted if the court is satisfied that the existing number of pubs and off-licences is not already adequate
On-trade	Refers to any licensed establishments which allow the sale and consumption of alcohol to occur on the premises. Beverages are usually served in a ready-to-drink fashion and cannot be taken off the premises for consumption later. (In this report assumed to refer to only public houses)
Off-trade	Refers to any licensed establishments which legally sells alcohol for off-premises consumption
Principal to principal	Sale of premises completed without agents involvement
Surrender	Requirement to hand an existing licence into court, when applying for a new licence for pub or off-licence.
Vicinity Licence	Licence which negates the requirement to prove Need, as the licence applied for is for the same site or in the same vicinity as the licence surrendered. (It should be noted that vicinities i.e. a geographical area are not fixed for example they do not conform to ward boundaries, but they are decided by the court on a case by case basis).

Executive Summary

The Department for Social Development (DSD) was established in 1999 as part of the devolution process in Northern Ireland. DSD has strategic responsibility for urban regeneration, community and voluntary sector development, social legislation, housing, social security benefits, pensions and child support.

The Liquor Review Team within DSD was set up in 2004 and tasked with taking forward a review of the laws governing Northern Ireland's liquor licensing and registered clubs. The terms of reference for that review included a call for an examination of the surrender requirement.

The direct rule Government took the view that entry to the licensed market was unjustifiably restricted to those who could generate sufficient revenue to purchase a licence, for which there is a lucrative market, and was biased in favour of those able to sell alcohol intensively. The then Minister for Social Development, David Hanson MP, believed that abolition would *"create a more equitable commercial environment and open the market to new trading opportunities"*. He proposed to abolish the surrender requirement in favour of need becoming the major determining factor in the granting of a licence.

He outlined his position in November 2005 when launching for public consultation his proposals for reforming liquor licensing. Given the strong opposing views which had emerged from Minister Hanson's consultation on the proposal of 'surrender', Minister Ritchie requested an assessment of the economic

impact of abolition before making any decision on the way forward.

The government historically introduced licences as a means of controlling and taxing the sale of alcohol. Under the Licensing (Northern Ireland) Order 1996 there are 12 types of licence catering for the sale of alcohol by retailers. Two of these, for pubs (including nightclubs) and off-licences, have distinctive shared characteristics. First, they are mutually transferable. A licence for a pub may be used to open an off-licence and vice versa. Secondly, they are both subject to the twin safeguards of statutory **"need"** and **"surrender"**. A licence to sell intoxicating liquor in a new pub or off-licence premises may only be granted if the County Court is satisfied that the existing number of pubs and off-licences in the **"vicinity"** (a geographical area defined by the court), is not already adequate i.e. that there is a "need" for another outlet. "surrender" is the requirement to hand an existing licence for a pub or off-licence into County Court, when applying for a licence to open new premises of either type. As such, "need" and "surrender" regulate the number of pubs and off-licences in any vicinity and in Northern Ireland as a whole. These flexibilities and safeguards do not apply to other licensed premises such as hotels and restaurants.

Over time, need and surrender reduced and then capped the numbers of pubs and off-licences in Northern Ireland. At 31 December 2006 there were 1,549 public house licences and 448 off-licences in force. (*Source: DSD*). As to be expected, the biggest proportion of these - 15% and 28% respectively - are in the Belfast City Council area. In addition to alcohol retailers there are other stakeholders within the sector. These include

financial stakeholders i.e. banks and breweries, and social stakeholders, namely the judiciary, police, local authorities and the general public.

The scarcity of licences for pubs and off-licence premises has gradually led to the licence becoming a valuable asset in its own right, with a reported market value at present in excess of £100k (*Source: Whelan*). Historical trends in the value of licences are discussed in Section 3. In a perverse development the statutory arrangements for granting a new licence for a pub or off-licence have also created an opportunity for **professional objectors** to gain financially from the new applicant. To wit, an application for the grant of a licence is made to the relevant county court. As part of this process objections to the granting of this licence can be registered. The system is open to misuse since objectors (such as existing licence holders) may and do lodge objections in order to obtain financial gain from the applicant in the form of a compensation payment, on receipt of which they withdraw their objection. The real cost to the applicant of obtaining a licence in such a situation is therefore the purchase price of the surrendered licence plus the compensation payment. This practice is alleged to be widespread. It is, however, very difficult to document or quantify the individual or wider economic impacts since those involved are understandably reluctant to go on record.

In assessing the economic impact of removal of surrender a review was made of available financial accounts in the public domain. The review has shown that licences have been treated in various ways in accounts, with the methodology to be employed at the discretion of the accountant, albeit applying relevant

accounting standards. It is difficult to obtain information on the treatment of licences in accounts and general financial performance in this sector. This is because publicly available financial information is scarce and individuals are reluctant to divulge financial details. Despite the relatively recent entrance to the Northern Ireland market of GB players and the formation of several local chains the sector is still dominated by independent family-type operators who would fall into the categories of small and medium sized companies. Such companies are permitted to prepare and deliver abbreviated accounts to the Registrar of Companies and therefore information is extremely limited for those entities in the public domain.

The review also sought to understand the potential impact on the business valuation. From our consultations it was clear that it is a widely accepted practice that public houses in Northern Ireland are valued using a multiplier of the turnover or sales, net of VAT, with the multiplier being derived from the analysis of comparable open market sales. As such the valuation figure arrived at is a composite of the value of the elements outlined above, but is not explicitly broken down between property, fixtures and fittings, goodwill, licence etc. By inference values of businesses would be affected by factors which would result in a change to the current and prospective turnover of the business.

Northern Ireland has a very clear set of guidelines with regard to the licensing of on and off premises. Key amongst these is the surrender provision which has effectively controlled the market place (and subsequently the sale of alcohol) since 1902. Given the social 'make-up' of Northern Ireland any proposed change to these laws is a highly emotive issue.

Due to a number of factors it has not been possible to establish a realistic economic impact of the abolition of surrender. There is no true reference market to capture economic performance. The current system is relatively unique to Ireland and there has been no market identified which has gone through these proposed changes. As such, realistic evidence on pricing, profitability, outlet density etc cannot be established.

Other deregulated markets have resulted in the creation of new outlets in the market, a fall in prices and consumer advantages. However, this does not necessarily mean this will be the impact on the licensed sector in Northern Ireland.

There have been a number of predictions regarding the impact on the market, however, these predictions tend to ignore the issue that the need principle is being retained. Therefore our opinion is that the impact on the economy of Northern Ireland due to changes in the licensing laws may not be as big an issue as presented by some (e.g. impact upon the number of outlets, profitability, social impact etc) as the need principle is to be retained

The greatest actual economic impact will be on individuals who currently own a licence. Once again, this may have been

oversimplified by those who object to the potential abolishment of the surrender provision. The cost to the economy is *not* the number of licences multiplied by the current market value. Not all licences were purchased at the current market value. Many licensees have written this cost off and have enjoyed the profits obtained from the right to sell alcohol.

It should be also noted that some licensees may be more reliant on the sale of a licence for income than others. As stated previously some licence holders view their licence as a nest egg. However, like any investment, values may rise or fall. Licences were not purchased with a guaranteed exit value, rather they were purchased to confer on the licensee the right to sell alcohol and thus generate profit from this activity.

Based on the primary and secondary research, we would conclude that there is no clear economic impact from either scenario i.e. abolishing surrender or retaining surrender. However, we would note that this situation arises mainly due to the retention of the need principle. This results in preserving a restriction on the number of outlets in the marketplace and therefore minimising any economic impact upon the licensed trade of abolishing Surrender.

1 Introduction and Background

1.1 Department for Social Development

The Department for Social Development (DSD) was established in 1999 as part of the devolution process in Northern Ireland. DSD has strategic responsibility for urban regeneration, community and voluntary sector development, social legislation, housing, social security benefits, pensions and child support.

The Social Policy Unit within DSD is responsible for the development of policy and the promotion of legislation including that relating to liquor licensing. The aim of the Unit with regard to liquor licensing is to promote and maintain social legislation in this area by updating and streamlining the law to reflect changing social attitudes and expectations and to provide an effective framework for control and enforcement which strikes a balance between the rights of the community and the rights of individuals/organisations directly affected.

The Liquor Review Team within DSD was set up in 2004 and tasked with taking forward a review of the laws governing Northern Ireland's liquor licensing and registered clubs. The terms of reference for that review included a call for an examination of the surrender requirement

1.2 Current Situation

The direct rule Government took the view that entry to the licensed market was unjustifiably restricted to those who could generate sufficient revenue to purchase a licence, for which there is a lucrative market, and was biased in favour of those able to sell alcohol intensively. The then Minister for Social Development, David Hanson MP, believed that abolition would *"create a more equitable commercial environment and open the market to new trading opportunities in order to:*

- *offer greater choice for Northern Ireland consumers*
- *increase employment opportunities*
- *support tourism and regeneration*
- *respond to modern market trends and customer expectations".*

He proposed to abolish the surrender requirement in favour of need becoming the major determining factor in the granting of a licence. He outlined his position in November 2005 when launching for public consultations his proposals for reforming liquor licensing:

"The surrender provision has created anomalies in the licensed trade. At present only pubs and off-licences are required to surrender a licence before being granted a new one. This has capped the overall number of such premises in Northern Ireland, but it has not prevented the growth of alcohol sales in other premises such as large hotels, nor the clustering of pubs and off-licences in particular areas. It is also an artificial barrier to entry to the market and its abolition will create a more equitable commercial environment."

Coupled with this, Minister Hanson in July 2006 announced that he also intended, post the Review of Public Administration proposed under direct rule, to move the responsibility for issuing licences from the courts to the councils and to introduce a dual system of personal and premises licences to replace the current 12 categories. However, in May 2007 direct rule Government was replaced by the local Assembly and Margaret Ritchie became the Executive Minister for Social Development.

Given the strong opposing views which had emerged from Minister Hanson's consultation on the proposal of 'surrender', Minister Ritchie requested an assessment of the economic impact of abolition before making any decision on the way forward.

1.3 Background Knowledge and Market Terminology

The first law to place quantitative limits on the licensed trade in Ireland was the Licensing (Ireland) Act 1902. As this law was enacted pre-partition this has resulted in a similar licensing system operating in both Northern Ireland and the Republic of Ireland. Therefore, research completed within the Republic of Ireland marketplace has some relevance to this report. Of particular note in the context of this assessment is the Interim Study on the Liquor Licensing Laws (September 1998) completed by the Competition Authority. This report highlighted that:

“All of the restrictions inherent in the system of licensing of pubs makes it impossible for the market to function efficiently and in the best interests of the consumer.”

Despite this conclusion, the recommendations from that report were never implemented in the liquor licensing system in the Republic. Thus, the licensing laws in NI and the Republic remain, in this respect at least, relatively similar.

Licences: The government historically introduced licences as a means of controlling and taxing the sale of alcohol. Under the Licensing (Northern Ireland) Order 1996 there are 12 types of licence catering for the sale of alcohol by retailers. Two of these, for pubs (including nightclubs) and off-licences, have distinctive shared characteristics. First, they are mutually transferable. A licence for a pub may be used to open an off-licence and vice versa. Secondly, they are both subject to the twin safeguards of statutory **“need”** and **“surrender”**. A licence to sell intoxicating liquor in a new pub or off-licence premises may only be granted if the County Court is satisfied that the existing number of licensed premises in the **“vicinity”** (a geographical area defined by the court), is not already adequate i.e. that there is a “need” for another outlet. “Surrender” is the requirement to hand an existing licence for a pub or off-licence into County Court, when applying for a licence to open new premises of either type. As such, “Need” and “Surrender” regulate the number of pubs and off-licences in any vicinity and in Northern Ireland as a whole. These flexibilities and safeguards do not apply to other licensed premises such as hotels and restaurants. For ease of reference, throughout this

report the term “licensed trade” refers solely to public houses - including nightclubs - and off licences.

Structure of licensed trade: Over time, need and surrender reduced and then capped the numbers of pubs and off-licences in Northern Ireland. At 31 December 2006 there were 1,549 public house licences and 448 off-licences in force. (*Source: DSD*). As to be expected, the biggest proportion of these - 15% and 28% respectively - are in the Belfast City Council area. A breakdown of licences by council area is included as Appendix 1. In addition to alcohol retailers there are other stakeholders within the sector. These include financial stakeholders i.e. banks and breweries, and social stakeholders, namely the judiciary, police, local authorities and the general public.

Cost and value of licences: The scarcity of licences for pubs and off-licence premises has gradually led to the licence becoming a valuable asset in its own right, with a reported market value at present in excess of £100k (*Source: Whelan*). Historical trends in the value of licences are discussed in Section 3. In a perverse development the statutory arrangements for granting a new licence for a pub or off-licence have also created an opportunity for **professional objectors** to gain financially from the new applicant. To wit, an application for the grant of a licence is made to the relevant county court. As part of this process objections to the granting of this licence can be registered. The system is open to misuse since objectors (such as existing licence holders) may and do lodge objections in order to obtain financial gain from the applicant in the form of a compensation payment, on receipt of which they withdraw their objection. The real cost to the applicant of obtaining a licence

in such a situation is therefore the purchase price of the surrendered licence plus the compensation payment. This practice, is alleged to be widespread. It is, however, very difficult to document or quantify the individual or wider economic impacts since those involved are understandably reluctant to go on record.

Accounting Treatments: Licences may be treated in various ways in accounts, with the methodology to be employed at the discretion of the accountant, albeit applying relevant accounting standards. It is difficult to obtain information on the treatment of licences in accounts and general financial performance in this sector. This is because publicly available financial information is scarce and individuals are reluctant to divulge financial details. Despite the relatively recent entrance to the Northern Ireland market of GB players and the formation of several local chains the sector is still dominated by independent family-type operators who would fall into the categories of small and medium sized companies. Such companies are permitted to prepare and deliver abbreviated accounts to the Registrar of Companies and therefore information is extremely limited for those entities in the public domain. A *small* company must meet at least two of the following conditions: annual turnover not exceeding £5.6m; balance sheet total not exceeding £2.8m; average number of employees 50 or fewer. A *medium* sized company must meet at least two of the following conditions: annual turnover not exceeding £22.8m; balance sheet total not exceeding £11.4m; average number of employees 250 or fewer. (*Source: DETI*)

Valuations; The valuation of licensed premises is dealt with under Guidance Note (G.N.) 1 of the RICS Red Book, “Trade-Related Valuations and Goodwill”. Licensed premises such as a public house or off-licence shop are valued

“...as a fully equipped operational entity, having regard to trading potential.”

The valuation of the operational entity includes and reflects:

- The legal interest in the land and buildings;
- The Plant and Machinery, trade fixtures, fittings, furniture, furnishings and equipment;
- The market’s perception of the trading potential, excluding Personal Goodwill, together with the assumed ability to obtain/renew existing licences, consents, certificates and permits.
- The benefit of any transferable licences, consents, certificates and permits.

There are a number of methods for the valuation of various types of property. It is widely accepted practice that public houses in Northern Ireland are valued using a multiplier of the turnover or sales, net of VAT, with the multiplier being derived from the analysis of comparable open market sales. As such the valuation figure arrived at is a composite of the value of the elements outlined above, but is not explicitly broken down between, property, fixtures and fittings, goodwill, licence etc.

2 Terms of Reference and Methodology

2.1 Terms of Reference

Grant Thornton UK LLP was appointed by the Minister to complete an independent study into the potential economic impact of abolishing the 'surrender' provision.

This study will provide clear information on the economic impact of abolition on existing licence holders, prospective new applicants for a licence for a pub or off-licence, other key stakeholders i.e. those most likely to be financially affected, such as banks, breweries, and other interested parties including local authorities and government departments. The report will not make recommendations as to future policy direction but will outline key potential economic impacts.

The terms of reference issued by DSD required the following:

An analysis of the financial impact of abolishing surrender on the licensed trade, with particular reference to pubs and off-licences, prospective new entrants to the trade and other stakeholders.

The Terms of Reference envisaged the following work:

- a) A literature review and analysis.
- b) Consideration of appropriate lessons from further afield.
- c) Assessment of the extent and scale of the financial impact of abolishing surrender on existing licence holders
- e) An examination of how abolition might affect prospective new applicants for a licence for a pub or off-licence.
- f) Examination of the likely impact of abolition on other key stakeholders.
- (g) Consultation with key stakeholders, including representatives of the licensed and grocery trades, breweries, property agents and developers and the local banks.
- (h) Primary research including:
 - Research on court /official records to determine:
 - the average number of licences traded each year since the last review of licensing law was completed.
 - the location of the licences and their destination.

Business/market research to establish:

- The value of surrendered licences in monetary terms;
- Whether the existing surrender requirement represents a barrier to entry into the market;
- Current practices/ processes for buying/ selling pubs or off-licences;
- Current practices/ processes for buying/ selling licence only;
- What part the value of a licence plays in the sale/purchase of the business;
- The potential impact of abolishing surrender on wider business e.g. prospective applicants for a licence.

Accounting and tax research to establish:

- How pubs and off-licences account for the value of a licence;
- The tax implications for the sale of a pub or off-licence in the event of abolition of surrender.

2.2.1 Desk research

A literature review of the following baseline information was undertaken:

2.2 Methodology

Our assessment was compiled between July and September 2007, using the following methodology:

Source	Report	Relevance
Industry group; FRLT	Response to DSD Consultation "Liquor Licensing: The Way Forward" (January 2006) PWC A Study of the economic impact of the current licensing review (January 2006)	The response from the trade association for licensees in NI. This organisation supports the retention of surrender. PwC were commissioned by FRLT to undertake a study of economic impact of the licensing review.
Industry group; NIGLF (comprises NIIRTA, Co-op and Lidl)	Representations on "Liquor Licensing: The Way Forward" (January 2006) Gerald Eve Statement of Evidence (2006)	The response received from the trade body for grocers. NIGLF are in favour of abolition Gerald Eve were commissioned by NIGLF to produce property evidence in relation to the "Liquor Licensing - the Way Forward" consultation document.
Financial Stakeholders		
NI Bankers' Association	Response to DSD Consultation Document "Liquor Licensing: The Way Forward" (January 2006)	Represent a number of key banks in NI. Banks have a financial interest in the licensed trade.
Benchmarking		
Competition Authority (RoI)	Interim Study on the Liquor Licensing Laws (September 1998)	A study and analysis of the liquor licensing laws, barriers to entry to the licensed trade, and their impact on competition in the retail drinks market within the Republic of Ireland

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Source	Report	Relevance
OECD	Background Report on the role of Competition Policy in Regulatory Reform (2001)	Examined the impact of competition in regulatory reform.
Consumer Strategy Group (RoI)	Make Consumers Count: A new Direction for Irish Consumers (April 2005)	Identified key recommendations to improve consumer "power" and develop a national consumer strategy.
Competition Authority (RoI)	Submission of the Competition Authority on the General Scheme of the Intoxicating Liquor Bill (May 2005)	Comment on the draft intoxicating liquor bill.
High Level Interdepartmental Committee (RoI)	Report on Recommendations contained in the Consumer Strategy Group (September 2005)	New group established to examine the recommendations in the Consumer Strategy Group report.

These documents were supplied by DSD as a 'starting point' to this assignment and the following additional documents were sourced and reviewed:

- DHSSPS: Strategy for Reducing Alcohol Related Harm (September 2000)
- Representations by NIGLF on the Review of Licensing Law (November 2004)
- Data monitor: Alcoholic Drinks in the UK (December 2006)
- Mintel: Alcohol Retailing Off vs. On Trade Ireland (July 2007)
- HMRC: Business Economic Notes
- IAS: Economic costs and benefits
- OFT: Reports concerning the economic impact of deregulating markets

Interviews with the following parties:

- Trade bodies representing the licensed sector and retail trade namely FRLT and NIGLF respectively
- Trade bodies representing general business interests
- Trade bodies representing financial institutions
- Financial stakeholders including banks, breweries and estate agents
- Current licence holders

- Unsuccessful applicants
- Professional advisors to the retail and licensed sectors.

Copies of the questionnaires utilised for these consultations are included as Appendix 2.

In addition, we also consulted with HMRC regarding taxation issues.

Given the similarity with Republic of Ireland in terms of licensing laws, as discussed within Section 1.3, we undertook a telephone consultation with the Department of Justice & Law Reform.

At this stage we would like to take the opportunity to thank all consultees who gave freely of their time.

2.2.2 Market Research

Chartered Surveyors & Property Consultants (Whelan) provided an analysis of the local licensed property market. This analysis was separately reviewed by the property team from Grant Thornton, who were tasked with reviewing this information in terms of independence, understanding and implications.

2.2.3 Financial Accounts

A review was carried out of the financial accounts and methodology employed by accountants for a number of pubs and off-licences.

Amendments to Methodology

Having agreed this methodology with DSD, revisions were made to the consultation list due to the reluctance of some to participate and the timeframe for completion.

2.3 Limitations

The following issues should be noted:

- No direct reference markets exist to allow for pre and post comparison of the effects of abolition of surrender. This limited our ability to quantify the likely economic impact of the abolition of the surrender provision. With the aid of a reference market in which abolition had taken place historically it would have been possible to track economic impact, whether it be in changes in job numbers, number of outlets, sector profitability levels etc. In the absence of a reference market, there is no precedent to assess the likely effect on the market.
- We reviewed the last two years' published accounts of a number of current operators. The available evidence is limited. Due to the large number of independent operators in the licensed trade in Northern Ireland and the limited nature of the accounts they publish, it was not practicable to appraise the profitability of independents or smaller operations by examining their published accounts.
- Aside from the price of a licence, specific economic impacts (including a monetary value) as a result of abolishing surrender on the whole could not be quantified by consultees. Instead, general economic impacts were highlighted and social impacts were also discussed by these consultees. These social impacts were disregarded as they were not part of the remit for this assessment. The economic impacts are discussed in Section 5.

3 Market Information

3.1 Introduction

In considering the potential economic impact of abolishing the surrender provision, a review of the current licensed trade market in Northern Ireland was undertaken. This review was to primarily consider the following key issues:

- Is the market growing or declining?
- How has the market changed in terms of on and off sales?
- What other changes are occurring in the marketplace?

These issues were expected to influence the relative economic impact of a change in the surrender provision.

To answer these questions, the following market information was reviewed:

- Research into the alcohol market in the island of Ireland undertaken by Mintel and detailed in their Report; *Alcohol Retailing Off vs. On Trade Ireland (July 2007)*.
- Local market information as compiled by Chartered Surveyor & Property Consultants (Whelan)
- Cost and number of licences (Whelan and DSD)

3.2 Research into the alcohol market in the island of Ireland

As already noted the system of licensing for pubs and off licences in Northern Ireland is similar to the Republic of Ireland. Given the greater market size, Mintel have produced their report for the total island of Ireland. Salient points have been produced separately for the two markets.

The key extracts from the Mintel report into the alcohol market in Northern Ireland are summarised below (extracts from the Mintel report are denoted in a different font):

"Mintel forecasts that by 2012, a larger volume of alcohol will be purchased off-trade (490 million litres) than on-trade (400 million litres). This is due to the smoking ban, introduced in NI in 2007, but also due to the lower prices of alcohol in the off-trade, as consumers continue to count their pennies as interest rates continue to rise.

The sales value of the on-trade market in NI stood at €781.9 million in 2006, down 16% from 2000 figures. (*Grant Thornton note; using a conversion rate of 0.69, this translates to £539.5 million*).

In 2006, the market value for the off-trade in NI stood at €591.7 and is forecast to increase to €710.7 million by 2012 - an increase of 45% in 2000 figures. (*Grant Thornton note; using a conversion rate of 0.69, this translates to £408.3 million and £490.4 million respectively*) This corresponds to the increased sales volume - an expected increase of 66% from 2000-12.

This movement as reflected in market value and volume is summarised in the table below:

	On Trade			Off Trade			Total
	Value (€m)	Value (£m)*	Million Litres	Value (€m)	Value (£m)*	Million Litres	Value (€m)
2001	1006.2	694.3	96.3	539.4	372.2	73.5	1,545
2006	781.9	539.5	84	591.7	408.3	91.2	1,372
2012	555.7	383.4	60	710.7	490.4	122.4	1,265

*Conversion rate of 0.69

It is important to note that although the on-trade has experienced a fall in volume sales and will continue to do so, this is not a negative reflection on income of on-trade premises as they continue to incorporate other forms of incomes increase, especially food, into their business. The increased competitiveness will spur innovation, enabling the on-trade to benefit from other incomes such as food and entertainment events. Off- trade sales have grown on Northern Ireland with the trend towards in-home drinking combined with cheaper off-trade prices being the most influential factors.

Results show that, since 2002, the percentage of adults who drink in the home in NI has remained relatively stable with a high of 66% in 2003, dropping to 63% in 2006 (62% was recorded in 2002). Although a higher percentage of consumers in NI really enjoy a night out, this figure has

declined in the last five years. In the same instance, the percentage that does most of their drinking at home has grown.

The traditional Irish pub is under pressure. This is not likely to change in the near future. Is expected that other revenues that the pub can gain from such as food and accommodation will become additional to drink sales. The on-trade will need to innovate, as they are essentially a service industry. In moving forward, differentiation will be key".

3.3 Local Market Information

Whelan Property Consultants were asked to provide an overview of the current market for licensed premises within Northern Ireland. This overview covers the period from January 2006 to August 2007.

The types of premises for which licences may be granted is set out at Article 5(1) of the Licensing (NI) Order 1996. However, this market overview deals only with the trade in those premises defined under Articles 5(1) (a) and 5(1) (b), public houses and off licences respectively as these are the only premises where there is a requirement to surrender a subsisting licence and prove need within a vicinity in order to open a new outlet.

The Marketplace

Over the period January 2006 to August 2007 prices being achieved in the market for public houses have shown

significant growth, whereas the prices for licences traded separately have not risen so dramatically.

Licences

Licence prices have generally held steady at around £130,000 and in some instances have actually fallen back. There have been some notable exceptions, however, where premium prices of £350,000 to upwards of £500,000 have been paid by the multi-national retail chains.

It is not difficult to pinpoint the reasons behind the stagnation in licence prices. In the first half of 2006 licences were changing hands for more than £135,000. These strong prices were, almost exclusively, fuelled by the growth of the off-sales sector – with almost all licences being acquired for new off-licence outlets associated with the major supermarkets.

However, following the announcement by the former Social Development Minister David Hanson MP in November 2005 that there would be a review of the licensing legislation, prices stalled for some months and the volume of transactions also dipped. The reason why the archive data shows prices remaining strong into 2006 is due to the long lead times in licence sales, with purchasers and vendors typically entering into a 12 month option agreement. Those sales completing in Spring and Summer 2006 would have therefore been agreed in 2005 prior to Mr Hanson's proposal.

Interestingly, Summer 2007 saw the level of transactions increase again, although anecdotal evidence would indicate that

prices have remained at around £125,000 compared to £135,000 which was being achieved in 2006. Due to the time lag in sales completing, the evidence to support this view will not become available until the sales complete as the applications go to court in the autumn of 2007. Due to the surrender and grant process it is not uncommon for an application to take up to 12 months from the agreement of terms to completion.

Premises

2006 and the first six months of 2007 have seen a steady level of activity in the local market for licensed premises. In common with the wider property market the market for licensed premises witnessed strong price growth across all sectors and geographical locations. However, there has been a cooling off over the late Spring and Summer as interest rate rises have begun to bite, although again this is not unique to the licensed premises sector.

Local Portfolios

Perhaps the most notable phenomenon over the past 12 to 18 months has been the growth of local portfolio operators who are continuing to assemble and expand their licensed chains.

The review period has seen Jewell Group, Beannchor and Diamond Group continue to add to their pub stables, with acquisitions of both individual outlets such as TaTu and Mercury and chains such as the Carmichael Group. Since the disposal of their retail outlets by the breweries in the 1980s, the

only significant portfolio operators had, for many years, been Botanic Inns and Wine Inns in the Belfast area and Garvin O'Doherty in Londonderry. However, a significant difference between the established operators and the new entrants has been that, whereas Wine Inns, Botanic Inns, etc have owned and operated their outlets, Jewell and Beannchor have tended to install tenants in their outlets and operate then as investors/landlords.

The reasons for the growth of local portfolios are not clear. It may be that simple economies of scale and bulk buying power make a larger portfolio more profitable. Alternatively, it has been suggested that the long term strategy of those assembling a portfolio may be the hope of selling out to a national operator in the future. One consequence has been the increased availability of leasehold pubs, which it could be argued have made entry into the market by new operators easier as they do not have to finance the purchase of freehold property. However, while the growth of portfolio operators is significant, industry knowledge would indicate that the vast majority of local pubs still remain in independent owner/operator hands.

National Chains

For the national chains, the last 18 months have seen a more fragmented approach. Wetherspoons have not added to their local holdings, trade sources have speculated that this may be due to difficulty servicing their NI operation and that past acquisitions may not have traded up to expectations. Whitbread, on the other hand have, committed to the province

in strength with new Premier Travel Inn hotels opened on Adelaide Street, Belfast and in Carrickfergus and a site secured for a hotel development in Lisburn. Notably, these developments have not required the purchase of a subsisting 5.1(a) licence, whereas Whitbread have not as yet rolled out their Brewer's Fayre pub brand in NI which would require them to purchase existing pub licences.

In Belfast city centre, a couple of the national multiples have made significant acquisitions, with rival Newcastle-Upon-Tyne based operators, Ultimate Leisure and Utopian Leisure, both making substantial purchases. Within the Odyssey, Utopian acquired the former Precious nightclub which was extensively refurbished and re-branded BOX. Ultimate Leisure meanwhile acquired the Advocate Bar and The Pothouse. It is interesting to note that both the Advocate and BOX are leasehold interests which as noted above is a relatively new phenomena in the local market with most larger bars being owned freehold. This is largely a legacy of how the licensed trade has developed in NI with most pubs originally being family owned and operated whereas in GB the major breweries assembled large portfolios of tenanted pubs with supply tie agreements to ensure distribution of their products. The arrival of new national operators has also injected some fresh blood into the local scene and increased competition for the existing local players.

Hotels

Within the city centre hotels such as Malmaison, Ten Square and The Merchant (which do not require pub licences) are now also providing real competition to traditional city centre pubs, and are capturing a significant slice of the lunchtime and after work trade through up-market bars such as the Cloth Ear and Ten Square's Grill Room.

Off-licences

Compared to the public house market the trade in off-licence business is much quieter. This is, however, not a recent trend. Off-licences have never been sold on the open market as going concerns in any significant volume in NI, with sales often taking place on a principal to principal level (i.e. without the involvement of estate agents). Even more so than the pub sector the off-licence market is characterised by a small number of companies such as Wineflair, Winemark/ Russells, Curleys, Stewarts Wine Barrel and Fruit of the Vine, together with the national supermarket brands Sainsbury, Tesco, Asda, Marks & Spence, and, to a lesser extent, Lidl.

In the main this dominance is due to the small margins available in the retail trade which make stand-alone off licences virtually unviable. In many cases anecdotal evidence would indicate that the major supermarkets are retailing certain products at lower prices than independent retailers can purchase them from wholesalers, thus the only way local traders can compete is to assemble chains and begin

to enjoy economies of scale in distribution and sourcing product.

The Future / Predictions

In line with the property market as a whole the market for licensed premises is likely to slow over the coming months as interest rate rises begin to impact on purchaser's ability to fund acquisitions.

Most at risk perhaps are the isolated country pubs with modest turnover on large sites. Previously, owners of these bars could maximise their revenue by selling the licence separately from the property which was then offered for redevelopment with the sum of the parts being greater than the going concern value. As a firm, we have been involved with approximately 15 such cases over the first half of 2007. However, the series of interest rate rises during 2007 has now impacted on the appetite of developers for speculative purchases without planning. As a consequence a break-up strategy may no longer realise the highest value for such a public house. This situation would be underscored in the event of surrender being abolished, therefore removing the value of the licence as a variable from the equation completely.

As is the case in all retail markets the licensed business in both on and off sales sectors has become more competitive over recent years and is likely to continue to be in the future.

On the one hand operators are being affected as customers' spending power is being reduced due to higher interest rates,

and on the other the offer within the market continues to expand as the boundaries between public house, hotel and licensed restaurant continue to blur. Furthermore, the last few years have seen the arrival of national pub and night-club operators and international hotel brands who are all now competing with the local players for business.

A further factor specific to the licensed trade is the changing social attitudes to drinking, which are requiring pubs to provide food and entertainment and to raise the quality of their accommodation as they compete for business. As customers become more cosmopolitan and informed they are demanding more sophisticated and luxurious surroundings, resulting in a need for frequent and costly refurbishments, simply to hold onto existing trade levels.

How these potentially more competitive market conditions will impact on the licensed property market is difficult to predict. It may be that the future will see a softening in values for licensed premises, or perhaps, as with the off-licence sector, the more competitive market conditions will see a further dominance of the market by a small number of larger chains able to benefit from economies of scale in supply, servicing and management.

The hotel sector is set to grow both indigenously and as a result of inward investment from national and international chains, often in concert with local operators in the form of management agreements. Although not subject to the same licensing requirements as public houses the growth of the hotel

sector is significant in that it provides additional competition to the pub sector.

The off-licence sector will continue to grow as Confectionery Tobacco and Newsagents (CTN) and smaller supermarket and convenience store operators continue to acquire licences in order to add alcohol sales to their offer. However, as the likes of Tesco, Sainsbury and Marks and Spencer complete their store opening programs and turn their attention to smaller neighbourhood outlets such as Tesco's "Metro" and Marks & Spencer's "Simply Food" fascias it is possible that the frequency and level of premium prices being achieved for "vicinity" licences will diminish. It may well be the case that the new wave of smaller neighbourhood stores are simply not capable of generating the volume of alcohol sales required to sustain premium prices of several hundred thousand pounds which may be demanded to acquire a vicinity licence.

3.4 Trends in Licence Numbers

Summarised in the following table are the numbers of licensed premises in Northern Ireland. It should be noted these are based on court statistics from the 20 county courts throughout Northern Ireland (each of which utilise their own methodology for collating records) and therefore should be viewed for general trends rather than year on year accuracy in terms of number.

(source: DSD collated court statistics)

Year	Public houses	Off Licences	Total
1977 ¹	1,884	201	2,085
1978	1,871	201	2,072
1979	1,872	203	2,075
1980	1,881	213	2,094
1981	1,875	222	2,097
1982	1,844	233	2,077
1983	1,850	231	2,081
1984	1,845	249	2,094
1985	1,832	250	2,082
1986	1,783	256	2,039
1987	1,735	274	2,009
1988	1,733	289	2,022
1989	1,700	285	1,985
1990	1,684	288	1,972
1991	1,695	282	1,977
1992	1,665	283	1,948
1993	1,643	334	1,977
1994	1,648	316	1,964
1995	1,642	322	1,964
1996	1,632	330	1,962
1997	1,632	335	1,967
1998	1,629	336	1,965
1999	1,624	360	1,984
2000	1,641	361	2,002
2001	1,646	379	2,025
2002 ²	1,468	373	1,841
2003	1,521	388	1,909
2004	1,526	412	1,938
2005	1,568	441	2,009
2006	1,549	448	1,997

¹Prior to 1977, licences for public houses were not recorded separately from hotels and restaurants.

²2002 figures are down due to the 5-year renewal process which led to a number of late applications and consequent delays in renewing licences.

The preceding table demonstrates that, in general, there has been a fall in the number of licences registered for public houses, whilst the number of off-licences has more than doubled over the same time period. This situation reflects the changes in the actual alcohol retail market, with off-licences continuing to increase their share of the market at the expense of the public houses.

3.5 Trends in Licence Prices

The table below is based on Whelan Property Consultants internal records and summarises the trend in licence prices. These figures are based on the sale of licences on a standalone basis :

Year	Number of transactions	Average price per annum
1978	1	£3,000
1979	1	£3,000
1983	1	£8,500
1986	1	£12,000
1991	2	£27,500
1992	2	£39,000
1993	1	£34,500
1995	1	£30,000
1996	4	£40,000
1997	3	£41,000
1998	4	£53,500
1999	3	£65,000
2000	1	£65,000
2001	7	£69,286
2002	9	£63,611
2003	4	£81,500
2004	8	£80,438
2005	4	£92,500
2006	5	£128,000

(source: Whelan)

The following caveats should be noted

- This data relates to transactions carried out by Whelan Property Consultants only, it does not include sales conducted by other property agents, by lawyers or directly principal to principal.
- Where years are missing from the table this is due to a lack of available data in Whelan Property Consultants archive, it does not necessarily infer an absence of any market transactions.
- There are limitations with gathering this data, due to the sensitivity of this information.

Accepting these caveats and utilising the results above, the average cost of a licence is calculated at £82,000 over the period 2001 to 2006. It should be noted that the average price for a standalone licence has largely increased year on year, with the average in 2006 being £128,000.

The previous table excludes “vicinity licences”. Vicinity licences (which negate the requirement to prove need, as they are to be used for the same property or in the near locality of the property of the surrendered licence) have created a situation which can distort the market as there has been an increase in multi-nationals who are able and indeed willing to pay premium prices for vicinity licences. The movement in vicinity licences can be summarised below:

Year	Number of transactions	Average price vicinity licences
2002	1	£150,000
2005	4	£382,500

(source: Whelan)

It is dangerous to draw too many conclusions from this limited data set. Indeed prices for vicinity licences can vary widely depending on the strength of potential objectors arguments and the trading potential of the location, but the previous table demonstrates that there has been a steady and significant growth in the cost of a liquor licence as the demand within the market for licences has grown.

3.6 Conclusion

The overall licensed trade market for alcohol is currently showing an average decline of 2.2% per annum. Based on Mintel figures, decline is expected to continue at approximately 1.3% per annum until 2012. This is due to a variety of factors, including increased interest rates. The leisure pound is the first to sacrifice as people economise.

Whilst the overall market is declining the off-sales market is growing at the expense of on-trade. By 2012 off-sales are expected to represent 56% of overall sales (up from 35% in 2001). With the expected decline in alcohol sales there is likely to be less profit achieved from alcohol in the on trade in future. There will be a requirement for on-sales outlets to secure additional revenues through non-alcohol offerings. This has

already been seen in the marketplace with significant investment in food and entertainment floorspace.

Reflecting overall trends in the marketplace, the number of public houses has fallen whilst there has been a steady increase in the number of off-licences from 316 in 2000 to 448 in 2006. The number of pubs fell by approximately 6% between 2000 and 2006 (Source: DSD/ Mintel). However, it should be noted that the numbers of both restaurants and hotels increased in the same time period. Neither hotels nor restaurants are required to purchase a licence to sell alcohol. It should also be noted that hotels in particular have been encroaching on the on-sales market.

This growth in the number of off-licence units is expected to continue. With an increase in the off-sales sector the demand from supermarkets for licences will continue to increase. The large multinationals are in a stronger position to pay premium prices for vicinity licences than local operators. If this trend continues then local players (both on and off-sales, as licences are interchangeable) may find themselves priced out of the licence market.

Aside from the increasing expenditure in off-licences at the expense of on-sales, the other most significant change in the market has been the growth of tenanted pubs. This is a relatively new phenomenon in the Northern Ireland market and reflects the growth of a number of key local players. This increase in tenanted pubs allows individuals to enter the market for a substantially reduced outlay or the need to acquire a licence.

In our view simply removing surrender does not necessarily open the market, as the need principle is to be retained. It would appear likely that there will be always be new operators who will prove need; as such, there could be an increased level of competition and reduction in profits earned by existing operators. The overall market for alcohol is in decline according to Mintel and, particularly in the case of public houses, investment is required in other revenue sources such as food and entertainment to ensure sustainability. Good operators are already making this investment.

4 Secondary and Primary Research

4.1 Introduction

As part of assessing the economic impact, Grant Thornton undertook both primary and secondary research:

Secondary Research involved:

- Review of relevant previously published research and reports. This provided a history of the licensing system, the key economic impacts and benchmarking information from the Republic of Ireland where removal of the surrender provision had previously been considered;
- Review of court records from Omagh County Court and Belfast Laganside Court, to determine the number of licences traded each year and the numbers of licences transferred from one county court area to another;
- Review of seven different sets of accounts for small, medium and large companies, to determine how the licensed sector accounts for the value of a licence;
- Development of worked tax examples to demonstrate the impact of the changes in the surrender provision.

Primary Research involved consultations with a wide range of stakeholders. This was to ascertain (where possible) both the specific and general economic impact of the proposal.

4.2 Secondary Research

The nature of this assignment required Grant Thornton to consider only key pertinent points relating to necessary background and information.

In the course of carrying out primary and secondary research, we encountered wide-ranging arguments and claims concerning the potential social impacts of abolishing the surrender requirement. Since assessing potential social impacts was beyond our remit we make no comment on the validity or otherwise of the arguments and claims advanced.

Secondary Research

Industry Groupings

The section below endeavours to be a summary of the economic implications (as agreed in our methodology) only. For the full text of those documents available within the public domain you are referred to the web addresses as supplied beneath the document title.

FRLT - Response to DSD Consultation Document “Liquor Licensing: The Way Forward”

<http://www.ulsterpubs.com/download/1/FRLT%20Response-web%20version.pdf>

"It is the government itself which introduced the concept of a "subsisting licence". It spelt out these terms in the 1971, the 1990 and the 1996 statutes. Licence holders acted on the basis of this law and a licence is now actually "property". Licence holders have acted on the basis of having this property. They have obtained mortgages and loans on the basis that they have this valuable asset (current value around £140,000 and over £200,000 in Belfast city centre). Licence holders have renovated premises, bought new facilities, extended their premises and more on the basis of having this value and banks have lent money throughout Northern Ireland on the basis that they have security in this asset. In many cases, the licence will be the only asset of the business if the premises is leased. Licensed premises are generally valued on turnover. With an increase in the number of premises, this will result in the same level of trade being shared by a larger number. This will lead to a decrease in turnover which will in turn affect valuations".

PWC Report– A Study of the economic impact of the current licensing review (January 2006)

<http://www.ulsterpubs.com/download/1/PwC%20Report.pdf>

The value of the market for alcoholic drinks in Northern Ireland is estimated to be almost £1billion. The industry employs over 34,000 people, including over 17,000 in on-sales premises and 17,000 in off-sales premises, which is equivalent to over 5% of total employment in Northern Ireland. It makes an important contribution to the Northern Ireland tourism product by providing pubs of local character which are attractive to locals and tourists alike. In relation to the proposed reforms themselves, removal of surrender provision could allow the large multi-national supermarkets to apply for licences to provide off-sales in every store. A benefit in terms of choice and perhaps price for the consumer, but a possible reduction in profits for local retailers and off-sales establishments.

In addition the loss of value attached to the current licences in operation in Northern Ireland, could have significant affects on those involved in the industry and the industry itself:

- Prices would be driven down as competition increases and debt levels of entrepreneurs exclude the current cost of a licence
- Less investment in their establishment (perhaps leading to a displacement of the older age groups and tourism)
- Social problems
- Bank loans will be less secured than under the current asset cover system
- Self-policing may be affected as loss of a licence is no longer associated with a monetary loss.

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Grant Thornton Comments

Both reports contained valid points with regard to the value and importance of the licensed sector. The licensed sector is an important source of tax and employment for Northern Ireland. The sector furthermore makes wider contributions to the socioeconomic profile of Northern Ireland, with an impact on issues such as urban regeneration, tourism and the night time economy. However, alcohol is no ordinary commodity and thus there is a requirement for a regulated market. Against this, it does not necessarily follow that removing the surrender requirement will result in an increase in the number of pubs and/or off-licences. The need principle, which is being retained, has the power to control any potential increase in the number of premises.

An increase in the number of competitors is likely to lead to a downturn in turnover for existing licensees, given that the overall expenditure on alcohol is also projected to fall, according to Mintel. Any increase in the number of outlets should benefit the consumer in terms of choice and price, and those businesses which are able to match consumer expectations will be rewarded.

The licence is not the only asset of a leasehold business. Stock and fixtures and fittings also provide monetary value. Goodwill is also important in this sector. Often it is the name of the publican which will attract customers.

Other points to note are: The average price of a licence is, as previously discussed, £82k. The figures quoted to us, namely £140k and £200k are noted. However, no basis has been offered for these figures.

Banks will be concerned if a licence is lost in a restricted market. In our view, other factors are more important in the lending decision for example, quality of management and the ability to repay finance.

Large multi-national supermarkets can already apply for licences to provide off-sales in every store. Given their economic strength, these multi-nationals are unlikely to be put off by paying a significant price for a licence if the business case is proven

NIGLF – Representations on “Liquor Licensing – The Way Forward” (2004 and 2006 reports combined)

http://www.dsdni.gov.uk/lrt_consultation_responses34.doc#NIGroceryLicensingForum

"The off-trade in Northern Ireland is much more significant than in other nearby marketplaces yet continues to be poorly served by the restricted number of outlets in the marketplace. DSD figures for 2004 show that there were a total of 2,650 licences current with a total of 412 off-licences comprising some 15.5% of the total number of liquor licences. These 15.5% of premises supply some 36.1% of the drinks market.

In the early eighties the value of a liquor licence was minimal, certainly less than £1,000. This was simply because there were a large number of subsisting licences available for sale due to the large number of public houses, particularly in Belfast, which were either destroyed or became inoperable as a result of the "Troubles". At that time the Magistrates' Courts in the Province began to adopt a more stringent approach to the renewal of such licences and many were simply allowed to lapse and fall out of the system. Since that time the commercial value of a liquor licence has grown considerably and presently stands at between £120,000 and £140,000. This is, however, only a notional value.

Licensed premises have for many years been valued on a multiplier of turnover which is presently between £1.5 to £2 for every £1 of annual turnover in the case of public houses. No separate piece of arithmetic takes place to add on a separate valuation for the licence when a premises is sold. The value of the licence is included in the price of the business.

The only circumstances where the holder of a licence is likely to realise the value thereof is when the premises have ceased trading and there is no business to sell. Such circumstances are extremely rare nowadays as demonstrated by the increasing value and scarcity of licences.

The growth of the super pub must be of concern and is inherent in the limitations imposed by the present system. This problem is not confined to the on-trade. Sainsbury in Newry is presently Britain's biggest and busiest off-licence with a reputed turnover of more than £1million during a four day period before Christmas 2003. Reports in the local press during January 2006, generated by Sainsbury's, confirm that this situation continues and that the outlet has delivered significantly higher turnover growth than other such outlets nationally. The licence surrendered for this outlet was from a standard 1000 sq ft off licence in the Ballygowan Road in Belfast with a likely turnover of less than £1million annually. The presence of such large turnover outlets in the marketplace, as a replacement for modest outlets, makes a nonsense of any attempt to exercise control on the supply of intoxicating liquor through a limitation on the number of outlets. In relation to rural pubs there has been a significant financial incentive provided under the present system, of a capital lump sum, for owners of rural premises to realise the value of the licence and give the premises over to some other purpose, with resultant closures and loss of amenity in rural areas".

Gerald Eve Report - Statement of Evidence (February 2006)

http://www.dsdni.gov.uk/lrt_consultation_responses34.doc#NIGroceryLicensingForum

Pubs, hotels off-licences and other types of licensed properties are valued as fully equipped operational entities having regard to their trading potential. Licensed properties are normally designed or adapted for the specific use and the property normally passes with the sale of the business.

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The market value therefore includes land and buildings, plant and machinery, fixtures, fittings, furniture, furnishings and equipment (excluding leased items) and the benefit of transferable licences, consents, certificates and permits. The value of stock is usually excluded from the agreed price and transferred at cost on the date of handover. The situation in Northern Ireland is somewhat different because, unlike GB, the licensed and leisure sector in NI is dominated by independent traders and accounts information is notoriously unreliable. This means it is unwise, if not dangerous, to rely on the profit and loss accounts for a property because the reported profit can be artificially low. An experienced valuer can look at the actual accounts and produce "shadow accounts" based on his experience of what level of profit that type of operation should achieve. The primary method of valuation is to multiply the total turnover (excluding Vat) by a factor generally ranging between 1 and 2.5 times the turnover. To a large extent, this "shorthand approach" relies on the valuer's experience in deciding what multiplier to adopt. The multiplier can be influenced by a variety of factors including location, trade mix, level of competition and the risks attached to operating the property. The similarity between the approach adopted in GB and the approach adopted in NI is that both arrive at a Capital Value that includes the value of the licence.

Pubs have generally enjoyed an improvement in trade over the last decade but some suburban and rural pubs have lost business to town centre outlets because customers now feel more relaxed about drinking in town centre bars since the end of the "troubles". There has been substantial investment in many town/city centre pubs and some new bars and nightclubs have opened. However, the number of new outlets is relatively small due to the cost and difficulty of acquiring and transferring licences. In Belfast city centre, several rural licences have been successfully transferred into the city centre, e.g. the Whig in Bridge Street and Auntie Annie's on Dublin Road. In addition, a number of existing city centre licences have been transferred to much larger premises close by e.g. Pothouse in Hill St and Café Vaudeville in Arthur St. Also, several small hotels have been built with large bar/restaurant areas (e.g. Benedict's and Ten Square) to avoid the need to acquire and transfer a bar licence. At the same time, a large number of suburban and rural pubs have closed and been sold as development sites due to the huge increase in land values over the past 10 years. There are no major pub groups operating in NI at present, except JD Wetherspoon that has 8 outlets in the Province. Of these, 5 were existing pubs bought by the company and 3 were situations where an existing licence was acquired and transferred to new and larger premises. Several other bar chains have looked at establishing a presence in NI over the last 10 years but they did not proceed for various reasons, including:

- the high cost of acquiring existing outlets
- the cost and difficulty of transferring licences to new premises, particularly in Belfast City Centre
- the logistical problems with establishing a supply chain across the Irish sea
- the "duopoly" that exists with Guinness and Bass (now Inbev) supplying the vast majority of pubs in NI. This means that pub chains cannot achieve the same bulk buying discounts they enjoy in GB
- GB operators are generally impressed by the quality of existing owner occupied pubs (both physically and operationally) and believe they would find it hard to compete
- The NI market is fragmented and there are no pub chains that a GB group could acquire to establish a meaningful presence. The alternative "organic growth" approach (adopted by JD Wetherspoon) takes far longer and involves much more management time and effort
- There is still nervousness about protection rackets

Most importantly, it has been a very competitive trading environment in GB over the last few years and most bar chains have substantially curtailed,

if not halted, their expansion plans as a result.

The off licence sector has been relatively static in NI over the past decade, except from some corporate activity with several groups changing ownership. Most recently Winemark bought Russell's Cellars to create a group with 115 outlets which represents 28% of all off licences. The existing chains have generally upgraded their outlets in response to the competition provided by the large supermarket chains such as Sainsbury, Tesco, Safeway and Lidl who have bought and transferred existing licences to many, but nowhere near all, of their outlets. This process has been slow and time consuming because the existing chains have aggressively defended their trade through the appeal process. This protectionism has deterred the entry of competition into the off licence market.

Niche wine retailer Oddbins previously looked at establishing a presence in NI but was deterred by the difficulty of moving licences to new premises. The proposals could result in the closure of some rural pubs that are operated for minimal profit (or even loss) but have remained open to protect the value of the licence. In such cases, the value of the licence is often seen as a "nest egg" for the future.

The limited number of pubs that do close are likely to be located in towns and villages that are "over-pubbed" for historical reasons. However, this negative impact will be more than off-set by the development of new country pub/restaurants to exploit the huge potential in the "family-food" market. Without the need to buy a licence, a number of "village shops" in rural communities will be able to diversify their business by selling alcohol.

Grant Thornton comments

The two reports made arguments supporting abolition of the surrender provision. The figure of 2,650 licences includes not only pubs and off-licences but all other licensed establishments - excluding registered clubs. This distorts the figures. However, the basic premise is correct, in that, based on DSD figures, only 22% of liquor licences are for off-sale premises despite representing 43% of sales in 2006. In particular we would note the key point made that the size and value of a outlet is not constrained by the licence.

The Gerald Eve report submits a clear rationale as to how the licence cost actually has a limited impact on the total investment

in a typical transaction. Consultations undertaken by Grant Thornton with other UK chains highlighted the key reason for potential non investment was the licence issue. This substantiates the rationale as presented in the Gerald Eve report.

The report also identifies the issue of the licence as a "nest egg". This is a key concern for those publicans/ establishments who are currently licence holders. It should be noted, however, that the value of a licence has been shown to be variable and its current value is affected by the prevailing market forces. Licences were purchased with no guarantee of a fixed price on any ultimate sale.

Financial stakeholders

NI Bankers Association - Response to DSD Consultation Document "Liquor Licensing: The Way Forward" (January 2006)http://www.dsdni.gov.uk/lrt_consultation_responses32.doc

The banking industry provides extensive facilities to the licensed trade and, in our continuous review of the sector, we have seen no evidence to support the assertion that the sector operates without a high degree of competition.

All the principal banks include the liquor licences in their security requirements when considering advancing funds to businesses operating in the sector. It is considered that there is significant real and tangible value attached to the current licences. This is supported by market evidence and the express comments in valuation reports provided to the banks by several independent valuers which currently indicate market values in the region of £120,000 per licence. From a banking perspective however, it is the more critical aspect of the licensing regime is that it serves to provide a more stable trading environment for the industry. Currently, there exists a high correlation between the valuations of licensed premises especially public houses and their level of turnover albeit this is not the sole determinant.

Grant Thornton comments

This response was signed by the four member banks (Bank of Ireland, First Trust, Northern Bank and Ulster Bank). However, other banks were invited to sign it, but declined. These banks indicated to Grant Thornton that they did not agree with the entire rationale of the letter. The key issues that attracted differing views were:

- Valuations are based on turnover. Licences are not considered as a separate entity. This is consistent with other evidence gathered.
- Licences are not the determining factor with regard to security requirements. There are a number of criteria on which a bank will assess lending including:
 1. quality of management and track record
 2. ability of the business to repay the bank borrowings, and
 3. security cover.

In the majority of recent transactions the investment in goodwill and tangible assets would have significantly exceeded the value of a licence.

Banks have indicated that the licence is taken as security. It has been noted that, as the value of a licence is variable, the licence value is intrinsically linked to the value of the overall business. On a standalone basis it is difficult to see how the licence itself would ascribe any significant value to a lender. As the NI Bankers Association has indicated it is more critical that the licensing regime serves to provide a "more stable trading environment".

It was noted by representatives of some of the banks who signed the NI Bankers' Association letter that, if surrender were abolished they would not immediately call in loans but rather the effect would be that their attitude to lending in the future would be negatively altered, which could reduce investment by licence holders. Other bankers (who did not sign up to the letter) took a view that abolition would make limited difference

to their investment decision. Due to commercial sensitivities the bankers were not prepared to disclose the level of investment in the sector. Given the significance of this sector it is likely that there are substantial loans currently outstanding.

Given the lack of comparable accounting data for pubs and off licences between Northern Ireland and Great Britain it is impossible to conclude as to whether 'super' profits are being achieved by Northern Ireland businesses in this sector.

Benchmarking (Comparative Region)

As in Northern Ireland, various bodies in the RoI have produced a plethora of reports on the licensing laws. Key points from these reports are summarised below, (further detail is included as Appendix 3):

Competition Authority; Interim Study on the Liquor Licensing Laws and other Barriers to entry and their impact on Competition in the Retail Drinks market (September 1998) <http://www.irlgov.ie/compauth/drink.htm>

A licensing requirement is a barrier to entry if the number of licences available is less than the number of outlets (in this case licensed premises) that would operate without such a requirement. This is clearly the case in the drinks market in the State.

Since incumbents protected by legal barriers to entry can make long-run or persistent profits without being more efficient than potential entrants, entry barriers not only restrict competition but also encourage the expenditure of real resources by incumbents to maintain the status quo. Such activity also has a social cost. This phenomenon was summarised by Sowell as follows: *Although the 'public interest' is a prominent rhetorical feature of occupational licensing laws and pronouncements, historically the impetus for such licensing comes almost invariably from the practitioners rather than the public, and it almost invariably reduces the quantity of new practitioners through various restrictive devices and the net result is higher prices.*

The Authority believes any scheme of compensation to be unwarranted. A policy change will not deprive any incumbent of the right to conduct business. Therefore, rewards to incumbents will be adequately determined in the market place as is the case for incumbents who are not protected by entry barriers - without the attendant social costs which necessarily follows from legal entry barriers. Compensation will only add an additional element to the social cost inherent in a antiquated system which a well funded lobby has successfully maintained intact to date.

The liquor licensing laws are a formidable barrier to entry into the retail drinks market. A legal description of this entry barrier reveals it as both quantitative and qualitative. With the limited exceptions noted, new licences may not be issued. Entry is practical in most cases only by purchasing an existing licence and such licenses are geographically constrained. In this way, market entry and exit are linked. Some incumbents may object to new entry on the grounds of proximity of the new entrant to existing businesses, potential detriment to existing businesses, potential detriment to existing businesses or the number of existing licensed premises in the area. Few businesses may legally object to new entry on these grounds. Legal barriers to entry distort competition and the licensing laws are no exception. Entry is effectively blockaded for those who are unable to generate sufficient revenue to purchase a licence and entry is biased in favour of those able to sell alcohol most intensively. The geographic restrictions on entry can make it impossible for entrants to locate near incumbents. There are many industries (and the public house industry is one of them) in which entrants will find it optimal to locate beside the incumbents (minimum geographic differentiation) and will then attempt to have maximal differentiation along other characteristics important to consumers. All of the restrictions inherent in the system of licensing of pubs makes it impossible for the market to function efficiently and in the best interests of the consumer.

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[Competition Authority - Submission on the General Scheme of the Intoxicating Liquor Bill \(May 2005\)](#)

The licensing laws as currently constituted preserve a protectionist regime that has been in place since the Licensing (Ireland) Act, 1902. The quantitative and qualitative restrictions on the issuing of licences ensure that there are significant barriers to entry in the public house market. The most significant barriers to entry stem from:

- The requirement that an existing licence must be extinguished before a new one may be issued
- The right of an existing licence holder to object to the issuing of a new licence in the neighbourhood.

Furthermore, the higher margins on alcohol give publicans an incentive to promote the consumption of alcohol over all products. In a sector sheltered from competition this has the direct effect of raising the price of substitute products such as soft drinks. Indeed a 2003 AC Neilsen market analysis of the retail prices of 13 individual brands of soft drinks across the EU 15 reveals that 12 out of the 13 soft drinks are more expensive in Ireland even when price-adjusted for VAT. The prices of alcoholic and non-alcoholic drinks in Ireland are reflective of the high costs inherent in the sector, which are in turn passed onto consumers.

Where demand has increased, existing premises have responded by growing in size, resulting in demise of the traditional pub and the emergence of a very large drinking establishments or super-pubs. When entry does occur there is a tendency for new entrants to set up super-pubs. The reason is that it may simply not be viable to open smaller establishments. To cover the large sum that must be paid to acquire an existing licence, new entrants must maximise its use, thus creating a tendency to open larger venues and focus on the exclusive sale of alcohol and not, as is normal in other countries, the sale of alcohol in conjunction with other social activities. The policy of limiting the number of outlets has inflated the price of such licences and forced existing outlets to expand in size. This has distorted the evolution of the market. In addition to all of these harmful effect, the restriction on the number of licences has clearly failed to meet its fundamental objective of controlling inappropriate consumption. Indeed, there is no evidence whatsoever that the problems of inappropriate consumption are greater outside Dublin, where there are ample outlets, than in Dublin, where the impact of the restrictions is most pronounced. *This central point should be continually kept in mind, i.e. there is no evidence of a direct correlation between the number of licences granted and the incidence of alcohol abuse and associated social problems.*

[High Level Interdepartmental Committee Report on the Recommendations Contained in the Consumer Strategy Group \(September 2005\)](#)

The Consumer Strategy Group has found in its Report that Ireland is the most expensive country in the EU for alcoholic and non-alcoholic beverages. Whilst the Group accepts that indirect taxes such as excise duty and VAT are major components of the final price of alcoholic drinks and are comparatively higher than elsewhere in the EU, other factors also give rise to the high prices in this country.

In the Group's view , principle among these other factors is the manner in which the licensed trade is regulated and the Code of law under which it operates which the Group contends is severely limiting competition in the trade to the detriment of consumers' interests. The Group also believes that the current licensing system has done little to encourage innovation in the pub trade which in turn places little pressure on the supply chain.

The Competition Authority contended that the current licensing regime imposed avoidable costs in excess of €1 billion on the economy, has led to

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higher alcoholic and non-alcoholic drink prices, reduced publicans incentives to innovate, deprived the Exchequer of Revenue and also had, if anything, aggravated the inappropriate use of alcohol. The Authority argued that there was no causal link between overall alcohol consumption and the number or pub licences. The Authority was of the view that by not removing the requirement to extinguish an existing pub licence before issuing a new licence, the proposed legislation represented a missed opportunity for moving towards a regulatory system that worked for society as a whole rather than for a small number of existing businesses.

Grant Thornton comments

The findings from these publications contend the current licensing laws in the Republic of Ireland are uncompetitive and have an adverse affect on the consumer. Key points in particular were the social cost i.e. the ability of businesses to lever high prices as they operate in an uncompetitive market and that there was no evidence of a direct correlation between the number of licences granted and the incidence of alcohol abuse and associated social problems.

It is noted that despite there being a recommendation to abolish surrender and need, this was not acted upon by the government in the Republic of Ireland. It is worthy of note that the need principle is proposed to be retained in Northern Ireland.

Conclusion to Secondary Research

There was a wide ranging response received during the initial consultation period. Leaving aside the responses concerned with the potential social impact, we have reviewed those pertaining to the economic impact.

Submissions made by the two key bodies on either side of the argument demonstrate that determining with any certainty any economic impact is highly unlikely. On the one hand, FRLT argue that removing surrender would lead to a substantial increase in licensed premises which would have an adverse impact on the sector. On the other hand, NIGLF would assert that the market for off-licences is underserved and removing surrender would create a level playing field. However, both reports seem to have downplayed the fact that if need is to be retained and as such the decision as to whether there are more outlets will remain with the Court for the foreseeable future.

The licensing laws in Northern Ireland are a highly emotive issue which has led to hyperbole by the relevant stakeholder bodies. Benchmark information from the Republic of Ireland Competition Authority highlights the potential for the current system to be anti-competitive. However, it should be noted that the licensing laws in the Republic remain as they were despite the Competition Authority's paper in 1998 and other subsequent reports. Rightly or wrongly, the government in the Republic have retained these licensing laws.

It is likely that removal of the surrender requirement will not diminish the value of the licence to nil as new entrants will still have barriers to entry arising from the need principle and the fact that there would be investment of time and resource to establish a

pub/ off licence from a "greenfield" start. Abolishing surrender will certainly ease the barrier to entry for large supermarkets in establishing an off-trade operation, however, they will still be required to prove need. The impact of increased competition will be felt most by the less efficiently run outlets who have lower profitability margins and have a lower ability to secure finance for reinvestment.

4.3 Court Records

Market research into licence activity was conducted using a sample from two of the twenty County Courts. (It should be noted that each County Court has a different administrative system, resulting in different methodology for recording information).

A review of court records for Omagh and Belfast for the period from January 2005 to September 2007 revealed the following:

Omagh

In total there are 86 licences in Omagh (75 public houses and 11 off licences). During the period reviewed, 2 licences were relocated out of the Omagh County Court District to another County Court district. (There was no record as to the final destination of these two licences).

Type	Applied	Granted	Refused	Withdrawn	Surrendered	Objections
On	10	10	0	0	10	0
Off	2	2	0	0	1	0

Of note is that no objections were raised to any applications and no application was refused.

Belfast

During this period there were no licences relocated either in or out of the Belfast County Court area.

Type	Applied	Granted	Refused	Withdrawn	Surrendered	Objections
On	13	13	0	0	9	1
Off	32	29	0	3	Not available	1

Conclusion

These court records reflect the overall trend in the marketplace with a large number of off-licences applied for as opposed to on-licences. All applications were granted with only 1 licence in each category attracting objections. Three were withdrawn but no reasons were given for withdrawal.

4.4 Accounts

In attempting to assess the potential economic impact on current licence holders of abolishing the surrender provision, we sought to:

1) establish the expenditure that had been made on the purchase of licences historically and

2) assess the relative impact loss of surrender of the licence would have on current pub and off-licence businesses.

As noted earlier in our report there are a number of limitations in respect of answering the above two questions, including the fact that there is no public record in place of the numbers of licences that have been purchased. For the majority of transactions, details of the expenditure attributed to the licence is confidential. As such it is not possible to compile the overall expenditure that has been expended specifically on licence assets.

In Section 3 it was noted that, for the sale and acquisition of standalone licences undertaken by Whelan's, there has been £2.35m expended on licences in the period 2002 - 2006. This has increased from expenditure of £1.08m in the period 1997 - 2001.

Whelan currently are the largest player operating within this market (Osborne King would be ranked second with other agents 'dabbling' but not to the extent of the activity of Whelan's). As such Whelan's figures should represent the majority of the expenditure on standalone licences in the economy.

In addition to standalone licences there has been a significant number of business and corporate sales which would have incorporated the licence as an asset in the deal. As noted in Section 1, pubs and off-licences are valued on the basis of a multiple of turnover and the licence asset is intrinsically valued within that overall valuation. As such, an arbitrary value could be applied to the value of this asset for accounting purposes.

As part of our work we have undertaken the review of the published accounts of 10 companies to seek to establish what element of the companies' net worth was attributed to licences.

It should be noted that anecdotally it would seem the majority of pubs and off-licence outlets are not traded as corporate entities. Unincorporated entities have no requirement to file accounts with the Companies Registrar and as such financial information on these entities is not available in the public domain.

In addition, under companies' legislation small and medium-sized companies have specific exemptions in relation to the level of financial information that they are required to file at Companies Registry. Small companies, as defined in section 1, only have to file their balance sheet and a limited level of supporting notes.

Through our consultation and review of publicly-available financial information it was clear that a range of accounting treatments were utilised by the directors of different pub and off-licence companies.

It was clear that companies chose different options in dealing with accounting for the cost of a licence. Some companies:

1) did not separately identify the cost of a licence from their other fixed assets including goodwill. It was therefore impossible to identify if they have residual costs remaining on their balance sheet.

2) entered the licence on their books at its purchase price and were undertaking an impairment review each year to ensure that the current carrying amount was not overstated. However, accountants consulted stated some property assets on the balance sheet had not been revalued to current market value thereby understating net assets.

3) reported the original cost of the licence on their balance sheet and were amortising or had already amortised this cost over a specified period. In the latter case the value of the licence would

be nil. In the former, the unamortised cost was the only balance remaining on their balance sheet.

It should also be noted that evidence from our consultees indicated that property assets in the balance sheet in a number of instances are not revalued to their current valuation (current accounting standards provide a choice on whether to carry assets at historic cost or to revalue to current market value). Therefore, in assessing the relative impact of the write-off of the licence, the net assets of the company may well be significantly understated.

We have listed below the findings of our review of 7 companies based on publicly available information in respect of those companies. The names of the companies have been removed for confidentiality purposes

Company 1

Licence assets carried as an intangible asset on the balance sheet and at current market value. In the year 2006 this company had expended £253k on new licences and had revalued others upward by £105k

Financial accounts for the year ended 30 June 2006 indicated a net book value for licences of £858k. This represents 4.29% of the total net assets.

Company 2

Intangible assets only include goodwill. There is no separate identification of licences despite the fact that the business would own a number of licences as it is a multi location operation. The net assets of the business were £321k in 2006.

It is not possible to establish the diminution if any on the net assets of this company as no separate licence asset is identified. Company 6

Company 3

There is no breakdown for both the tangible assets which total £2.01m and intangible assets which total £523k. Net liabilities of the business were £146k in 2005.

Therefore, it is not possible to establish the diminution, if any, on the net assets of this company as no separate licence asset is identified.

Company 4

Licences are stated at market value and carried as a tangible asset on the balance sheet. The period end December 2005 shows licences with a net book value of £3.78m. This figure represents 39% of the total net assets.

It was noted in the most recent accounts that licences have been reclassified from Intangible to tangible. The effect of reclassification on total net assets is nil.

Company 5

There is no breakdown for tangible assets which total £920k. We have been only able to obtain abbreviated accounts from companies house.

Therefore, it is not possible to establish the diminution if any on the net assets of this company as no separate licence asset identified.

Intangible assets only include goodwill. There is no separate identification of licences. The net assets of the business were £172k in 2006.

Therefore, as above, it is not possible to establish the diminution, if any, on the net assets of this company.

Company 7

Intangible assets only include goodwill, which has been written down to zero. There is no separate identification of licences. The net liabilities of the business were £597k in 2003.

Therefore, as above, it is not possible to establish the diminution if any, on the net assets of this company as no separate licence asset is identified.

Conclusion

Given the limitations on publicly available information in respect of pubs and off-licences in Northern Ireland and the inconsistencies in relation to accounting treatment and disclosure it is not possible to establish if licensees are currently carrying the cost of licences and if so, what those costs are. It is clear from Whelan's analysis that there has been significant expenditure by businesses in securing licences in the past five years and if the surrender provision had been abolished then this expenditure may not have been made (especially for standalone licence purchases). In any sale there is a transfer of value between one party and the next and given that these transactions are within Northern Ireland it can be argued that there is not a financial loss to the local economy. If there is no need to purchase a licence then, although a

prospective vendor will not receive consideration a prospective purchaser will not have had to expend money to secure the licence.

“...as a *fully equipped operational entity, having regard to trading potential.*”

We do believe, however, that should the surrender provision be abolished there would be a real negative economic impact on existing licence holders who have recently purchased a licence, but have yet to gain the full economic benefit of its ownership and, ultimately, any return on disposal.

Whilst we are unable to obtain definitive information it is likely that the greatest impact of the loss would be on smaller concerns, where the cost of the licence is likely to be a proportionately higher percentage of the net worth of the assets of the business. Larger concerns who have recently invested are likely to have invested significantly more overall than the imputed value of a licence. Their concern is more likely to relate to elements that would impact on the turnover and as such the value of the goodwill of the business.

4.5 Valuations

The value of a pub or off-licence is determined by multiplying the turnover (i.e. fair maintainable level of trade and future profitability) by a figure (usually between 1 and 1.5) derived from analysing the value of the owner's interest in the property, the tangible assets and the inherent goodwill (which includes any value the licence may have plus trading potential).

Additional information on this valuation methodology is described below: (Source: Whelan's)

The valuation of licensed premises is dealt with under Guidance Note (G.N.) 1 of the RICS Red Book, “Trade-Related Valuations and Goodwill”. Licensed premises such as a public house or off-licence are valued

The valuation of the operational entity includes and reflects:

- The legal interest in the land and buildings;
- The Plant and Machinery, trade fixtures, fittings, furniture, furnishings and equipment;
- The market's perception of the trading potential, excluding Personal Goodwill, together with the assumed ability to obtain/renew existing licences, consents, certificates and permits.
- The benefit of any transferable licences, consents, certificates and permits.

There are a number of methods for the valuation of various types of property. It is widely accepted practice that public houses in Northern Ireland are valued using a multiplier of the turnover or sales, net of VAT, with the multiplier being derived from the analysis of comparable open market sales. As such the valuation figure arrived at is a composite of the value of the elements outlined above, but is not explicitly broken down among, property, fixtures and fittings, goodwill, licence etc.

Perhaps the most important aspect of the valuation of licensed premises is the assessment of the “... *transferable goodwill* “ (G.N. 1.4.2)

Normally, adjustments will be made to the actual turnover in order to arrive at the maintainable trade and will often involve a number of variables. A good understanding is required by the valuer not only of valuation methodology but also of the licensed market in the locality of the premises to be valued. Ideally three years audited accounts will be provided, as this allows the valuer to

establish the transferable goodwill, which was previously known as the fair and maintainable trade.

It is important to know how the business is made up as the profitability of different income streams will vary widely from a 60% gross profit for food to a 15% gross profit for off-sales.

In addition the valuer must consider the physical property. For example, upper floor living accommodation, a large yard or car park capable of development or potential for conversion to an alternative use, can all add to the value of the business as a going concern “...*having regard to trading potential*”.

Off- Licences

The valuation approach for a standalone off-licence is complicated by a lack of transactions. Few businesses are changing hands as going concerns to provide market evidence. With an off-licence shop it is also much more common for the property to be held leasehold, whereas most pubs in Northern Ireland are owned freehold. Off-licences tend to be leasehold rather than freehold as, in the main, they trade from standard shop units. Although the components of the value remain the same as for pubs it is often the case with off-licences that there will be nil value attached to the leasehold interest in the property, this effectively reduces the components of the value to the “transferable goodwill” of the business, reflecting the licence and fixtures and fittings.

Although not explicit in the valuation methodology, it is Whelans’ opinion that the requirement for a licence to trade, which creates a quasi-monopoly, clearly enhances the value of the goodwill compared to other businesses valued and sold as going concerns such as petrol filling stations, fast food restaurants, etc. This consequently impacts on the level of turnover multiplier applied.

Conclusion to Valuations

According to estate agents consulted, valuations in Northern Ireland are based on a turnover multiple principle with the licence an intrinsic asset in the overall valuation. On that basis, it is logical to conclude that factors that affect the prospective turnover would affect the overall business valuations. Business turnover would be affected if there was increased competition particularly through increases in the number of outlets. The number of outlets will be determined by future decisions on need.

4.6 Primary Research

Primary Research consisted of consultations with the following as agreed with DSD:

- Trade bodies representing the licensed sector and retail trade
- Trade bodies representing general business interests
- Trade bodies representing financial institutions
- Financial stakeholders including banks, breweries and estate agents
- Current licence holders
- Unsuccessful applicants
- Advisors to the retail and licensed sectors

Leaving aside speculation about the price of a licence, specific economic impacts as a result of abolishing surrender could not be

quantified by any of the consultees. Key points arising from these consultations are summarised below:

Specific Economic Impact

Issue

Without the surrender provision, publicans would be more reluctant to reinvest in the premises and staff.

Rationale

This is a two fold argument. First, restricting the number of entrants to the market encourages a level of confidence in the future stability and performance of the sector. Secondly many publicans use their licence as security for bank loans.

Grant Thornton Comment

If a business is to remain competitive it will need to invest in its assets. Regular substantial investment is required (typically every 3/5 years) in the most competitive markets such as city centre Belfast. In less competitive areas reinvestment is likely to be lower and less frequent as the market is less demanding. Should competition in the market increase, existing operators could come under pressure to improve their service or potentially reduce prices. Investment typically requires bank financing and the banks, as well as looking at asset security, will consider the ability of the business to generate cash profits to repay the additional debt burden. Increased competition may create a less stable operating environment for existing licence holders bringing increased risks in relation to future profitability. In this environment it is possible that banks would be more cautious in their lending, even refusing in certain cases to lend to clients whom they would have historically supported. Progressive quality management teams with

sound business cases, however, are likely to be successful in obtaining bank funding. The abolition of the surrender provision would not affect the levels of competition since it is the need principle that is paramount.

Issue

Removing of the surrender provision will introduce new entrants but will not create a bigger market. This will impact on the current market provision, including potential loss of jobs

Rationale

Removing the surrender provision will create a 'free for all' in the market place.

Grant Thornton Comment

This is untrue, as the need principle is to be retained. This will prevent a 'free for all' as applicants will still be required to demonstrate that the existing number of premises is not adequate.

Furthermore, increased competition does not automatically lead to job loss, rather job displacement is the more likely outcome. Given the nature of the sector, there is already a high turnover of staff between premises. Therefore job displacement should not have an adverse impact.

Issue

The surrender requirement has curtailed expansion plans of major supermarkets and this has resulted in an economic impact.

Rationale

As licences are expensive and hard to obtain, supermarkets have been restricted in their expenditure plans.

Grant Thornton Comment

Major supermarkets do not seem to have curtailed their expansion plans. They have either paid the price required, or acquired a licence at a later date, e.g. M&S proceeded with opening a supermarket on the Lisburn Road in Belfast without a licence. It has only recently acquired its licence. Like all business there is a need for a proven business case for investment. If there was no need to purchase a licence then the cost base for investment would be lower. However, given the required level of investment and the resources available to the larger supermarket chains it is likely that the cost of a licence of itself is not the only consideration regarding the decision to invest in a new outlet.

General Economic Impact

Issue

If the market was made more accessible to the 'big boys' this would impact on the supply side of (our) business, which in turn would largely impact on the local economy

Rationale

UK chains would introduce their own supply chain to supply their premises.

Grant Thornton Comment

There are already 3 UK pub chains operating in the Northern Ireland market and the large multinational supermarkets bring across their own supply. Again this quote ignores the need principle. Removing the licence requirement is only one hurdle, need must still have to be proven. Therefore, the 'big boys' would not find the market any more accessible.

Issue

Making drink more accessible to the local population will have an economic impact for the local health, police services etc

Rationale

Removing the surrender provision will create a 'free for all' in the market place, with the impact being a 'booze culture' and the resultant effects of this.

Grant Thornton Comment

As the need principle is to be retained, the number of alcohol outlets may not necessarily multiply. Furthermore, research in the RoI (Competition Authority - Submission on the General Scheme of the Intoxicating Liquor Bill) has demonstrated that there is no direct correlation between the number of licences granted and the incidence of alcohol abuse and associated social problems.

Issue

Tourists like the various service offerings available in NI. We do not want to replicate the English experience, where the market is dominated by the same pubs.

Rationale

Northern Ireland's pubs are distinct entities which provide attractions in their own rights for tourists.

Grant Thornton Comment

This statement again assumes that removing surrender will result in chains from Britain moving in. Great Britain chains are already in operation in NI. This has not resulted in a negative impact upon the tourist trade.

4.7 Tax Implications of Abolition of Surrender

In the event that surrender were abolished there might be an impact on the carrying value of licences in the case of businesses who had not already amortised the licence value fully as it could be deemed that the market value would then be negligible. Notional monetary loss to the licensee might be reduced by tax allowances available. This position is explored in this section.

The potential changes could mean that the imputed carrying value of a Northern Ireland liquor licence would no longer be recoverable in full when the licence is sold. Those businesses carrying the licences as an asset in their balance sheet would face a write-off of the imputed value of that asset in their accounts. Businesses might also consider that the carrying value of their goodwill could be reduced, on the basis that abolishing surrender might render the operating environment more competitive and affect future potential profitability.

The following tax analysis is prepared on the basis that the value of an entity's licence would be written off immediately.

- The tax treatment of the fall in value of a licence depends on the nature of the entity holding it and in the case of companies the date of acquisition.
- The tax treatment of licences outlined by HM Revenue & Customs in their letter to the Department for Social Development dated 20 January 2006, indicates that no tax relief would be available in respect of the fall in value of licences held by unincorporated entities or acquired by companies prior to 1 April 2002 on the basis that a Northern Ireland liquor licence is a wasting asset for capital gains tax purposes.
- In contrast, companies which acquired licences from 1 April 2002 onwards and fall within the Intangible Fixed Asset legislation in Sch 29 FA 2002 are entitled to claim tax relief for any impairment charged to their accounts in accordance with Financial Reporting Standards.

This is discussed through the use of worked examples summarised below. Further technical detail is included in Appendix 4.

PROPOSED CHANGES TO LIQUOR LICENCING LAWS
TAX IMPACT OF IMPAIRMENT IN VALUE OF LIQUOR LICENCE

SCHEDULE 1 - UNINCORPORATED TRADERS

Remining useful life for tax purposes at date of change to 'surrender' principle	5 years £	4 years £	3 years £	2 years £	1 year £	0 years £
Negligible value	0	0	0	0	0	0
CGT base cost	130,000	104,000	78,000	52,000	26,000	0
Capital loss	(130,000)	(104,000)	(78,000)	(52,000)	(26,000)	0
Tax relief @ 40% (if utilised)	(52,000)	(41,600)	(31,200)	(20,800)	(10,400)	0
Note 1						

SCHEDULE 2 - LICENCES ACQUIRED BY COMPANIES PRIOR TO 1 APRIL 2002

Remining useful life for tax purposes at date of change to 'surrender' principle	0 years £
Negligible value	0
Less: GT base cost	0
Capital loss	0
Corporation tax relief @ 30% (if utilised)	0
Note 2	

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SCHEDULE 3 - LICENCES ACQUIRED BY COMPANIES FROM 1 APRIL 2002 ONWARDS

Remaining useful life for tax purposes at date of change to 'surrender' principle	5 years	4 years	3 years	2 years	1 year	0 years	Not amortised*
	£	£	£	£	£	£	£
Tax Computation							
Cost of licence	130,000	130,000	130,000	130,000	130,000	130,000	130,000
Less amortisation of licence to date (trading deduction)	0	(26,000)	(52,000)	(78,000)	(104,000)	(130,000)	0
Tax written down value of licence	130,000	104,000	78,000	52,000	26,000	0	130,000
Debit to profit and loss account on impairment (trading deduction)	(130,000)	(104,000)	(78,000)	(52,000)	(26,000)	0	(130,000)
Revised tax written down value	0	0	0	0	0	0	0
Total amortisation/impairment (trading deduction)	(130,000)	(130,000)	(130,000)	(130,000)	(130,000)	(130,000)	(130,000)
Corporation tax relief @ 30% (if utilised)	(39,000)	(39,000)	(39,000)	(39,000)	(39,000)	(39,000)	(39,000)

Note 1:

- Assumes relief obtained at taxpayers marginal rate on untapered gains i.e. 40%. The effective rate of tax relief could be as low as 10% if a gain would have been eligible for full Business Asset Taper Relief in the absence of the capital loss.

Note 2:

- The standard rate of corporation tax decreases from 30% to 28% from 1 April 2008 onwards

Note 3:

- If there are insufficient current year taxable trading profits or capital gains to fully utilise the trading deduction or capital loss respectively, the surplus can be carried forward.
- The trading deduction and capital loss carried forward can be offset against future trading profits and capital gains respectively.
- It is therefore envisaged that a capital loss may be less valuable than a trading loss as there is normally less potential for future capital gains to arise.

5 Economic Impact of Proposed Changes

5.1 Introduction

At the beginning of this assignment, Grant Thornton were asked to assess the various economic impacts that could occur if a decision were made to abolish the surrender provision.

The various potential economic impacts of abolishing surrender are not easily quantifiable. Without a reference market in which a similar transition had occurred, potential impacts on profit, competition, employment or displacement cannot be tested or robustly assessed. To identify potential impacts, we have combined key points discussed in the primary and secondary research and utilised the findings of reference sectors where there has been deregulation of a market in the UK (most notably the pharmacy market).

5.2 Economic impact

Summarised below are the key points with regard to economic impact:

Profitability; The result of a structured entry market can be evidenced by excess profit being achieved by existing licence holders. Given the limitations in reported financial information, no clear conclusion can be drawn as to the profits generated through the sale of alcohol in comparable sized entities in Northern Ireland as compared to Britain where identical licensing arrangements do not exist. However, anecdotal evidence based on

discussions, would seem to indicate that the margins enjoyed by pubs in Northern Ireland are higher than those of their GB counterparts. A basic method of reviewing any impact on profitability is to examine the product prices to the consumer. The table below sets out the average cost of pints throughout the UK. (Spirits were not compared as a spirit measure in GB is smaller than in Northern Ireland).

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Region	Average Cost £		
Type	Lager	Stout	Cider
East Anglia	2.65	2.63	2.50
East Midlands	2.14	2.33	2.13
London	2.37	2.62	2.50
North	2.31	2.22	2.25
North West	2.17	2.28	2.35
Scotland	2.19	2.50	2.40
South East	2.47	2.55	2.55
South West	2.27	2.23	2.23
Wales	2.27	2.40	2.30
West Midlands	2.09	2.33	2.40
Yorkshire	2.15	2.27	2.20
NI (2007 prices)	2.54	2.55	2.67
NI (2006 prices)	2.28	2.40	2.35

(sources: HMRC/CAMRA/NI market research)

This is a simple comparison and does not take into account factors such as cost of living etc. These are minimised somewhat as this

type of alcohol is not imported and the same duty is paid in NI as elsewhere in the UK.

It should be noted that the latest product prices available for all of the UK regions are based on mid 2006 prices. The Northern Ireland statistics are based on a random sample of a range of outlets in Northern Ireland at current prices. Even by removing the additional duty of 1p per pint imposed on alcohol by the 2007 budget and an inflationary increase the cost of a pint would appear to be higher in Northern Ireland than in Britain. At a very simple level, this would suggest that profitability could be above the UK average. We note however that there are a number of other factors affecting final business profitability.

It should be noted that the brewing companies in Northern Ireland have supported the development of pubs with subsidised loans and this is likely to have a financial impact on this cost of product to the licence holders.

In summary at a very basic level there appears to be some support for the anecdotal claim that the Northern Ireland operators are more profitable than their Great Britain counterparts. However, without more specific detailed research which may be impossible to conduct as it would require full accounts from a variety of establishments throughout the UK-this could not be substantiated.

Control of market entry; At present in Northern Ireland, the courts determine if a pub is 'needed' in a vicinity. Therefore, the choice of whether to open and where to locate a new public house/ off licence is not purely a commercial decision, left to the discretion of the investor. Whilst a detailed entry/ exit study (i.e. review of new entrants to the market) would be required, anecdotally it would seem that the entry of a new pub into an area does not bring about the closure of existing premises, rather a clustering effect is the result. For example the creation of the

Cathedral Quarter in Belfast and the resultant increase in the number of bars in that area has not forced pre-existing bars in the vicinity to close.

Leakage of impacts; Given that a key argument is that new entrants into the market will be Great Britain based chains, the economic implications of this scenario are considered. If Great Britain chains move in (and three are already operating in the local market place) then there will potentially be leakage of monies from the Northern Ireland economy. This leakage would be in the form of profits being transferred back to GB headquarters. Two key points should be noted here. First, that the profits still remain within the UK economy and secondly the profit removed would be a small percentage of turnover. The gross value added for the local economy is through wages paid to local employees which would remain within Northern Ireland and create their own multiplier effects.

Anti-competitive; It has been argued that an anti-competitive system is economically disadvantageous to the consumer. We have examined the potential anti-competitiveness of the NI market using two basic methodologies; pubs per head of population and the average cost of a pint, which can only give indicative results.

Pubs per head of population, 2006

Region	Number of Pubs	Population	Head of population per pub
England & Wales	51,479	53,728,800	1,044
Scotland	5,150	5,116,900	993
Northern Ireland	1,549	1,741,600	1,124

(Sources: HMRC/British Beer & Pub Association/National Statistics).

The table above demonstrates that there are fewer pubs per head of population in NI than elsewhere in the UK.

As discussed previously, the price of a pint in Northern Ireland is more expensive than in the majority of the UK.

It has been noted that in the pharmacy sector, the number of dispensing outlets increased when licensing was removed. The potential to increase the number of outlets in the licensed trade in Northern Ireland, however, will still be controlled by the need principle.

There is no evidence that indigenous operators (provided they have the necessary funds) cannot enter the licensed sector in Northern Ireland. With the advent of tenanted pubs in Northern Ireland, there is more opportunity now than ever for individuals to run their own businesses with a limited upfront investment.

Investment from outside Northern Ireland is likely to be from the larger Great Britain chains (both pubs and supermarkets). It is highly unlikely that the cost of a licence is prohibitive in itself.

Issues surrounding proving need and the potential cost of dealing with "professional objectors" would still remain.

Cost of a licence; At the end of 2006, the latest date for which figures are available, there were 1997 licences in force in the market (Source: DSD). As we have noted, some of these licences would have been purchased a number of years ago at a nominal value, while others will have been purchased more recently at the current average market rate of £82k. It is impossible to establish how much the current licence holders spent to obtain the 1,997 licences in force, since accounting information is not publicly available for all Northern Ireland outlets and varying accounting treatments have been used to deal with the cost of a licence. Only where a licence was purchased on a standalone basis (Source: Whelan) can the actual cost be identified.

Assuming the average cost of a licence as £82k and given that there are 1,997 licences in force this equates to a theoretic value to licence holders in Northern Ireland of £163,915,757. However, the market value of a licence is variable and driven by supply and demand. As such, if there were a significant increase in the sale of licences then the average price would drop. It is further noted that licence holders who have invested in this asset would have done so to acquire the right to sell alcohol at a premises and not on the basis of guaranteed exit price. The purchase price of a licence is not a cost to the economy, because while somebody invested this money, conversely somebody received this cash consideration in return. If the surrender provision were abolished, there is arguably a loss to the individual licence holder as they will not enjoy the exclusive rights to sell alcohol conferred by the licence. Assuming that licences were abolished tomorrow, the figure attributed to the licence would probably remain within the goodwill element of the business provided there was no change to the prospective turnover and profitability of the outlet. This would be affected if there were an increase in the number of

outlets in Northern Ireland. In a number of our consultations it was the view that this was likely to be the case.

5.3 Conclusions

Northern Ireland has a very clear set of guidelines with regard to the licensing of on and off premises. Key amongst these, are the surrender and need provisions which have effectively controlled the market place (and subsequently the sale of alcohol) since 1902. Given the social 'make-up' of Northern Ireland any proposed change to these laws is a highly emotive issue.

Due to a number of factors it has not been possible to establish a realistic economic impact of the abolition of surrender. There is no true reference market to capture economic performance. The current system is unique to Ireland and there has been no market identified which has gone through such a change. As such, realistic evidence on pricing, profitability, variation in outlet density etc cannot be established.

Other deregulated markets have resulted in the creation of new outlets in the market, a fall in prices and consumer advantages. However, this does not necessarily mean this would be the impact on the licensed sector in Northern Ireland.

There have been a number of predictions regarding the impact on the market, however, these predictions tend to ignore the issue that the need principle is being retained. Therefore our opinion, is that the impact on the economy of Northern Ireland due to abolition of the surrender provision may not be as big an issue as presented by some e.g. impact upon the number of outlets, profitability, social impact etc.

The greatest actual economic impact would be on individuals who currently own a licence. But again, this has may have been

oversimplified. The cost to the economy is *not* the number of licences multiplied by the current market value. Not all licences were purchased at the current market value. Many licensees have written this cost off and have enjoyed the profits obtained from the right to sell alcohol.

It should be also noted that some licensees may be more reliant on the sale of a licence for income than others. As stated previously some licence holders view their licence as a nest egg. However, like any investment, values may rise or fall. Licences were not purchased with a guaranteed exit value, rather they were purchased to confer on the licensee the right to sell alcohol and thus generate profit from this activity.

Based on the primary and secondary research, we would conclude that there is no clear economic impact from abolishing surrender. Conversely, there is no clear economic impact of retaining surrender. However, we would note that this situation arises mainly due to the retention of the need principle. This results in preserving a restriction on the number of outlets in the marketplace and therefore minimising any economic impact upon the licensed trade of abolishing surrender.

6 Caveats

6.1 Letter of instruction

Following our tender proposal to the Department for Social Development 21st March, 2007, Grant Thornton have been engaged to produce an independent study into the potential impact upon key stakeholders of abolition of the 'surrender' requirement.

The information contained in this report is based primarily on:

- (i) discussions with personnel as detailed in Section 2.2
- (ii) literature review as detailed in Section 2.2
- (iii) review of market research
- (iv) review of financial Accounts

6.2 Scope of work and limitations

Our review of the financials supplied does not constitute an audit in accordance with Auditing Standards and no verification work has been carried out by us. Consequently we do not express an opinion on the figures included in the report.

6.3 Confidentiality and Freedom of Information

This report is confidential and has been prepared exclusively for DSD. It should not be used, reproduced or circulated for any other purpose, in whole or in part, without our prior written

consent. Such consent will only be given after full consideration of the circumstances at the time.

Where a request is made to DSD under the Freedom of Information Act 2000 ("the Act ") or other legislation (including but not limited to the Environmental Information Regulations 2004 ("the Regulations") which requires the disclosure of any information contained in this report, it is agreed that DSD will promptly notify Grant Thornton, in writing, of the request and consult with Grant Thornton prior to disclosing such information. DSD also agree to pay due regard to any representations made by Grant Thornton and any relevant exemptions which may exist under the Act or Regulations applicable to the Information. If subsequent to the above the Information is disclosed in whole or in part, DSD agrees that it will ensure that any disclaimer which Grant Thornton has included or may subsequently wish to include in the Information disclosed is reproduced in full and in all copies disclosed.

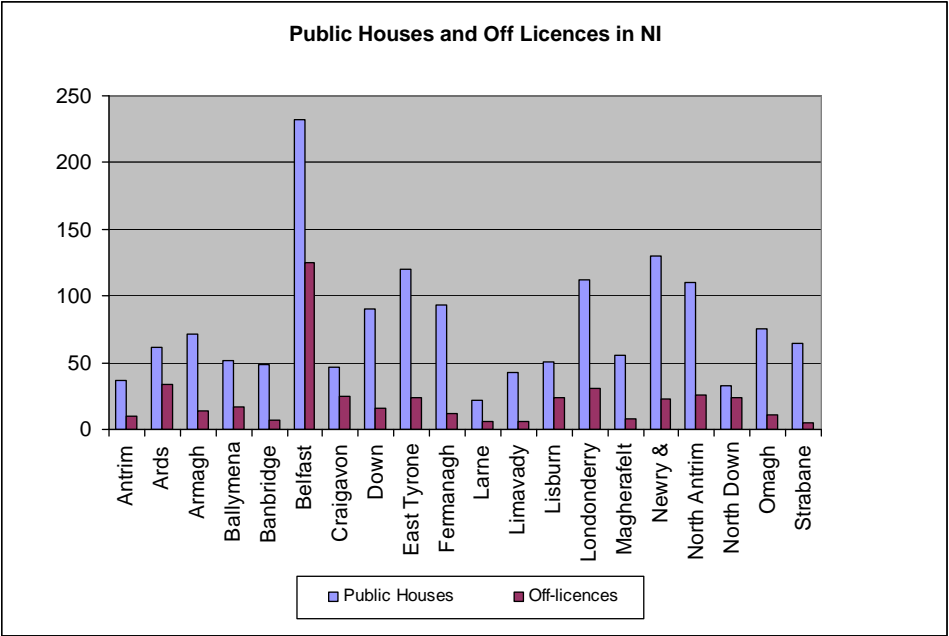
6.4 General

The report is issued on the understanding that all consultees have drawn our attention to all matters, financial or otherwise, of which they are aware which may have an impact on our report up to the date of signature of this report. Additionally, we have no responsibility to update this report for events and circumstances occurring after this date.

ANNEX A - APPENDIX 1 - BREAKDOWN OF LICENCES IN NORTHERN IRELAND

Appendix 1

Breakdown of Licences in Northern Ireland



District	Public Houses	% Public Houses per District	Off-licences	% Off licences per District	Total licensed premises per District
Antrim	37	2.39	10	2.23	47
Ards	62	4.00	34	7.59	96
Armagh	71	4.58	14	3.13	85
Ballymena	52	3.36	17	3.79	69
Banbridge	49	3.16	7	1.56	56
Belfast	232	14.98	125	27.90	357
Craigavon	47	3.03	25	5.58	72
Down	90	5.81	16	3.57	106
East Tyrone	120	7.75	24	5.36	144
Fermanagh	93	6.00	12	2.68	105
Larne	22	1.42	6	1.34	28
Limavady	43	2.78	6	1.34	49
Lisburn	51	3.29	24	5.36	75
Londonderry	112	7.23	31	6.92	143
Magherafelt	56	3.62	8	1.79	64
Newry & Mourne	130	8.39	23	5.13	153
North Antrim	110	7.10	26	5.80	136
North Down	33	2.13	24	5.36	57
Omagh	75	4.84	11	2.46	86
Strabane	64	4.13	5	1.12	69
TOTAL	1549		448		1997

ANNEX A - APPENDIX 2 - CONSULTEE QUESTIONNAIRE

Appendix 2

Consultee Questionnaires

Consultee	Questions for Discussion
Trade Bodies	<p>Why do they (not) support the abolition of surrender?</p> <p>What will the impact be upon members?</p> <p>Have they quantified this impact?</p> <p>How would abolition affect potential new entrants? (evidence based).</p> <p>Does the existing surrender represent a barrier to entry into the market?</p>
Breweries	<p>Why do they (not) support the abolition of surrender?</p> <p>What do they see as the likely impact of abolishing surrender on their clients and on their current relationships with them, particularly in relation to their own security and willingness to lend to the sector?</p> <p>What do they see as the potential impact upon themselves from abolishing surrender</p>
NI Bankers Association and key individual banks	<p>What is the approximate value of banks' investment in the licensed trade? In pubs and off licences? What is the potential economic impact on banks if surrender is abolished?</p> <p>Has this been quantified?</p> <p>If so, what was the outcome?</p> <p>What is the potential impact if surrender is abolished on banks and their willingness to lend.</p> <p>What is the potential impact, if surrender is abolished, on banks existing security position?</p> <p>Assessment of impact on lending (RoI).</p> <p>Experience of credible parties who have not secured licences.</p>
Business Organisations	<p>What do they see as the economic impact?</p> <p>What are the viewpoints of their members?</p> <p>How do they advise members with regard to licences?</p>
Property Agents	<p>How is the buying and selling of licensed premises and pubs/off-licences conducted at present?</p> <p>Historical values – Licence, Goodwill, Premises</p> <p>What proportion of the total value of investments in the licensed trade is represented by the cost of the licence?</p> <p>How do clients treat the value of a licence for accounting and tax purposes?</p> <p>What would be an appropriate length of time for write off, where appropriate if surrender were to be abolished?</p> <p>How would abolition affect potential new entrants?</p> <p>How would abolition affect property agents dealing in the licensed trade?</p>

	<p>What percentage of the value of a sale of a licence accrues to the property agent?</p> <p>What percentage of the sale of a licensed business as a going concern accrues to the property agent?</p> <p>What percentage of the sale of a pub or off-licence as a going concern accrues to the property agent?</p> <p>Does the existing surrender represent a barrier to entry into the market</p> <p>The value of surrendered licences in monetary terms</p> <p>What part does the value of a licence play in the sale/purchase of the business</p> <p>The potential impact of abolishing surrender on wider business eg prospective applicants for a licence</p>
Current licence holders	<p>Why do they support/not support the proposed changes to the system?</p> <p>How do they treat the value of a licence for accounting and tax purposes?</p> <p>What would the direct financial impact of abolishing surrender be on their existing business?</p> <p>What part does the value of a licence play in the sale/purchase of their existing business?</p> <p>What do they believe to be the potential impact of abolishing surrender on wider business eg prospective applicants for a licence? Those wishing to leave the trade? Those remaining in the trade?</p>
Unsuccessful applicants	<p>What were the reasons for the application for a pub or off-licence being refused by the court or withdrawn by the applicant?</p>
Other Consultees	<p>Effect of surrender requirement on current licence holders, prospective applicants and other key stakeholders.</p>

ANNEX A - APPENDIX 3 - BENCHMARKING

Benchmarking (Comparative region)

As in Northern Ireland, various bodies in the RoI have produced a plethora of reports on the licensing laws. Key points from these reports are summarised below, (further detail is included as Appendix 3):

COMPETITION AUTHORITY; INTERIM STUDY ON THE LIQUOR LICENSING LAWS AND OTHER BARRIERS TO ENTRY AND THEIR IMPACT ON COMPETITION IN THE RETAIL DRINKS MARKET

The Licensing (Ireland) Act 1902 (the "1902 Act") constitutes a watershed in the development of the licensing law by introducing limits on the issue of new licences. Prior to the 1902 Act, there was no legal quantitative limit placed on the number of licences which could operate in the State at any one time.

Entry barriers arise out of a distinction between incumbent and entrant firms in a market. Entry barriers are said to exist when some requirements for entry are uniquely available to an incumbent. Entry barriers include any obstacle to efficient contracting between consumer and would be entrants which would affect an eventual market equilibrium. Properly understood, many obstacles faced by potential entrants to a market, such as the competitive advantages enjoyed by incumbents due to their investments made and goodwill earned are not entry barriers - such advantages are not uniquely available to incumbents since entrants can also invest in their enterprise and build up goodwill over time. Entry barriers are inherent in any assignment of property rights. A licensing requirement is a barrier to entry if the number of licences available is less than the number of outlets (in this case licensed premises) that would operate without such a requirement. This is clearly the case in the drinks market in the State.

Absolute incumbent advantages exist in the Irish Drinks market in the form of entry barriers due to the licensing laws. Entry is only possible by way of licence. Licences are obtained by purchasing an existing licence as the circumstances in which "new" licences are issued are limited. The entrant then may trade under the old licence or, under certain conditions, extinguish the old licence in exchange for a new licence. Entry therefore is not totally blockaded as licences are tradable and a secondary market in licences exists. The licensing restriction not only restricts supply but also creates a capacity constraint to any demand-induced response in the market. If there are entry barriers and profits and rents accrue to incumbents, less efficient firms could, in the absence of competition, stay in the market. This represents a welfare loss as in the absence of capacity constraints, more output could be produced at lower costs by more efficient firms.

To determine the effect of the licensing laws or any other entry barrier on entry it is necessary to understand the incentives to enter *ex ant*. Entry into the retail pub trade or any other market is likely if it is expected to be profitable. It is only profitable if the entrant's mark-up over the incremental cost of access and service production exceeds the opportunity cost of access. The opportunity cost of access includes all potential earnings that the entrant forgoes. In a market where entry is regulated by licence and the licence must be effectively purchased from an incumbent, the entry price includes the price that the incumbent would demand before he would voluntarily agree to exit. Such a cost includes the full cost to the incumbent of parting with his asset which always includes the licence and may include the bundled asset of the licence and all attaching property.

The nature of entry into a market offers an important structural contributor as to how incumbents and potential entrants create and respond to capacity in the market. The principle source of potential competition comes from outside the market. In the Irish retail drinks market, the incumbents

have first mover advantage in the form of the licence acquired historically.

Since incumbents protected by legal barriers to entry can make long-run or persistent profits without being more efficient than potential entrants, entry barriers not only restrict competition but also encourage the expenditure of real resources by incumbents to maintain the status quo. Such activity also has a social cost. This phenomenon was summarised by Sowell as follows:

Although the 'public interest' is a prominent rhetorical feature of occupational licensing laws and pronouncements, historically the impetus for such licensing comes almost invariably from the practitioners rather than the public, and it almost invariably reduces the quantity of new practitioners through various restrictive devices and the net result is higher prices.

Activity which requires the expenditure of real resources to retain the status quo is defined in the economics literature as "rent-seeking". Entry barriers are often associated with rent seeking activity. Rent-seeking includes the behaviour of incumbent firms who continue spending and exerting effort in order to maintain their privileged position. Where rent-seeking is successful in establishing and maintaining an industry-wide rule, it can lead to a barrier to entry.

A crude measure of the capitalised costs (deadweight losses) that the present licensing system imposes on society is the value of the licences in, and of themselves separate from, the premises to which they are tied. The value of the licences at present when valued at marginal valuations is over half a billion pounds. The growing value of licences, particularly in Dublin, is indicative of greater margins being achieved by publicans. Information on margins broken down by geographic areas is not available, but information on average margins is available. The Annual Services Inquiry estimated that average margins on public houses increased from 33% to 37% from 1988 to 1991.

With the value of licence so great, it is not surprising to see an increase in recent years of those types of premises where entry is possible under the licensing laws, namely, clubs and hotels. In 1986 there were 658 clubs registered in the State. In 1996, this figure had risen to 919, an increase of almost 40%. The number of hotels registered with Bord Failte was 650 in 1986. This number had increased to 713 by 1996, an increase of almost 10%. During the same period, the number of public house licenses has decreased by 12%.

Harmon and Murphy reviewed the economics literature on the UK market and found a positive relationship between demand for alcohol and the number of licences. An increase in demand for alcohol leads to an increase in demand for licences and vice versa. Thus, there is statistical evidence of direct linkage between the number of licences and the demand for the products. An increase in demand for alcohol will give incentives for new licences to open up which will in turn increase the demand for alcohol. In a market in which entry is restricted, demand increases that occur due to income and demographic movements will manifest themselves in increases in prices in the short run and in the long run. Harmon and Murphy cite reference that show that, in the case of the UK, where entry is not artificially restricted in any specific geographic area, the market is

characterised by a lack of any persistent price differential between rural and urban areas.

In the context of the UK findings, this higher demand would lead automatically to an increase in demand for licences which, when granted, would lead to a fall in the price of alcoholic products. The existence of the new licences would also positively influence demand as there is a two-way casual relationship between licences and demand. The ultimate impact on prices is unclear, as it will depend on how responsive supply is to price increase and how much of this increased supply impacts on demand. However, output will unambiguously rise and the tendency for prices to rise will be lower the more elastic is the supply curve in the long run.

The independent off licence is in direct competitions with the publicans and will compete on price to encourage people to substitute take away drinks in place of consuming alcohol in the publicans' premises.

It may be proposed that as part of any regulatory reform to a pro-entry position, incumbents receive some compensation for their loss of the value of the licence as a tradable asset and other losses which they may suffer as a result of freer entry into the market. The establishment of such a compensation scheme is problematic. Losses incurred by incumbents associated with the policy change must be identified as true opportunity costs in order to avoid moral hazard, i.e. if potential losers know with certainty that they will receive compensation, they have an incentive to adjust their behaviour in order to increase the compensation due them.

However, the Authority believes any scheme of compensation to be unwarranted. A policy change will not deprive any incumbent of the right to conduct business. Therefore, rewards to incumbents will be adequately determined in the market place as is the case for incumbents who are not protected by entry barriers - without the attendant social costs which necessarily follows from legal entry barriers. Compensation will only add an additional element to the social cost inherent in a antiquated system which a well funded lobby has successfully maintained intact to date.

The liquor licensing laws are a formidable barrier to entry into the retail drinks market. A legal description of this entry barrier reveals it as both quantitative and qualitative. With the limited exceptions noted, new licences may not be issued. Entry is practical in most cases only by purchasing an existing licence and such licenses are geographically constrained. In this way, market entry and exit are linked. In addition, as noted above, some incumbents may object to new entry on the grounds of proximity of the new entrant to existing businesses, potential detriment to existing businesses, potential detriment to existing businesses or the number of existing licensed premises in the area. Few businesses may legally object to new entry on these grounds.

Legal barriers to entry distort competition and the licensing laws are no exception. Entry is effectively blockaded for those who are unable to generate sufficient revenue to purchase a licence and entry is biased in favour of those able to sell alcohol most intensively. The geographic restrictions on entry can make it impossible for entrants to locate near incumbents. There are many industries (and the public house industry is one

of them) in which entrants will find it optimal to locate beside the incumbents (minimum geographic differentiation) and will then attempt to have maximal differentiation along other characteristics important to consumers. All of the restrictions inherent in the system of licensing of pubs makes it impossible for the market to function efficiently and in the best interested of consumer.

OECD - BACKGROUND REPORT ON THE ROLE OF COMPETITION POLICY IN REGULATORY REFORM

The stated purpose of the 1902 law was simply to "safeguard the public interest" by preventing a "proliferation" of pubs.

SUBMISSION OF THE COMPETITION AUTHORITY ON THE GENERAL SCHEME OF THE INTOXICATING LIQUOR BILL

The licensing laws as currently constituted preserve a protectionist regime that has been in place since the Licensing (Ireland) Act, 1902. The quantitative and qualitative restrictions on the issuing of licences ensure that there are significant barriers to entry in the public house market. The most significant barriers to entry stem from:

- The requirement that an existing licence must be extinguished before a new one may be issued
- The right of an existing licence holder to object to the issuing of a new licence in the neighbourhood.

Furthermore, the higher margins on alcohol give publicans an incentive to promote the consumption of alcohol over all products. In a sector sheltered from competition this has the direct effect of raising the price of substitute products such as soft drinks. Indeed a 2003 AC Nielsen market analysis of the retail prices of 13 individual brands of soft drinks across the EU 15 reveals that 12 out of the 13 soft drinks are more expensive in Ireland even when price-adjusted for VAT. The prices of alcoholic and non-alcoholic drinks in Ireland are reflective of the high costs inherent in the sector, which are in turn passed onto consumers. The biggest cost by far is the artificial value of pub licences, which costs the economy in excess of €1billion. This figure is derived from aggregating the estimated value of all individual on-licences in the State.

Assuming an amount of €130,000 per on-licence by the number of on-licences in 2003 (9,731), the cost to the economy is €1.265billion. Auctioneering sources in 2001 indicated to the Competition Authority that on-licences are likely to be valued at between €130,000-140,000. Thus this is a conservative estimate of the cost to the economy. It should be noted that the simple calculation carried out here implicitly assumes that liberalisation of entry would reduce the value of licences to zero. This, however, may not be the case. Apart from the quantitative restrictions on the number of operators allowed to enter the market, there are other barriers to entry. For example, a new entrant must comply with planning laws. This kind of barrier entry may have the effect of giving a licence a positive value. For this reason the above figures may tend to over-estimate the true potential gains from liberalisation. On the other hand, a second factor that would tend to mitigate this problem arises because of what is referred to as dead-loss. Dead-weight loss refers to that portion of the gains from trade that are lost by society, ie by both consumers and producers. Liberalisation of entry would re-capture this loss. Thus if these factors tend to cancel each other out, the above figures would represent a

reasonable estimate of the potential gain available from the liberalisation of entry.

The value of pub licences represents the capitalised value of the stream of monopoly profits from the drinks industry.

Where demand has increased, existing premises have responded by growing in size, resulting in demise of the traditional pub and the emergence of a very large drinking establishments or super-pubs. When entry does occur there is a tendency for new entrants to set up super-pubs. The reason is that it may simply not be viable to open smaller establishments. To cover the large sum that must be paid to acquire an existing licence, new entrants must maximise its use, thus creating a tendency to open larger venues and focus on the exclusive sale of alcohol and not, as is normal in other countries, the sale of alcohol in conjunction with other social activities. The policy of limiting the number of outlets has inflated the price of such licences and forced existing outlets to expand in size. This has distorted the evolution of the market.

In addition to all of these harmful effect, the restriction on the number of licences has clearly failed to meet its fundamental objective of controlling inappropriate consumption. Indeed, there is no evidence whatsoever that the problems of inappropriate consumption are greater outside Dublin, where there are ample outlets, than in Dublin, where the impact of the restrictions is most pronounced. *This central point should be continually kept in mind, ie there is no evidence of a direct correlation between the number of licences granted and the incidence of alcohol abuse and associated social problems.*

The Authority welcomes the removal of the right to object to the issue of a new public house licence on "adequacy of supply" grounds. This removes one of the most blatant examples of incumbent bias in the statute book. It should be for market forces, not the judicial system, to decide whether a new enterprise will succeed or fail.

HIGH LEVEL INTERDEPARTMENTAL COMMITTEE ON THE RECOMMENDATIONS CONTAINED IN THE CONSUMER STRATEGY GROUP REPORT

The Consumer Strategy Group has found in its Report that Ireland is the most expensive country in the EU for alcoholic and non-alcoholic beverages. Whilst the Group accepts that indirect taxes such as excise duty and VAT are major components of the final price of alcoholic drinks and are comparatively higher than elsewhere in the EU, other factors also give rise to the high prices in this country.

In the Group's view, principle among these other factors is the manner in which the licensed trade is regulated and the Code of law under which it operates which the Group contends is severely limiting competition in the trade to the detriment of consumers' interests. The Group also believes that the current licensing system has done little to encourage innovation in the pub trade which in turn places little pressure on the supply chain.

The Group is particularly concerned in relation to the level of concentration of suppliers in the draught beer market and especially in relation to the entry process under the current licensing system. The Group's view is that the effect of the licensing requirements is that competition in the licensing trade is severely restricted. The Group has therefore recommended that the current limit on the number of pub licenses be abolished in the same manner as happened in the taxi industry.

The Department informed the Committee that it would be necessary to examine whether or not the retention of the extinguishment requirement and the decision not to proceed with the café bar concept constitute an obstacle to freedom of movement within the EU or if they infringe EC Treaty rights to establishment and freedom to provide services. The matter is under consideration in the Department and the advice of the Attorney General's Office has been sought.

The Competition Authority contended that the current licensing regime imposed avoidable costs in excess of €1 billion on the economy, has led to higher alcoholic and non-alcoholic drink prices, reduced publicans incentives to innovate, deprived the Exchequer of Revenue and also had, if anything, aggravated the inappropriate use of alcohol. The Authority argued that there was no causal link between overall alcohol consumption and the number or pub licences. The Authority was of the view that by not removing the requirement to extinguish an existing pub licence before issuing a new licence, the proposed legislation represented a missed opportunity for moving towards a regulatory system that worked for society as a whole rather than for a small number of existing businesses. The Authority expressed the same view in relation to the withdrawal of the recent published proposals on café bars.

ANNEX A - APPENDIX 4 - TAX IMPLICATIONS

1 LICENCES HELD BY UNINCORPORATED ENTITIES

- 1.1 Licences are assets within the meaning of S21 (1) TCGA 1992.
- 1.2 S44 (1) TCGA 1992 provides that a "wasting asset" is an asset with a predictable life not exceeding 50 years. On the assumption that a Northern Ireland liquor licence has a registration period that does not exceed five years it is likely that it will be treated as a wasting asset for Capital Gains tax purposes. This means that the cost of a licence is deemed to waste away evenly over its predictable useful life. The predictable life of a licence in relation to a disposal will be determined by reference to the facts as they were known or ascertainable at the time of its acquisition, S44 (3) TCGA 1992.
- 1.3 No tax deduction is available for any amortisation of the licence that is charged annually to the profit and loss account.
- 1.4 The time of acquisition for Capital Gains tax purposes will depend upon the facts of each particular case and the precise circumstances in which the licence was acquired by the licensee.
- 1.5 On a disposal of a wasting asset, including a deemed disposal under S24 (2) TCGA 1992, the allowable costs of acquisition to be deducted in the CG computation under S38 (1)(a) TCGA 1992 will be determined in accordance with S46 TCGA 1992.
- 1.6 It is unlikely that a licence that has been granted recently and has a remaining life of five years would satisfy the conditions in S24 (2) TCGA 1992 of having become of negligible value. HMRC takes "negligible" to mean "worth next to nothing". It is difficult to see how a licence that enables the owner to sell intoxicating liquor for five years can have become of negligible value.
- 1.7 Where the allowable costs of a wasting asset have been reduced to nil in accordance with S46 TCGA 1992 a claim under S24 (2) TCGA 1992 that the asset has become of negligible value is unlikely to produce an allowable loss for Capital Gains tax purposes.

2 LICENCES ACQUIRED BY COMPANIES PRIOR TO 1 APRIL 2002

- 2.1 Licences acquired by companies prior to 1 April 2002 and, in certain circumstances, licences acquired by companies on or after 1 April 2002 are assets for Capital Gains tax purposes. The Capital Gains tax treatment of licences under TCGA 1992 is as set out above.

3 LICENCES ACQUIRED BY COMPANIES FROM 1 APRIL 2002 ONWARDS

- 3.1 Licences acquired by companies from unrelated parties on or after 1 April 2002 do not fall within the Capital Gains tax legislation. Instead, provided they are qualifying intangible fixed assets, they fall within the Intangible Fixed Assets legislation which was introduced by Schedules 29 and 30 of Finance Act 2002. [Paras 2 and 3 sch.29].

- 3.2 Where the asset is held for the purposes of a company's trade and in a period of account a loss is recognised in respect of expenditure on the licence company can claim a deductible debit for the amortisation of the licence, or as the result of an impairment review of a licence, which is charged to the profit and loss account [para 9, schedule 29].
- 3.3 Amounts received for the exploitation or disposal of the licence will be taken to the profit and loss account as a chargeable credit
- 3.4 A licence may not be amortised in the accounts if it is deemed to have an infinite useful life.
- 3.5 If an impairment review results in the recognition of an impairment loss, the revised carrying value (if being amortised) should be amortised over the current estimate of the remaining useful life.
- 3.6 Therefore a company falling under these rules will obtain tax relief for the entire cost of their licence by way of amortisation and/or impairment.

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**LIQUOR LICENSING - ASSESSMENT OF THE IMPACT ON BUSINESS OF
ABOLISHING THE SURRENDER PROVISION**

Background

1. The *Licensing (Northern Ireland) Order 1996* (“the Order”) contains a “surrender” provision. This requires a person applying for a licence to open a new pub or off-licence, to hand into Court an existing licence for either type of premises before a licence for the new premises may be granted. It is unique to the licensed trade in Ireland, North and South, and dates back to 1902. The buying and selling of licences for handing into Court has become a lucrative business with licences fetching £120k - £140k and occasionally much more. David Hanson’s plans for reforming local liquor licensing law included doing away with surrender “*in the interests of modernising licensing law, removing an unjustifiable barrier to entry to the trade and promoting greater competitiveness*”.
2. His proposal provoked strong, conflicting views. Pub/off-licence owners opposed it, claiming it would lead to an increase in the overall number of pubs/off-licences, more competition, leading to lower prices and financial loss for licensees who hoped to sell their licences when they quit the trade. Retail grocers generally supported it, on the grounds that it would remove an unfair financial burden which hampered their ability to diversify and grow and disadvantaged their customers. Faced with opposing views Mr Hanson commissioned an independent business impact assessment of abolition. Consultants were appointed in Spring 2007 but, with the return of the Assembly imminent, work was postponed pending a decision by the devolved Minister. Margaret Ritchie MLA, decided to proceed with the study to help her decide on future policy. The assessment began on 25 June 2007 and

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Grant Thornton UK LLP supplied a final report on 15 November 2007.

Business Impact Assessment

3. The investigation set out to assess and describe: how local pubs/off-licences and their licences are traded; what proportion of investment in the licensed trade is attributable to the licence cost; how surrender has affected the licensed trade; how abolishing surrender would affect key stakeholders, including prospective licence applicants. The consultants carried out desk research, interviewed key stakeholders, commissioned expert analysis of local trading and licensed property market trends, sampled court records and reviewed valuation methodology, tax options and accounting treatments used by pubs/off-licences. The consultants were required to present conclusions or to explain, if appropriate, why it was not possible to do so.

Key findings

4. These were as follows:
 - It is impossible to obtain reliable information on licence values because:
 - Most local pubs/off-licences are unincorporated or small/medium operators who file no public accounts or limited public accounts;
 - Individual licensees differ in how they treat the value of licences for accounting purposes;
 - Licences attract differing tax treatments depending on when they were obtained;
 - Premises are often traded off-market, with little information available.
 - Licences are bought with no guarantee of a fixed price on eventual sale. Prices can fluctuate in line with e.g. public taste, scarcity, interest rates and land values.
 - Individual banks' lending policies differ on the importance of licence values.

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For some, quality of management and ability to repay are more significant.

- Most licences sold recently for surrender purposes have been transferred from pubs to local off-licence chains or multinational supermarkets who can pay the asking price.
- A Court may only grant a licence for new premises if it is satisfied that there are insufficient premises of the same type in the vicinity. This so-called “need” provision acts to curtail numbers of outlets, irrespective of the existence of surrender.
- The cost of entering the trade can be affected by objections from businesses in the vicinity who may defend their interests by lodging and prolonging objections and appeals against the grant of a licence, often on the grounds that “need” has not been proven. Anecdotal evidence indicates the appeal system is open to abuse by “professional objectors” who demand “compensation” in return for withdrawing their objection.
- Chains of tenanted pubs are emerging, developed by key local players, allowing individuals to enter the market for a much-reduced outlay and without the need to acquire a licence.

Conclusions

5. It was not possible to obtain robust evidence on which to base firm conclusions regarding the financial effect on current licensees, potential applicants or other stakeholders, of retaining the surrender provision in its current form or of abolishing it for pubs/off-licences en masse at some future date.
6. The following points may be made about abolition:
 - It is unlikely to significantly increase numbers of pubs/off-licences, or result in more competition from these sources. This is because the customer-base is finite and because new applicants will still have to demonstrate “need”.
 - It would impact in different ways on individual licensees, depending on how

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they had chosen to treat the licence value in their accounts over the years. It would have a negative effect on licensees who had not held their licences long enough to reap the full economic benefit of ownership.

- Abolition should not harm the local economy since money no longer used to buy licences would still be available for spending in Northern Ireland.
- Abolition is unlikely to reduce employment in the pub/off-licence sector though job displacement would still occur as a natural product of competition.
- Abolition would enhance smaller operators' chances to enter the pub/off-licence trade by saving them the price of a licence. It would not affect costs associated with proving "need", including dealing with objections.

Comment

The Minister is considering the issues identified by her predecessor's review of liquor licensing and has met key stakeholders to hear their views. She is keen to involve the Social Development Committee and would welcome its views on this paper.

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xx December 2007

Dear Ms Austin

**LIQUOR LICENSING - REPORT OF AN ASSESSMENT OF THE IMPACT ON
BUSINESS OF ABOLISHING THE SURRENDER PROVISION**

In your letter of 3 July 2007 to David Malcolm you indicated that the Committee wished to be briefed on the results of the Business Impact Assessment when these became available. The Committee recently agreed that the briefing should take the form of a short paper for consideration at its meeting on 13 December.

The Minister commissioned the study to help inform her decisions on the way forward in respect of liquor licensing issues generally and David Hanson's surrender abolition proposal in particular. She is still considering the issues and formulating her policy. The attached paper is therefore provided on a restricted basis, for Members' own information at this stage. I understand that you will confirm that the Chairperson is content to accept and circulate the paper to the Committee on that basis.

Yours sincerely,

Linda MacHugh

Annex C

Liquor licensing proposals - Paper for Social Development Committee

My responsibility for liquor licensing and clubs registration derives from my remit: *“To improve the physical, economic, community and social environment of neighbourhoods, towns and cities in Northern Ireland, with a particular emphasis on tackling disadvantage.”*

Northern Ireland law on liquor licensing and clubs has remained largely unchanged for over 12 years, despite significant changes in people’s expectations and attitudes and in social and economic circumstances during that time. It needed to be examined to see if and how it should be updated to take account of developments in that period.

My predecessor David Hanson MP carried out a review which began in 2004 and led to: consultation on policy proposals in November 2005; his decision to introduce reforms in two stages, pre and post-RPA; and consultation on a draft Order in Council to give effect to the first tranche of those. The Order in Council was not enacted due to the return of the Assembly. The Hanson review provided me with comprehensive information on which to build.

My aims in carrying out my review were to learn how our handling of alcohol can contribute positively to achieving our social, economic and regeneration objectives and, more specifically, how liquor licensing law can help us effectively manage alcohol in our society. In the course of that work I considered the issues arising from the Hanson review and a range of additional policy options. I also noted recent relevant developments in Northern Ireland, Great Britain, the South of Ireland and further afield and the approaches taken in those areas to concerns we have in common.

In developing proposals my objective has been to achieve a balanced package of reforms which is tailored to Northern Ireland’s needs and

circumstances and which fairly addresses the aims and concerns of the varied stakeholders in this area who have competing agendas and sometimes conflicting points of view. These stakeholders include health, community safety and regeneration interests, the police, district councils and the tourism, hospitality, licensed & retail sectors.

Among major issues emerging from my review were the growing level of alcohol abuse in our society and its effects in terms of health, disorder, crime, domestic violence and other ills. These problems affect all of us one way or another and we must all face up to our common duty to develop adequate responses. Licensing law alone cannot solve the problems but, in conjunction with other initiatives by the public, private and community sectors, it can help make a difference.

I propose to introduce reforms in two stages. In the first I will bring forward a short Bill amending the Licensing and Registration of Clubs (Northern Ireland) Orders 1996 to introduce new enforcement provisions which previous consultations showed had widespread public support. The Bill will provide for:

- New closure powers to allow police and courts to immediately shut down, for up to 24 hours in the first instance, specific licensed or club premises, or premises in a particular area, where there is actual or likely disorder; offences of failing to comply with the closure orders will be created.
- A system of penalty points, to be levied by courts on premises which break the law. Courts will have some discretion but must endorse points on a licence or certificate for a serious offence. Premises accumulating 10 points within any 3-year period will have their licence or certificate suspended for a minimum 1 week and maximum 3 months.
- A statutory proof of age scheme specifying, for the first time, acceptable proof-of-age documents for the purposes of licensing and registered clubs law. The documents are: passport, photo card driving licence, Northern Ireland Electoral Card and any PASS-accredited photo identity card. Power will be provided to make regulations specifying other age cards if

necessary. Premises will be required to display specified signage describing the new scheme and a new offence of failing to display the signage will be created. The scheme will complement PSNI's test purchasing power which is expected to come into effect in 2009.

- Revised accounting requirements for registered clubs. PSNI has acknowledged that the financial mismanagement which existed in some clubs in the past is no longer in evidence and has asked that this be reflected in more flexible arrangements which will recognize the differing circumstances and requirements for small, medium & large clubs and go some way to easing the bureaucratic burden on them.

Given the strong support for more effective enforcement of the law I believe my proposed Bill is likely to be broadly welcomed. In light of the consultations which have already taken place and their generally positive results, I do not believe further consultation on the provisions is necessary. Rather it could delay introduction of greater safeguards for the community. I hope to see the Bill come before the Assembly in early Summer 2009.

The second stage of my planned reforms, involving more fundamental changes, will take place once the Review of Public Administration is complete in 2011 and a new system of local government is in place. I intend at that stage to simplify & harmonize controls on the sale & supply of alcohol by:

- transferring responsibility for liquor licensing and clubs' registration from the courts to the newly-formed district councils;
- introducing six new, statutory licensing objectives to underpin the new regime. These are: promotion of public health; promotion of public safety; prevention of crime and disorder; prevention of public nuisance; protection of children from harm and fair treatment of all stakeholders;
- abolishing the current 12 licence categories in favour of a dual system of personal & premises licences.

Under the new system each Council will be responsible for drawing up a Statement of Licensing Policy for its area and deciding on the grant, review and renewal of premises licences and club certificates and the conditions to be imposed on them. In carrying out their remit Councils will be required to consult residents, police, licensees, retailers and other businesses in their area as well as authorities responsible for environmental health, planning and health & safety issues. As a group, Councils will be supported in their work by central guidance produced by my department to help provide clarity, consistency and fairness. The changes I propose for stage two formed part of David Hanson's November 2005 policy consultation.

I am committed to ensuring that the law in this area will be fit for purpose, that it will be far-sighted and durable and that it supports the wider Executive agenda. I would welcome your support for my proposals and in particular for the speedy introduction of my proposed First Stage Bill.

Key messages

- My responsibility for liquor licensing derives from my Department's remit: *"To improve the physical, economic, community and social environment of neighbourhoods, towns and cities in Northern Ireland, with a particular emphasis on tackling disadvantage."*
- Key strategic issues for me are – how our society's handling of alcohol can affect achievement of our social, economic and regeneration goals and how liquor licensing can contribute to effective alcohol management.
- Northern Ireland law on liquor licensing and registration of members' clubs has not been significantly amended for over 12 years, despite major changes in people's expectations and in social and economic circumstances during that time. It needs to be updated to take account of developments, good and bad.
- Complex area – competing demands. Balanced, tailored approach required, involving health, police, community safety, regeneration and business, including the licensed trade.
- The level of alcohol abuse in our society should concern us all. Passing more licensing legislation will not of itself be enough to tackle the problem effectively. A partnership approach among Ministers and with other stakeholders is needed.
- I am committed to maximising the contribution which liquor licensing legislation, in conjunction with initiatives by Executive colleagues and others, can make to tackling alcohol abuse.
- I would ask for your support for immediate legislation and would welcome views on the actions I propose to take in the longer term.

Liquor Licensing Policy & Legislative Proposals - Presentation to SDC

Introduction

I am grateful to you, Mr. Simpson, and to the Committee members, for this opportunity to present my plans for changes to the law on liquor licensing and registered clubs. I know my officials have supplied you in the past with information on some elements of this topic but I welcome the chance today to address the issue in the round. This is a complex, emotive area and you will appreciate that it has taken some time and a lot of hard work to get to this point. I hope you will agree after our discussion today that it has been an effort well worth making.

Briefly, my aim today is: to outline for you my reform proposals; hopefully, to gain your support for urgent legislation to strengthen enforcement measures and ease the bureaucratic burden on clubs; and to signal my longer term legislative intentions. I will then be very happy to answer your questions and to hear your views.

Background

But first, it may be helpful if I briefly sketch in some background. My responsibility for liquor licensing derives from my remit: *“To improve the physical, economic, community and social environment of neighbourhoods, towns and cities in Northern Ireland, with a particular emphasis on tackling disadvantage.”* Key questions for me are therefore - how can our society's handling of alcohol contribute positively to achieving our social, economic and regeneration objectives? More specifically, how can liquor licensing law help us effectively manage alcohol?

Northern Ireland law on liquor licensing and clubs has remained largely unchanged for over 12 years, despite major changes in expectations, in our environment and in social and economic circumstances during that time. The law needed to be examined - not least in response to pressure from the licensed trade - to see if and how it should be reformed and updated to reflect developments in that period, good and bad.

In the category of unwelcome developments, I firmly place the rising level of alcohol abuse in our society and its effects in terms of ill-health, disorder, crime, domestic violence and other problems. . These problems affect all of us one way or another

and all of us must face up to our common duty to develop adequate responses. Licensing law alone cannot solve the problems but, in conjunction with other initiatives by the public, private & community sectors, it can help make a difference.

I was fortunate when I began my review to have the benefit of the work done by my predecessor, David Hanson MP, with his Ministerial colleagues and officials. This provided me with a comprehensive information base upon which to build and proceed. My review was carried out against the backdrop of the Review of Public Administration and I have tried to ensure that my proposals are future-friendly and can align comfortably with the objectives & structures of the new dispensation.

Aim of review

Turning now to the outcomes, I would like to make clear that, in putting together proposals, my overall aim has been to achieve a balanced package of reforms - one which is tailored to Northern Ireland's needs and circumstances and which fairly addresses the aims and concerns of the varied range of stakeholders in this area, who have competing agendas and sometimes conflicting points of view. These stakeholders include regeneration, health & community safety interests, the police, district councils and the tourism, hospitality, licensed & retail sectors. I intend to introduce reforms in two stages.

First stage reforms

I believe that stricter enforcement measures are urgently needed to address growing problems of public health, disorder and underage drinking in Northern Ireland. I will therefore bring forward in the first stage of my reforms a short Bill, introducing new enforcement provisions which earlier consultations showed had widespread public support. I am convinced the measures are even more relevant now.

The Bill will amend the Licensing and Registration of Clubs (Northern Ireland) Orders 1996 to make provision, first, for new closure powers to allow the police and courts to immediately shut down, for up to 24 hours initially, individual licensed or club premises, or premises in a particular area, where there is actual or likely disorder. I will also create offences of failing to comply with the new closure orders.

Secondly, I will introduce a system of penalty points, to be levied by courts on premises which break the law. The courts will have some discretion about imposing these but will be obliged to endorse points on a licence or certificate in respect of serious offences, such as underage sales. Premises accumulating 10 points within any 3-year period will have their licence or certificate suspended, for a minimum of 1 week and a maximum of 3 months.

I recognize that we face serious problems linked to alcohol abuse by our young people so I intend to introduce a statutory proof of age scheme which will specify, for the first time, acceptable proof-of-age documents for the purposes of licensing and registered clubs law. The documents will be: a passport, a photo card driving licence, a Northern Ireland Electoral Card and any PASS-accredited photo identity card. Power will be provided to make regulations specifying other age cards if needed. Premises will be obliged to display specified signage describing the new scheme and a new offence of failing to display the signage will be created. I am confident the new arrangements will help protect law-abiding licensees and will complement the new PSNI test purchasing power, due to come into effect in 2009.

Finally, I intend to use the opportunity of the new Bill to introduce more appropriate accounting requirements for registered clubs. PSNI has acknowledged that the financial mismanagement which existed in some clubs in past years is no longer in evidence and has recommended a modernised approach, in recognition of the clubs' work in recent years to improve their accounting practices. The new provisions will take account of the differing circumstances and requirements for small, medium & large clubs and go some way to easing the bureaucratic burden on them.

I mentioned that these issues have already been consulted upon. In fact, they have been consulted upon twice. In November 2005, David Hanson sought views on a package of policy proposals which included closure powers, penalty points, more flexible accounting for clubs and a voluntary, rather than mandatory, proof-of-age scheme. In December 2006 he consulted on a draft Order which would have introduced closure powers, penalty points and amended accounting provisions. In the event, the Order was not enacted due to restoration of the Assembly.

Both the policy and legislative consultations showed overwhelming support for closure powers & penalty points and widespread support, from PSNI, health interests, licensees and others, for a mandatory proof-of-age scheme. The consultations showed opinion evenly split on the clubs' accounting proposals.

In light of the results from these consultations I do not believe further consultation on the provisions of the draft Bill is necessary. Indeed, I believe it could unnecessarily delay important measures which will provide greater safeguards for the community.

Given current calls for more effective enforcement of the law, I believe the proposed Bill is likely to be broadly welcomed. The closure powers will bring us into line with Britain and the proof-of-age provisions will be similar to those in Scotland and the South. The penalty points and clubs' accounts provisions will be unique to Northern Ireland. I hope to see the Bill go forward in the present legislative session and come before the Assembly in early summer 2009.

Second stage reforms

The second stage of my planned reforms, involving more fundamental changes, will take place once the review of public administration is completed and a new system of local government is in place. My intention at that stage is to simplify and harmonize controls on the sale and supply of alcohol.

I intend to do this, first, by transferring responsibility for liquor licensing and clubs' registration from the courts to the newly-formed district councils. I am confident that this will increase the efficiency, effectiveness and accountability of the system and make it more responsive and accessible to local residents, planners & decision makers and those, including the licensed, hospitality, retail & other business sectors, on which local economies rely.

To underpin the new regime I will introduce at the same time six new, statutory licensing objectives. The objectives I propose are: promotion of public health; promotion of public safety; prevention of crime and disorder; prevention of public nuisance; protection of children from harm and fair treatment of all stakeholders.

These will form the basis for consistent central and local government working on policy, legislation and procedures.

I also intend, as a further streamlining measure, to abolish the current 12 licence categories in favour of a dual system of personal & premises licences.

Under the proposed new system each Council will be responsible for drawing up a Statement of Licensing Policy for its area. It will also be responsible for decisions on the grant, review and renewal of premises licences and club certificates and the conditions to be imposed on them. In carrying out their remit, Councils will be required to consult residents, police, licensees, retailers & other businesses in their area as well as those responsible for environmental health, planning and health & safety issues. As a group, Councils will be supported in their work by central guidance produced by my department to help promote clarity and consistency.

The changes I have in mind for Stage 2 formed part of the November 2005 policy consultation carried out by David Hanson. As a rough indication, 60% of respondents were opposed to transferring responsibility from courts to councils, 32% were in favour and 8% were neutral. The vast majority of consultees favoured introducing licensing objectives. On abolishing licence categories there was broadly a fifty/fifty split among the licensed trade, political parties, councils and health groups, with a good proportion wanting to keep pub and off-licence categories but abolish or simplify the rest.

Other issues

Those, Mr Chairman, are my plans for legislative reform in the short and longer term. I would just like to touch briefly on two other issues - surrender and the Review of Public Administration - before taking your questions and hearing your views.

My Department provided the Committee last December with a paper summarising the results of a business impact assessment which I commissioned into the financial implications of abolishing the surrender provision. This is the provision which currently requires a licence for a pub or off-licence to be handed into court – surrendered, in other words – before a licence for a new business of either type can

be granted. The practice has, over time, reduced the number of pubs and off-licences operating in Northern Ireland and it prevents additional ones starting up. The impact assessment debunked some of the claims made during the debate which raged around my predecessor's proposal to abolish surrender. It also demonstrated that it was not possible to obtain robust evidence on which to base firm conclusions regarding the financial effect, on current licensees, potential licence applicants or other stakeholders, of retaining the surrender provision in its current form or of abolishing it en masse at some future date. I would like the Committee to note that in the light of that absence of a robust evidence-base I have decided to take no action in relation to surrender at the present time.

The transfer of responsibility for the licensing regime from courts to district councils which I propose does not fall within the ambit of the Review of Public Administration since it does not involve transferring functions from my department. Nevertheless, I wish my reform proposals to be capable of being implemented in a way which respects the arrangements and structures planned for local government post 2011. Since the devil is practically always in the detail, I would welcome the views of the Committee on how best we might prepare to deliver the changes in harmony with the councils and the other stakeholders and to monitor and review them over time.

Conclusion

Finally, I would like the Committee to note that I am committed to ensuring the law in this area complements my Departmental social & regeneration objectives and that it will be durable, far-sighted and fit-for-purpose. I am committed to working with Executive colleagues to ensure that the law supports the wider government agenda. In the immediate future I will work with Minister McGimpsey and the Ministerial Sub-Group on Children & Young People to ensure that liquor licensing legislation contributes positively to combating the harm caused to our young people by alcohol abuse. I will bring a paper to the Executive as soon as possible seeking agreement to my First Stage proposals and I will make a formal Bid to have my Bill included in the current legislative session. Thank you for your attention. I am happy to take questions and I look forward to hearing your views and receiving your support.

Liquor Licences

Mr O'Dowd: On a point of order, Madam Speaker. I regret to inform the House that my party will not be staying for the two remaining debates this afternoon. Both issues being debated are very important, but they have been used to block a debate on collusion, which has far-reaching consequences for the wider community. As that is the case, Sinn Féin regrets that it will be withdrawing from the Chamber.

Madam Speaker: I thank the Member for letting us know his party's view. It will be reported in Hansard tomorrow.

Dr Birnie: I beg to move

That this Assembly calls upon the Minister with responsibility for the Department for Social Development to ensure that no action will be taken with regard to furthering the proposed abolition of the "surrender principle" for liquor licences, as proposed by the Northern Ireland Liquor Licensing review; and further calls for this issue to be dealt with by a restored Northern Ireland Assembly.

In view of the overwhelming attendance here, I am tempted to say that we must be approaching closing time. However, Members have a few hours — at least on paper — to go yet. I am pleased to propose the motion, and it is regrettable that one party has chosen — for whatever reason — to absent itself. The issue is important and affects the lives and welfare of many people in the Province.

Earlier today I was talking about water, and now I am on the subject of drink — there is something poetic in that. The subject is very important. The Department for Social Development (DSD) consultation document, 'Liquor Licensing – The Way Forward', produced in October 2005 stated:

"There is a clear link between alcohol and problems relating to crime, public nuisance, health and children and young people. Licensing legislation can contribute to solving or aggravating those problems."

The final sentence about "solving or aggravating those problems" should be noted. The UUP's contention in moving the motion is that we fear that the DSD proposals — as recently outlined — will hinder the achievement of the good social objectives outlined in the quotation. I am talking specifically about the so-called "surrender principle", which has ensured, hitherto, that gaining a new licence for certain types of drink outlets can happen only through the purchase of an old licence.

Therefore, from the end of 2005, the total number of Northern Ireland licences in certain categories was capped at just below 2,000. However, there is a range of categories, some of which are not included in that provision.

It is not clear whether Northern Ireland has differed from the very pronounced and, many would say, worrying UK-wide trend towards higher and higher levels of alcohol consumption per capita. However, the surrender principle has at least ensured that we have not been swamped by a dramatic increase in the number of outlets. It may be significant that in Scotland, which does not have this arrangement, there are four times the number of outlets per capita that there are in Northern Ireland.

Ending the surrender principle would mean that an asset worth a considerable sum of money would be rendered pretty much useless at a stroke. The existing drinks trade obviously has a self-interested — although legitimate, in a way — concern about that happening. However, some small traders, particularly grocers, feel that there is a problem with restraint of trade at present, relative to the number of UK multiple supermarket chains.

The wider public is concerned that the end of the surrender principle could mean more outlets, greater competition, more cut-price offers, and so on. That would mean more consumption of alcohol, and that leads me back to concerns about the social outcome of abolishing the surrender principle. There are many ironies in the Government's current position. We are approaching the critical date of 30 April 2007, which has been rigorously set with a view to reducing the number of people smoking and its impact on community health, yet the Government are pushing alcohol-related policies in a radically different and contradictory direction.

Moreover, as we well know, the Blair Government have put the punishment, control and reduction of antisocial behaviour towards the top of their policy agenda.

However, what they are doing with licensing-law reform will very likely promote antisocial behaviour. One non-governmental organisation (NGO) working in the sector estimates that between 60% and 70% of cases of domestic violence against women are drink-related, as are about half the instances of child abuse. Those are frightening statistics. Alcohol is responsible for between 22,000 and 40,000 deaths annually in the UK, depending on how many indirect health effects are included in that estimate. The annual financial impact is estimated at £18 billion. According to the British Crime Survey (BSC), one in six of all violent crimes in Great Britain is committed in or around licensed premises; therefore we should think very carefully about multiplying the number of such outlets.

It is striking that, a couple of years ago, many of the English chief constables and judges criticised the Blair Administration proposals for the liberalisation of licensing laws. Those changes occurred in England at the end of 2005, which means that Northern Ireland has had a year and a half in which to learn and, arguably, profit from

the English experience. Given all of that, why have our Government not learnt from that experience and the associated problems?

The end of the surrender principle is only part of the Department for Social Development's proposals for the reform of licensing.

I hope that it may be possible for a future Assembly to examine the other important elements, such as the new licensing regime, which will throw much greater responsibility onto local government. In this area, we could profitably consider the English experience, some of which has been mixed, and suggests that, in practice, local government might find it difficult to adequately and correctly regulate the numbers and types of licences. The change in opening hours, pushing them back from 1.00 am to 2.00 am, is of particular interest.

4.15 pm

Many Members have noted the apparent lack of rigour in the DSD consultation document to reduce the scourge of under-age drinking. What is to be done about the problem of those who are under 18 years of age who abuse alcohol and face all the social and health problems that result from that?

It has been pointed out to me also that, under the current system, it is almost impossible for the owner of a licence to permanently lose it. If that is the case, it makes the enforcement of the law very difficult in practice.

I am pleased to propose the motion.

Mrs Foster: I support the motion. Fermanagh District Council discussed this subject during the consultation period on the proposed changes to the legislation. The Minister with responsibility for the matter responded on that occasion, but more of that anon.

I wish to concentrate, however, on the surrender principle, which is the current requirement to purchase an existing liquor licence for the purpose of selling alcohol. The abolition of the surrender principle will, in effect, allow easier access to alcohol at a time when many voices have been raised against the impact that binge drinking can have on one's health. The estimated costs attributable to excess alcohol consumption in Northern Ireland are over 730 deaths a year; the equivalent of over 12,000 expected years of life lost, and approximately 400,000 working days lost each year. The approximate cost to the economy is over £800 million. Members will agree that those are staggering figures.

A Department of Health, Social Services and Public Safety report entitled 'Strategy for reducing alcohol related harm' estimated that, as a result of alcohol-related harm,

some £34.3 million a year is incurred in costs that have a direct impact on Government spending in Northern Ireland. These include hospital costs, general practice costs and the prison costs associated with alcohol-related crime. In addition, it is estimated that £743.2 million a year is incurred in costs that have an indirect impact on Government spending, such as premature deaths, road traffic accidents and the cost to industry due to sickness absences.

A report published in November 2005, which analysed the drinking behaviour of young people between the ages of 11 and 16 in Northern Ireland, revealed some very worrying trends. It showed that, in Northern Ireland, young people start drinking as early as 11 years of age, and that many young people here are drinking to very dangerous levels. I was disturbed to discover that there is a strongly significant relationship between drinking behaviour and other risk behaviours, such as experimenting with smoking, drugs and solvents, and sexual experimentation. Given those findings, we should, as responsible representatives in this House, be concerned about any legislation that would allow easier access to alcohol. That is exactly what would happen if the surrender principle were to be abolished.

At present, Northern Ireland does not have the same level of alcohol-related harm and social disorder that we see in the rest of the United Kingdom. That is due in part to the over-provision of pubs and off-sales outlets that exist on the mainland and the current regulated system here. Northern Ireland has a population of about 1.7 million, and there are currently 1,938 public houses and off-licences. That does not take into account the number of private clubs, licensed restaurants, hotels and wine bars.

I see no need for an increase in the number of outlets that sell alcohol. In Scotland, there are four times more alcohol licences per head of population than in Northern Ireland. Is that what Members want to happen in this country? The answer must be no.

On the positive side, the Department of Health, Social Services and Public Safety has estimated that the alcohol industry provides some 32,000 jobs in Northern Ireland — about 5% of the employed workforce — at a combined estimated annual salary of £298.3 million. It also contributes £2 million to the arts, sports and charities. The debate should reflect that too.

As a representative for Fermanagh and South Tyrone, I often consider matters from a tourism perspective, from which the individuality of Northern Ireland's licensed trade forms part of the attraction for tourists. That is as true for Fermanagh as anywhere else, but it must be considered in the context of the debate. Government proposals would result in the influx of large pub chains, to the detriment of tourism in Fermanagh and Northern Ireland as a whole.

Social disorder is often linked to alcohol abuse. One need only glance at the court reports in the local press to see the link between excessive alcohol consumption and criminal activity. Although it would be naive to say that all society's ills stem from an overindulgence in alcohol, a large proportion of crime is committed under the influence of alcohol and, increasingly, drugs. That happens across the criminal spectrum, from street disorder to domestic violence. No responsible person would want to expose society to deregulation as envisaged by the Government.

When the subject of deregulation came before Fermanagh District Council, the Minister, David Hanson, responded to me in writing. He confirmed that the surrender provision had been effective in its aim of influencing entry to the market, thereby restricting the overall number of pubs and off-licences in Northern Ireland. I hope that the Minister has taken that into consideration and will bear it in mind when he introduces legislation. I am happy to support the motion.

Mr McGlone: Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leat as seans a thabhairt domh labhairt ar an ábhar tábhachtach seo.

I am grateful to be afforded the opportunity to speak on this important topic. It incorporates a wide range of economic, social and public-safety concerns, some of which Members have touched on.

In May 2004, the liquor licensing review team at DSD took forward its review with the help of an interdepartmental steering group. On 1 November 2005, DSD produced the consultation paper 'Liquor Licensing — The Way Forward', which contains Government proposals to reform licensing law in Northern Ireland. Although there was support for many of the proposals outlined in the consultation paper, the Minister for Social Development, David Hanson, announced in a ministerial statement on 20 July 2006 that:

"Concerns have been expressed by politicians and parts of the licensed trade regarding two of the proposed changes. These are the transfer of responsibility for liquor licensing from courts to district councils and the abolition of the 'surrender' principle."

The second and more important of the two is the subject of today's debate — the abolition of the surrender principle. Some of those who see the extent of the ravages of alcohol abuse also have concerns about extended opening hours — although that is not entirely within the remit of the motion.

The surrender principle, whereby the granting of a licence for a new public house or off-sales is conditional on the surrender to the court of an existing licence, has capped, to 2009, the overall number of such premises in Northern Ireland. The Minister agreed to commission an assessment of the business impact of the abolition of the surrender principle before making any decision on the way forward. The six objectives as outlined by Government are:

“promotion of public health; promotion of public safety; prevention of crime and disorder; prevention of public nuisance; protection of children from harm; and fair treatment of all stakeholders.”

I suggest that in the light of those, the Minister must go much further than assessing the mere business impact of abolishing the surrender principle.

Indeed, established evidence, if not common sense, shows that controlling people’s access to alcohol and the number of outlets that sell it is one way to reduce alcohol-related harm and social disorder. As Mrs Foster said, drink-related illness, death and crime already cost the Northern Ireland economy almost £800 million a year, and that is before we face the human cost and misery that they bring to so many families. The Minister should fully realise that harsh reality before making access to alcohol easier.

The surrender principle has economic consequences. Those of us who represent rural areas are well acquainted with many of our smaller licensed premises. Their owners use the licence as an asset, often to release finance to reinvest in their premises. Why should those people not do that? Every business works on that basis.

It has been rightly stated that alcohol is no ordinary commodity. Churches and many other organisations have expressed concerns that the abolition of the surrender principle may increase access to alcohol, thus contributing further to a host of health, antisocial behaviour and policing problems on our streets. In the light of those concerns, I propose that the matter be left to those of us who are most aware of the —

Mr Weir: I agree with the Member about the financial consequences of the potential transfer of responsibility for licensing to councils and the abolition of the surrender principle, which are linked in many ways. In England, the surrender principle has not been applied, and, in the past few years, responsibility for liquor licensing has been transferred to councils. Westminster City Council is one of the major licensing bodies, since its jurisdiction covers the west end of London. It has robust licensing policies and has tried to restrict the number of licences that are issued. However, the impact of the legislation has meant that appeals from various groups and commercial bodies against the refusal of licence applications have been waiting for two or three years to be brought to court. Even though the council has won every appeal that has been lodged, the process has cost it a fortune. Although I agree with the Member about the wider financial costs, there is also a major cost to ratepayers.

Mr McGlone: I thank the Member for his intervention. It is clear that the cost of defending court cases will be a major problem for ratepayers in many areas. That will cause problems to those who pay rates and to those of us who may be elected to the new councils.

I was making the point that the matter would be better left to those of us who are most aware of the alcohol-related difficulties on our streets and in our communities. A restored Northern Ireland Assembly should be left to deal with the matter.

Molaim an rún atá os comhair an Tionóil.

Mr McCarthy: I support the motion, and I also support the Northern Ireland liquor licensing review group's opposition to the abolition of the surrender principle.

A review has recently been carried out of how liquor licensing in Northern Ireland should be altered. I understand that that review has been through consultation and that changes have been made. Some people will say that those changes were necessary in order to bring Northern Ireland in line with other places. However, others will feel that the changes will not improve the lives of those people who live adjacent to public houses that have extended their opening hours.

The proposals to abolish the surrender principle were vigorously opposed by all existing establishments, and, as far as I am aware, by public representatives. The owners of these establishments have paid a substantial amount of money to secure their licences. They have invested in opening and managing reputable establishments. If the principle were abolished, we could end up with a public house on every street corner, and we all know what that would lead to.

4.30 pm

Our system has proved its worth — and if it is not broken why fix it? We have an orderly way in which people can obtain a liquor licence and establishments can be run in an orderly fashion for the good of everyone.

I support the retention of the surrender principle, and I hope that a restored Northern Ireland Assembly will make a reasoned decision on the surrender licence principle. I support the motion.

Mr Beggs: I support the motion. I declare an interest as a councillor, a ratepayer and as a member of a district policing partnership (DPP). The proposals will have major implications for councillors, councils, ratepayers and policing.

It is interesting to note in the responses to the consultation that almost 93% of people opposed the proposals, with about 6% in favour. The Government have decided to go ahead, while ignoring the views of local people.

Why do the proposals cause such concern? The document gives the impression that devolving decisions on licensing to local councils would create more local accountability. However, experience in England shows that that has not always been

the case. Local councils have provided instances of regular abuse when they decided to remove licences. Councils often have to fight huge drinks companies with deep pockets that can force councils to court, thus incurring huge legal expenses. In fact, some councils have exceeded their annual legal expenses budget and find that they cannot afford to take any other proposal to court to defend themselves, and they start to cave in. In effect, big business can drive down quality to the detriment of communities.

Extending the licensing laws is a separate issue from removing licences completely. There is evidence that alcohol abuse is related to hospital admissions, particularly at weekends, antisocial activity, police activity and demands on ambulance services. We must be very careful about the additional work that extended drinking time would generate.

Through my membership of a DPP, I became knowledgeable about Fermanagh DPP, and Fermanagh community safety partnership, which carried out a review of the evening economy — I see that Mrs Foster has left the Chamber. They discovered that many of the difficulties occurred not on or outside premises but at fast-food outlets. Licensed premises may have closed at midnight or 1.00 am, but people were congregating around the town for hours afterwards at fast-food outlets, which had to be policed.

The solution that came from the local community safety partnership and from local people was a voluntary agreement whereby the fast-food outlets agreed to shut an hour earlier. After the pubs closed, people were given one hour to get something to eat and go home. That reduced crime and meant that the police could concentrate resources on a specific period so that they did not, unlike in England, have to maintain vigilance throughout the night because of 24-hour licensing. I am pleased that that is not on offer. However, there is licensing until 2.00 am, and that will dilute police cover because there is only the same cover and resources over weekends.

That will be an outworking of the proposals.

As regards the proliferation of licences, I do not know how many constituents have complained to Members that they cannot find an off-licence in which to buy alcohol. A wide variety of off-sales is available, from supermarkets to pubs and other venues.

There are locations in virtually every community where people can buy alcohol. It is not necessarily a good thing that it is getting cheaper; that raises the likelihood of abuse. I generally favour a competitive economy, but in this area falling prices give me cause for concern.

Will we follow the example of Scotland, where pubs have proliferated and almost every corner shop sells alcohol? How then would it be managed? If corner shops begin to sell alcohol, with one person on duty on the premises and no supervision or

assistance, there is a danger that pressure will be brought to bear. They may begin to sell for income or be pressurised by groups of underage people to sell to them. Additional problems would flow to local communities from such a development. We all know that there is a relationship between alcohol and drug abuse and antisocial activity.

I mentioned Glasgow. Market forces have forced prices down so that beer is almost as cheap as Coca-Cola; there is more and more abuse, and people damage not only their communities but their health.

In a recent survey, one in ten respondents who drank alcohol was found to be highly likely to have a problem with it. Another survey predicts that alcohol sales in the UK will increase by £500 million a year. This will not be good for the workforce, the economy, public health, the ambulance service or policing. I do not see where the winners are, other than the big drinks companies. Are the Government doing this at their behest? Perhaps they are.

Clearly, many difficulties arise from this. Last year, the Government introduced an alcohol and drugs strategy. I suspect that with increased proliferation in licensing hours that strategy will be out the window. How can they achieve their objectives when the product is going to be so much more accessible? Alcohol can already be bought in various outlets, supermarkets and off-sales. We do not need any more.

I support the motion.

Mr Hussey: I declare an interest as a member of the Federation of the Retail Licensed Trade and as a publican.

Mr Copeland: A what? *[Laughter.]*

Mr Hussey: I stress, publican.

Mr Copeland: Oh, sorry. *[Laughter.]*

Mr Hussey: Madam Speaker, I would also ask you to note that if the issue goes to a vote, I will not take part in it because I have a pecuniary interest. *[Laughter.]*

The whole issue of surrender —

Mr Copeland: No surrender!

Mr Hussey: There is no surrender.

The whole issue of surrender is not just an issue for the trade. It affects a great deal in society. Arlene Foster told us that there are 1,938 current licences. If

someone wants to open a new pub or off-sales, he must first purchase an existing licence and apply to the court for a new licence by surrendering the existing licence.

The court can then decide whether to grant a new licence for the new premises. However, let us not forget that the liquor licence is being granted to a person who must prove his or her suitability to hold such a licence.

The Department for Social Development's (DSD) consultation document 'Liquor Licensing — The Way Forward' proposes removing the requirement to purchase an existing licence. It is obvious, as Members have stressed today, that controlling access to alcohol and the number of outlets that sell alcohol is one of the ways to reduce alcohol-related harm and social disorder.

Mr McGlone referred to the six licensing objectives. How do they address the issue of protecting, for example, children from harm and protecting public health? The proposals are not fit even to meet the Government's objectives.

What will removing the requirement to surrender existing licences mean? Mr McCarthy talked about the problem of there being a public house on every corner. That is not the issue, because the people who run public houses must be suitable and will, normally, be extremely responsible. There are training courses galore for those people who are involved in the licensed trade. They are professionals.

The problem with alcohol comes from the fact that every corner shop, convenience store and amusement arcade will be able to apply for licences, thus ensuring easier access to alcohol for under-age drinkers, which in turn leads to, as my Friend Mr Beggs said, increased pressure on policing and health services.

A particular issue with the young is not that they can go into a pub or club to buy alcohol; rather it is that someone goes down to the local off-sales and buys it for them. The young people do not necessarily buy the alcohol themselves. A lot of young people start drinking in their own homes. Those issues must be addressed.

The economic impact of introducing the proposed legislation can be summarised. There is quite a list of potential impacts, and I suppose that my focusing on them is due to self-interest. The first impact would be reduced investment in existing licensed premises, as a result of the abolition of surrender and the subsequent loss of value of liquor licences. In those circumstances, if publicans were to approach their banks for a wheen of extra pounds to do up their premises, they would find that they had lost the capital value of their assets.

Another impact would be increased investment by the large national pub chains in Northern Ireland. Although this would result in increased consumer choice, it has the potential to displace our smaller local pubs. In many cases, there is one, or perhaps

a couple, of pubs in a village. They are the centre of the social lives of many villages. Mr McGlone referred to the rural situation and local pubs.

In Northern Ireland, licensees invest heavily in their premises. The current going rate for a liquor licence is approximately £140,000. The licence is, therefore, a substantial investment and is used generally as security for bank loans. If surrender were abolished, the licences would become worthless. The banking community is opposed to the proposals and believes that they would undermine future investment.

As stated by a Member for Fermanagh and South Tyrone, another potential impact of the legislation would be fewer pubs with local character, which could have a negative impact on the tourism industry.

The legislation would result in the increased availability of alcohol at low prices in a larger number of premises, which would cause an increase in the economic costs to society. These would include costs associated with increased policing, the need to maintain public order in areas where there is a high concentration of licensed premises, and the additional costs to the Health Service of dealing with the consequences of alcohol abuse.

In England, a square mile in Nottingham city centre is home to 365 alcohol-selling outlets. Would Members like that in Belfast? Would they like that in Londonderry? I cannot see the logic behind allowing such a situation to arise.

4.45 pm

Members have referred to the administrative element of the introduction of the legislation. The main concern here is the move away from the judicial process. The district-council-administered liquor-licensing scheme proposed in the DSD consultation document would be less effective, accessible and accountable than the current system.

Courts have applied the current legislation equally and fairly, and in a transparent and consistent manner. Councils will be forced to grant new licences because they may not be able to afford to refuse them or to fund appeals in court. Mr Weir referred to that issue, and he was perfectly correct. In Brighton, a council had to pull out of the appeals system because it was up against one of the big outlets. As Mr Weir rightly said, such companies have the cash and will fight the bit out.

The experiences of England and Scotland have demonstrated that councils can be ineffective in blocking applications for licences and for additional hours. Those Members who sit on councils know how difficult it can be to refuse a licence for an amusement arcade if such a business is to be sited near a school or a bus station

where kids gather. One can object and hold up the process for a while, but that is all. The situation with liquor licences will be exactly the same.

Although the number and type of liquor licences could, no doubt, be streamlined, the removal of the various categories of licence and their replacement with one type of premises licence will mean that different responsibilities and rights will no longer attach to different types of licence. That will lead to a proliferation of pubs, and the potential for off-sales to sell alcohol until 2.00 am. People seem to think that everyone in the trade wants to stay open until 2.00 am. At the moment, one can sell alcohol, if one is granted extended hours, until 1.00 am, with clearing out of patrons by 1.30 am. Publicans do not want to do that seven nights a week, and if they are doing it, they must provide either food or entertainment. In other words, they have to give their patrons a reason other than booze for going to the pub — they are going for entertainment, for a meal or whatever. That is not a requirement of the new legislation.

My time is coming to a close, so I shall look finally and specifically at health. The core argument is that easier access to alcohol will lead to increased levels of social disorder, alcohol-related harm and health problems. All are agreed. The Western Drugs and Alcohol Co-ordination Team has stated:

“Research tells us that limiting availability is one positive strategy.”

The Western Investing for Health Partnership (WIFH) has stated:

“WIFH are concerned that by abolishing the surrender principle it will open a floodgate for new licence premises and thereby increase the availability of alcohol and increase the number of premises that would require policing.”

The argument has been well made to the Government. I appeal to Members to deliver to the Government the message that we wish to deal with this matter when the Assembly is back in place. This is a local matter that we as local people wish to address.

Mr Donaldson: I pay tribute to those Members who participated in the debate. I thank Dr Birnie for moving the cross-party motion. I believe that there is consensus in the House on this issue.

The debate has been brief but good. We have gone to the heart of the matter, and good points have been raised. Some Members have rightly identified concerns about the increasing problems of alcohol abuse and the harm that that can create in society. I had the misfortune just a few days ago to attend the funeral of an acquaintance who, sadly, had an alcohol addiction. He left behind four beautiful young girls, the eldest of whom is just 11 years old. I remember the anguish, pain and agony of

that family as they watched a father and a husband laid to rest. Alcohol can do a lot of harm — of that there is no doubt.

Every day of every week, I deal, as many Members do, with antisocial behaviour caused by young people who abuse alcohol. As elected representatives, we must ensure that we take reasonable steps to protect the community and encourage a responsible approach to alcohol. That is why for once, Madam Speaker, the DUP is prepared to abandon its traditional principle of “no surrender”. I am only sorry that the hon Members — or the not so hon Members — opposite are not here to hear me say that. It might have cheered them up a bit.

Mr Weir: People sometimes say that there has been no progress in this country, but today the DUP is joining others in defending the pub trade. I think that that would count as progress in many people’s eyes. *[Laughter.]*

Mr Donaldson: I will not report Peter Weir to Dr Paisley on that one. *[Laughter.]*

The licensed trade in Northern Ireland takes a responsible approach to these issues. I have worked closely with the Federation of the Retail Licensed Trade in Northern Ireland. I pay tribute to the federation for its excellent work, responsible approach, professional attitude and common sense, which is sadly lacking in the Department. I am sure that other Members will join me in paying tribute to the federation. It has ably represented its members in this discussion, and it has succeeded in bringing about cross-party consensus.

The DUP is opposed to ending the surrender principle for the distribution of licences in Northern Ireland. The party believes that if the principle were to be dispensed with, it would harm the trade and the public. I can divine no benefit that that would bring to society. I have discussed the matter at length with the Minister with responsibility for social development, and none of the arguments put forward by the Department or the Minister has convinced me that it is prudent and sensible to remove the surrender principle.

The Evangelical Alliance, which represents many Christian Churches in Northern Ireland, responded to the proposals on liquor licence reform. It pointed up the need to protect our children and young people from the harm caused by excessive intake of alcohol. Like many other organisations, it opposes the abolition of the surrender principle.

Other social partners have also taken a responsible approach. No body of opinion in Northern Ireland supports the Department on this matter. No substantive voice in the debate stands alongside the Department and backs its view that the sensible way forward is to have what amounts to a free-for-all. The Member for West Tyrone

Mr Hussey, with his personal knowledge of the trade, has rightly identified some of the problems that would ensue should the surrender requirement be removed.

Self-regulation of the trade has, undoubtedly, been valuable and responsible. In other areas of life, self-regulation has not worked. However, the clear facts are there: in Northern Ireland, self-regulation, in the form of the surrender principle, works. There is an old principle that says that if it is not broken, do not fix it, which applies to this situation.

We have heard how the removal of the surrender principle will affect existing licensees, many of whom have invested heavily in their businesses and used their licence as security for bank loans; indeed, their licence is their pension. At the stroke of a pen, the Minister could remove that and place those licensees in very vulnerable positions.

The experience in the rest of the United Kingdom draws me to the conclusion that this is not the way to go. I sometimes wish that our direct-rule Ministers would reflect on the benefits of what is in place in Northern Ireland and not try to impose policies that they have experimented with in other parts of the United Kingdom and that have, quite frankly, failed. In supermarkets in Scotland, for example, beer is cheaper than water.

Mr Kennedy: How do you know? *[Laughter.]*

Mr Donaldson: I am reliably informed. *[Laughter.]*

I do not have the power to turn the water into beer, however.

The difficulty is that young people walk into supermarkets and take alcohol from the shelves, or get someone to do it for them. Alcohol is inexpensive, which results in more young people developing alcohol addictions. That creates problems for our society. We see those problems every day. Antisocial behaviour has an impact on communities. However, the greatest impacts of all are the broken lives and the young lives that are being damaged, in some cases irreparably.

The retail licensed trade in Northern Ireland takes a responsible attitude. We have heard that from the representatives of the federation that we have met. They do not want proliferation; they do not want young people to find themselves in a difficult situation. By and large, people in the trade act responsibly. However, if the market is opened up, resulting in a proliferation of off-licences, supermarkets selling alcohol and more pubs and clubs on our streets, opportunities for young people to access and abuse alcohol will significantly increase. It will lead to consequences for the licensed trade in Northern Ireland and for society as a whole.

I commend the motion to the House. At its core is the view that it should be for this body to determine the way forward in respect of liquor licences and the surrender principle. Last July, the Minister for Social Development wrote to me to say that the final decision on this matter would be taken by a devolved Assembly, should restoration be successful. The Minister has accepted the principle that it is for this Assembly to take the decision, and there is consensus in the House that we want to be able to take that decision. Therefore, through this motion, we urge the Government not to proceed with the proposed abolition of the surrender principle for liquor licences and to leave the matter to be dealt with by a restored Northern Ireland Assembly.

Question put and agreed to.

Resolved:

That this Assembly calls upon the Minister with responsibility for the Department for Social Development to ensure that no action will be taken with regard to furthering the proposed abolition of the "surrender principle" for liquor licences, as proposed by the Northern Ireland Liquor Licensing review; and further calls for this issue to be dealt with by a restored Northern Ireland Assembly.

ANNEX E - ANNEXES

Annexes attached to SUB/542/2007

- Health and Social Impact Assessment
- Literature Review
- District Council Responses
- Letter to Social Development Committee
- Scope of Business Impact Assessment

REPORT OF LIQUOR LICENSING REVIEW HEALTH AND SOCIAL IMPACT ASSESSMENT

BACKGROUND

1. The Liquor Review Team (LRT) was set up in May 2004 to “*consider Northern Ireland’s liquor licensing law and practice, with particular reference to the implications for health and public order, and to bring forward proposals aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.*” This paper outlines how those requirements were met in the review of liquor licensing.

HEALTH AND SOCIAL IMPACT ASSESSMENT

2. Information provided by the Health Promotion Agency indicates that, over the years, regular heavy drinking can damage the liver, heart and brain and the stomach, especially if drinking spirits; cause cancers in the mouth and throat; increase the risk of cancer in the liver and stomach; lead to higher blood pressure and subsequent diseases; lower the libido; damage fertility; compromise the immune system and specially have negative effects on mental health. There is also increasing evidence that alcohol is linked causatively to breast cancer. A short health screening exercise was conducted as part of the preparatory work for the review. This concluded that reform of the liquor licensing regime might give rise to indirect health impacts, inasmuch as licensing legislation can influence access to alcohol which may be consumed in ways affecting health. Age and gender were expected to be of particular interest in this context. Links between abuse of alcohol, crime, public disorder and negative social effects are well documented.
3. The Terms of Reference and methodology for the review were therefore designed to provide for the assessment of health and social impacts as an integral part of the review and the development of proposals for reform. Details of the work involved in assessing the impacts are below.

Officials are satisfied that the health impact assessment meets the criteria underpinning the Health Impact Assessment Guidance published in April 2006. The assessment will be reviewed and updated as necessary, depending on how the Minister decides to proceed.

METHODOLOGY

4. The commitment to address health and social issues was reflected in the partnership working arrangements which characterised the review methodology. Details are below. This partnership approach ensured that LRT had access to relevant information on current legislation and best practice and that all key issues and proposals for developing licensing policy received detailed scrutiny and endorsement from those with lead responsibility for public health and safety.

Interdepartmental Review Steering Group

5. A Review Steering Group, chaired by the Director for the Urban Regeneration Strategy Directorate (URSD) was set up in May 2004 to oversee the review process and help LRT develop proposals. The Group comprised:
 - DSD – URSD; Liquor Review Team; Social Policy Unit; Statistics & Research Unit
 - DHSSPS - Drug & Alcohol Strategy Team; Drug & Alcohol Information & Research Unit
 - Northern Ireland Office - Community Safety Branch
 - Northern Ireland Court Service
 - Police Service of Northern Ireland - Operational Support Department.
6. The Group Terms of Reference included the requirements:-
 - To provide expert advice, guidance and support as appropriate in relation to relevant research.
 - To liaise as appropriate with other official groups, including the Drug & Alcohol Strategy and Joint Implementation Model Review

Steering Group and the Social Legislation Working Group, in order to share information and promote coherent, effective and efficient working within government.

Liaison with alcohol-related public health and social policy & strategy interests

7. Among the stated drivers for the review, reflected in the Terms of Reference, was the DSD commitment under the *DHSSPS Drugs & Alcohol Regional Action Plan 2002* to examine licensing law with reference to social, environmental and wider public health issues. The Action Plan was given effect through a *Joint Implementation Model*, comprising a Steering Group and six regional working groups. These included a *Social Legislation Group* (SLG) which aimed to increase understanding of licensing laws, make recommendations for legislative change and provide effective, enforceable bye-laws on drinking in public. The *Review of the Action Plan & Joint Implementation Model* concluded that the DSD liquor licensing review subsumed a good proportion of SLG's work.
8. To obtain information on the health and social implications of liquor licensing options LRT in 2004-2006 worked on six DHSSPS committees: *NI Drug & Alcohol Regional Action Plan 2002 Implementation Steering Group; Social Legislation Subgroup; Joint Implementation Model Review Steering Group; Binge Drinking Working Group; Nighttime Economy Working Group; Criminal Justice Working Group*. The team was also involved in developing the *DHSSPS New Strategic Direction for Alcohol and Drugs 2006-2011* (NSD). The pillars underpinning NSD are law and criminal justice, early intervention, treatment and support, harm reduction, monitoring, evaluation and research. NSD is implemented through a *Steering Group* and four *Advisory Groups* involving NICS departments, public sector organisations and community and voluntary groups. The URSD Director is a member of the *NSD Steering Group*. LRT has been involved with the *Children & Young Persons* and *Law & Criminal Justice Advisory Groups* and monitors the work of other groups as appropriate.

RESEARCH AND CONSULTATION

9. LRT commissioned research and undertook preconsultation with stakeholders to gather information on which to assess possible impacts and base policy options. A 12 week consultation took place on the eventual policy proposals.
10. **Desk research** - The programme of research, carried out by DSD in conjunction with DHSSPS Drug & Alcohol Information & Research Unit and NI Statistics & Research Agency (NISRA), looked at alcohol-related health and social issues at a local, national and international level. It included a literature review of over 150 source documents which analysed legislation, policy and practice, established Northern Ireland benchmarks, examined data on topics such as opening hours, enforcement, licensing in relation to children and young people, trends in alcohol consumption, underage and binge drinking, distribution of licensed premises, occurrence of anti-social behaviour and considered social and environmental issues. A copy of the *Report of the Literature Review* is attached.

11. **Surveys** - The following surveys were carried out:

- A NISRA *Omnibus Survey* questioned a controlled sample of 1000 households on access to alcohol, drinking patterns and the effects of drinking. The sample controlled for gender, age, ethnicity, disability, religion and other variables.
- A *PSNI Survey* asked District Commanders, Regional Headquarters and the Criminal Justice Department's Community Safety Branch for their views on the policing implications of the proposed changes, in the context of public order and safety.
- A *Survey of Court Records* for 2003 and 2004 in the Belfast county and magistrates' courts provided data on the award of licences and the extent to which applications are granted or rejected, at times in the face of objections on environmental and public order grounds.
- An audit of *Initiatives to Address Alcohol Related Crime & Disorder in Northern Ireland* was also carried out. The objective was to gather information on the scope and extent of the initiatives by type, geographical spread, key players and targets to identify best practice as a basis for decisions on possible changes to the licensing laws and future work to deal with alcohol-related problems.

12. **Stakeholder liaison** - Throughout the review LRT made clear that it welcomed views from as broad a range of interests as possible and was open to discussion on any, and all, aspects of its Terms of Reference. The team developed contacts with stakeholders, responded to approaches and met individuals and organisations in the public, private, community and voluntary sectors. Among these were health and community safety representatives, including DHSSPS Child Protection Unit, and district council officers responsible for entertainment licensing. The Team also met representatives of the tourism, leisure and town centre management sectors, various arms of the licensed trade and had regular contact with PSNI.

13. **Consultations** - The Review Steering Group agreed recommendations

which went to Minister David Hanson MP in June 2005. The Direct Rule Ministers, including the DHSSPS Minister, jointly considered, discussed and endorsed Minister Hanson's proposals and these were published for consultation in November 2005 in "*Liquor Licensing - The Way Forward*". LRT considered over 960 responses, among them comments from health, social and public order interests as well as different sections of the licensed trade. There was almost universal support for introducing licensing objectives and for more effective enforcement (see paragraphs 14 & 15). There was also support for better partnership working, including at local level, to address health, social and public order issues. There was opposition, particularly from some sections of the licensed trade, to proposals to liberalise the licensing regime and major concern about perceived health and public order impacts.

14. In late 2006/early 2007 consultation took place on the *Draft Licensing and Registration of Clubs (Amendment) (Northern Ireland) Order 2007* which dealt with opening hours, enforcement, children and clubs' accounts. Responses showed concern about health issues and strong support for enforcement measures. Health concerns related, by and large, to the potential impact of later opening on public health and associated health service costs.

POLICY PROPOSALS

15. Each policy option was considered in terms of its likely health and social impact. The package of proposals which resulted was designed to match increased flexibility in some areas with greater accountability, better controls and more effective enforcement in others; it aimed to strike the optimum balance among health, social, economic and environmental interests. It recognised that lessons from elsewhere needed to be considered in the context of Northern Ireland's characteristics. Overarching all the proposals was an emphasis on the need for rigorous monitoring, evaluation, review and reporting of the practical outworking over time of the measures which were to have been put in place.

16. **Licensing System** – David Hanson MP wished to see a system that was transparent, accountable and responsive to local communities, and which addressed wider health, public order and social issues. He therefore proposed a *district council* led system, based on six new *licensing objectives* which would underpin legislation and practice. The objectives included the promotion of public health and public safety and the prevention of crime, disorder and public nuisance. Licence holders and district councils, who would be charged with awarding licenses, were to be required to show how they would meet the objectives as they carried out their business. Councils would show this by publishing a *Statement of Licensing Policy*, drawn up in consultation with a forum consisting of local authorities and interested parties such as local police, health and safety and planning representatives, residents, businesses, licensees and others, and reviewed every three years. Applicants for new licences or variations to their existing licences would have supplied the council with an *operating plan*, detailing how they would run their businesses and meet the objectives. The council could have reviewed, suspended or revoked a licence where the licensee failed to live up to his/her operating plan. It was proposed to help councils and police to meet their obligations by issuing them with Statutory Guidance, to be drawn up in consultation with key stakeholders.
17. **Enforcement** - The new system would have had stronger enforcement powers at its disposal, including a new penalty points system which could culminate in the suspension of a license, and immediate temporary closure powers to help the police clamp down on rogue traders and prevent noise nuisance and public disorder. New local civilian inspectors would have worked with licensees to help them meet the licensing objectives and reported to councils on how the new system was operating. There were also plans to promote a voluntary proof-of-age card and to introduce test purchasing powers to help licensees and police deal with the problem of underage access to alcohol with its associated adverse health effects and potential for anti-social behaviour.

In a complementary move, new legislation was to be enacted to deal with the anti-social behaviour associated with drinking in designated public places. The Minister recently agreed that that legislation should be introduced.

18. **Categories of licences** - The current 12 categories of licences were to have been abolished in favour of a dual system of *personal and premises licences*. The new arrangements would have been less bureaucratic and would have required those holding licences and managing premises to demonstrate that they had clean backgrounds and the qualities, training and experience needed to run businesses which supported the licensing objectives.
19. **Need and surrender** - Under the current system, the courts should only grant a licence for a new pub or off-licence when they are convinced that there are insufficient businesses of the same type in a particular vicinity. The "*need*" criterion would have been retained under the new licensing system, with the new licensing authorities i.e. district councils in conjunction with local responsible authorities and interested parties, making decisions which reflected a wider spread of local experience and expertise and greater local accountability. This would have enabled district councils to refuse to grant licences where they felt numbers of existing outlets were adequate, avoiding environmental and public order issues which research shows can arise from over-provision in an area.
- .
20. The "*surrender*" provision requires a licence for a pub or off-licence to be handed into court before a licence for a new pub or off-licence can be granted. It was introduced in 1923 to combat the health and social problems caused at that time by the oversupply of spirit grocers - establishments where groceries and alcohol could be bought and consumed on the premises. It was proposed to abolish surrender for two main reasons. First, because it posed an unfair barrier to competition, by restricting access to the pub and off-licence trade to those who could afford the cost of a licence as well as normal business

start-up costs and, reportedly, in some cases bribes to objectors. This barrier was felt to be hampering economic growth by limiting diversity and expansion in the leisure and hospitality industry. The second reason was because research showed that it had not been effective in achieving its original aim of preventing health and social problems by limiting access to alcohol.

21. Surrender first capped and then reduced the overall number of pubs and off-licences in Northern Ireland but has not prevented growth in sales and supply of alcohol in premises such as supermarket off-licences (which reportedly account for 50% of beer and wine sales in Northern Ireland), hotels, restaurants and registered clubs. Nor has it prevented clustering of pubs in particular areas - the "honey pot" effect - leading to adverse social effects. There was also evidence that, because there are no geographical restrictions on the trade in licences, they can be transferred from rural areas to the possible detriment of small, rural communities. The Steering Group noted the very high profile campaign mounted by the Federation of the Retail Licensed Trade in opposition to removal of the surrender requirement. This majored on the perceived financial impact on pub and off-licence owners and the claim that the move would lead directly to an explosion in the number of liquor outlets, with "*every corner shop*" selling alcohol.
22. LRT has commissioned an independent assessment of the likely impact on business of the abolition of surrender and will report the findings to the Minister in August/September 2007. It has also drawn attention to the fact that the *Licensing (Conditions for Mixed Trading) Regulations (Northern Ireland) 1997* which are unique to Northern Ireland, place strict controls on the sale of alcohol alongside other goods in shops and supermarkets. Coupled with the "need" provision, as implemented by district councils from a position of greater local knowledge and accountability, these were intended to act as a counterbalance to prevent unlimited expansion in liquor outlets.

23. **Opening Hours** - The drive for longer, more flexible, opening hours (to 6.00am in some instances) came primarily from sections of the licensed trade. They cited changing drinking patterns, tourism, the promotion of the night time economy and public order to support their case. Research and consultation flagged up concerns about possible negative health impacts and increased anti-social behaviour. The resultant proposal, to allow opening to 2.00am in certain circumstances, recognised the legitimate expectations of modern society but also took account of public concerns. In practice, more flexible opening hours were to be balanced by stronger enforcement powers for police and greater powers of control for district councils, working in tandem with local responsible authorities and interested parties to promote the licensing objectives.
24. **Protection of children & young people from harm** - In addition to the new test purchasing and proof-of-age measures already mentioned it was planned to abolish Children's Certificates, which had been shown to be ineffective - few publicans had ever applied for them. The intention was to replace them with the licensing objective of protecting children from harm, which placed an obligation on councils and licensees to explain, in their licensing policy statements and operating plans respectively, how they would meet this objective. In addition, children and young people would have been permitted, with the licensee's approval, to be on licensed premises with a responsible adult for an additional hour i.e. until 10.00 pm to attend a family function, such as a wedding.
25. **Monitoring, evaluation and review** - Northern Ireland was fortunate in having available for scrutiny examples of recent change in licensing legislation in England & Wales, Scotland and the Republic of Ireland. The rationale behind those reforms, and the impact of the changes which have already come into effect, have informed policy development here. LRT continues to monitor progress in those jurisdictions. Having undertaken the health screening exercise, and the more integral assessment of health and social impacts, as part of the review process,

the Department intended to monitor the impact of the reforms on the wider public. It was hoped to secure a policy and legislative approach through which all relevant factors had been considered and reflected. The Department would then have taken account of the extent of the impacts and considered whether any further policy or legislative changes were needed.



LIQUOR LICENSING REVIEW NORTHERN IRELAND:

REVIEW OF THE LITERATURE ON THE IMPACT OF LICENSING AND OTHER CONTROLS ON THE CONSUMPTION OF ALCOHOL

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EXECUTIVE SUMMARY

1. A review of liquor licensing in Northern Ireland is being carried out by, the Liquor Review Team (LRT), within the Department of Social Development (DSD). The team was set up in May 2004 to review key areas of Northern Ireland's liquor licensing law and to make recommendations to the Minister.

Terms of Reference

The review will consider key elements of Northern Ireland's liquor licensing law and practice, with particular reference to the implications for health and public order and bring forward recommendations aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.

It will refer in particular to the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996 and have regard to the following issues:

- opening hours;
 - enforcement;
 - surrender of a subsisting licence;
 - categories of licence
 - wider public health issues;
 - licensing laws regarding children;
 - social and environmental issues; and
 - equality and equity issues
2. As part of that process, the Committee is gathering evidence to inform its work. The purpose of this research was to review the existing literature in relation to initiatives that have been undertaken internationally, nationally and locally to regulate and control the availability of alcohol.
 3. The findings presented in the report focus on efforts to control the availability of alcohol or the context in which alcohol is consumed, rather than efforts to reduce the underlying causes of alcohol misuse.
 4. The literature review has concentrated on the types of work which are seen to be most relevant to the review of liquor licensing in Northern Ireland including :-
 - the imposition of conditions upon licenses,
 - work to address opening hours or
 - other aspects of the sale of alcohol;

- drinking in certain locations,
 - under age drinking,
 - drink driving;
 - staff training and registration,
 - use of toughened glass
5. The literature review found a wide range of studies of the effectiveness of measures designed to regulate and control alcohol sales and consumption. The evidence is not; however, always clear, and there is a need for some caution in applying the results directly to Northern Ireland. Despite this the literature review does provide an indication of measures that can be seen to have an impact. The report suggests that this can provide useful evidence to inform the work of the Committee.
 6. In terms of the general restriction of alcohol consumption, it is suggested that there is evidence to support the idea that longer hours of alcohol sales may be linked to increased problems with alcohol related crime and disorder, although the evidence is mixed on this issue. Studies have also suggested that staggered closing times may have an impact on disorder.
 7. There is also some evidence that the age at which young people can buy and consume alcohol on licensed premises has an impact on juvenile crime. It has been suggested that a reduction in the legal drinking age can raise the levels of male juvenile crime, and raising the age can reduce juvenile crime e.g. a reduction in alcohol related car crashes and fatalities. However, some studies also suggest, that lowering the age at which young people can buy and drink alcohol on licensed premises can reduce the likelihood of young people drinking in unsafe and unsupervised locations.
 8. There is evidence of a link between the number of outlets in an area and the levels of alcohol related problems. There is also some evidence that different types of outlet may experience different levels and types of alcohol related crime and disorder.
 9. The findings from the literature review suggested that high profile policing and enforcement of the law relating to under age drinking can be linked to a reduction in the number of crimes and arrests.
 10. High profile policing around licensed premises has also been associated with a reduction in arrests and crime rates. It has also been suggested that the enforcement of the law relating to serving alcohol to people who are intoxicated may also impact on crime and disorder.
 11. There was also some evidence in the literature review to support

the value of community enforcement programmes. However, it was suggested, that the effectiveness of these may not be sustained, and that there may be a need to combine them with more formal measures.

12. 'Pubwatch' schemes appear to have had some success in the reduction of alcohol related disorder.
13. Regarding where people can drink alcohol - some evidence was found that suggested that banning drinking in public places has had some success in addressing alcohol related crime and disorder, particularly when this was combined with other measures.
14. Work to address drink driving has generally been successful, particularly when enforced vigorously and had a high public profile.
15. The literature review found that aspects of the layout and operation of licensed premises could contribute to alcohol related aggression.
16. The evidence suggested that the provision of training to bar staff could help to prevent and deal with alcohol related disorder.
17. There was some evidence from the literature to suggest that the use of toughened glass can have an impact on the number of 'glassing' attacks and facial injuries.
18. Little evidence was found regarding the impact of health warning information on drinking behaviour.
19. There is currently a lack of evidence regarding the impact of alcohol advertising on alcohol related harm.
20. The implications of the findings presented in this report will require to be considered in terms of the ways in which future legislation can promote the type of work that will have an impact on the control of the consumption of alcohol in Northern Ireland.

INTRODUCTION AND BACKGROUND

CURRENT WORK IN NORTHERN IRELAND

Introduction

- 1.1.1 This literature review was commissioned in order to support the work of the Committee and the Liquor Review Team through the provision of evidence to inform the review of liquor licensing in Northern Ireland.

It was recognised that the review of liquor licensing in Northern Ireland was taking place in order to consider specific issues relating to licensing. The review will consider key elements of Northern Ireland's liquor licensing law and practice, with particular reference to the implications for health and public order; and bring forward recommendations aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.

This research provides information to inform the work of the Committee in relation to initiatives that have been undertaken internationally, nationally and locally.

Background

- 1.1.2 The Minister, John Spellar MP, in March 2004 announced a review of liquor licensing legislation in Northern Ireland. The review began in May 2004 and is scheduled to take around 2 years to complete. The review will include a public consultation and will result in new primary legislation for Northern Ireland.
- 1.1.3 At present in Northern Ireland people can buy and/or consume alcohol from:
- premises which have a licence to sell alcohol to the public under the Licensing (Northern Ireland) Order 1996
 - clubs which are registered to supply alcohol to its members as non- profit making organisations under the Registration of Clubs (Northern Ireland) Order 1996*

This legislation seeks to strike a balance between the need to control and regulate the sale of alcohol in a way, which is effective, enforceable and equitable, and the need to have full regard to the wider public health issues.

*A club is not licensed to sell alcohol but is allowed to supply it to its members and guests under a certificate of registration. It is only a Members' club that can obtain a certificate of registration, i.e. a club that is owned by the members, and is not run as a profit making business. Any profits made from activities carried out by the club must be used for the benefit of the club membership as a whole.

- 1.1.4 There is a need to consider whether the current legislation remains appropriate given the changes that have taken place in Northern Ireland in the last twenty years. There have been many changes to the ways in which alcohol is perceived, sold, promoted and consumed. For example – changes in attitudes to drinking, the increased availability of alcohol and changes to patterns of drinking ('binge' drinking)
- 1.1.5 The last general review of liquor licensing policy in NI took place in the early nineties and was conducted against a background of civil unrest and the absence of a nighttime economy in the two main cities. It led to a modest relaxation of the law governing both liquor licensing and registered clubs.
- 1.1.6 Following change in the local security, social and economic situation as a result of the peace process the trade has been lobbying for longer and more flexible opening hours, stronger enforcement and, in the case of registered clubs, a relaxation of onerous accounting provisions. The current review addresses these issues primarily from the perspective of identifying where improvements may be made by amending the licensing legislation.

REVIEW OF THE LITERATURE

REGULATION AND CONTROL OF ALCOHOL

2.1 BACKGROUND

- 2.1.1 There are several issues related to licensing reform. Northern Ireland's licensing laws are more restrictive than most other European countries and there are growing demands for the laws to be relaxed, enabling pubs and bars to open for longer.
- 2.1.2 There is concern about the level of alcohol consumption in Britain, especially amongst under age drinkers. Alcohol Concern has put the price of alcohol abuse in Britain at £3.3 billion a year in sickness absence, unemployment and premature death. The cost to the NHS is estimated at £200 million. 27% of men and 15% of women drink more than the recommended safe levels of alcohol consumption.
- 2.1.3 There is particular concern about the level of alcohol consumption amongst young people. A survey by the Joseph Rowntree Foundation found that up to a quarter of 13 and 14 year olds have had drinking sessions involving at least five drinks in a single session. The Alcohol and Health Research Centre reported that a quarter of 15 and 16 year olds get drunk three or more times a month.
- 2.1.4 There are also concerns about problems caused in towns, cities and villages by people who have been drinking. Anecdotal evidence suggests that it is common for fights to break out on Friday and Saturday nights either inside or outside licensed premises. Local residents can also have concerns about the problems caused by alcohol consumption in their area, including noise levels, littering and vandalism.
- 2.1.5 The liquor licensing laws have changed very little since 1915 when they were tightened to stop factory workers arriving drunk and harming the war effort.
- 2.1.6 Prohibition in America was largely seen as an unsuccessful experiment. During the period of prohibition, between 1920 and 1933, alcohol consumption increased significantly. Statistics from Columbia University Press show that the average annual consumption of pure alcohol was 0.25 gallons per capita in 1921 and 1.3 gallons by 1929, an increase of more than 500%.
- 2.1.7 In Britain the Police supported a change to the liquor licensing laws because they believed it would reduce the amount of disturbances caused by groups of drinkers leaving pubs at the same time – ‘

chucking out time '. In Northern Ireland the PSNI (Police Service of Northern Ireland) support legislative change aimed at modernising and simplifying the licensing laws. However the PSNI are concerned that further relaxation of the licensing laws could lead to increased burdens for the police and that any extension of licensing hours may lead to more anti-social behaviour, more arrests and put pressure on finite police resources.

Alcohol use in Northern Ireland – Background

- 2.1.8 Alcohol remains a key health issue in Northern Ireland. Although compared to Great Britain and most other countries in Western Europe Northern Ireland has a relatively high level of abstinence, research over the last ten years shows that the proportion of the population who choose not to drink has been getting smaller. This body of research also suggests that the pattern of drinking popularly described as 'binge drinking' (i.e. the consumption of 11 or more units in a session for males, 7 or more units in a session for females) is quite marked, especially among those aged 18-35, and is more pronounced in socio-economic groups D and E.
- 2.1.9 In addition there has been a greater increase in the proportion of women drinking in recent years, especially among young adults.
- 2.1.10 There is a clear cost to society attributable either directly or indirectly to alcohol misuse in Northern Ireland. There is a cost to the individual, the community and society in general, to health and social services, the employment sector and to the public service and safety sectors. One estimate of the total social cost of alcohol misuse in Northern Ireland is £770 million per annum.
- 2.1.11 However, despite the obvious and not-so-obvious negative consequences of alcohol misuse, it remains a significant feature of Northern Ireland culture. For the majority of the population alcohol is seen as a socially acceptable drug, one that enhances a range of social settings and situations. A major challenge for health promotion is addressing the public's dual perception of alcohol as, on the one hand something positive, and on the other hand something that has a clear cost to society.

Costs of drinking

- 2.1.12 The social cost of alcohol misuse is very high. It includes the cost to industry arising from reduced productivity, sickness absence and unemployment and the costs from road traffic, domestic and other accidents and fire. There are also the costs of criminal activity and damage, including police involvement and court cases, and the cost to Social Services and other agencies of alcohol-related family disputes and child neglect.

Cost of drinking in the United Kingdom

2.1.13 The *State of the nation 2002* report produced by Alcohol Concern highlights some of the costs of alcohol misuse to individuals, families and society.

- Alcohol misuse is estimated to cost between 2% and 5% of a country's annual gross national product (GNP). Taking the lowest estimate of 2% and a GNP for England of £542,700 million for 1999, Alcohol Concern calculated that alcohol misuse cost England at least £10.8 billion that year.
- Alcohol misuse costs the NHS between 2% and 12% of total NHS expenditure on hospitals. This amounts to £3 billion a year on hospital services.
- Up to 14 million working days are lost each year as a result of alcohol use, which is estimated to cost employers £2 billion every year.

A study carried out in Scotland estimated that the total annual societal cost associated with alcohol misuse is £1,070.6 million. Of this, 9% was due to resource use by NHS Scotland, 8% by social work services, 25% by the criminal justice system, 38% due to wider economic costs and 20% due to human costs (i.e. premature mortality in the non-working population).

A study carried out in England and Wales estimated that in 1999, alcohol misuse cost society almost £2.3 billion, including the cost to industry in terms of sickness absence of about £1.4 billion and £207 million in costs to the NHS.

Costs of drinking in Northern Ireland

2.1.14 The estimated costs attributable to excess alcohol consumption in Northern Ireland are:

- over 730 deaths per annum;
- equivalent to over 12,000 expected years of life lost;
- approximately 400,000 working days lost each year;
- approximate cost to the economy of over £800 million.

In a report by the Department of Health, Social Services and Public Safety (DHSSPS) entitled *Reducing alcohol related harm in Northern Ireland*, it is estimated that as a result of alcohol-related harm in Northern Ireland, some £34.3 million per year is incurred in costs that directly impact on government spending. For example, hospital costs, general practice costs and prison costs associated with alcohol-related crime.

In addition to these, it is estimated that £743.2 million per year are

incurred in costs that impact on government spending less directly. For example, premature deaths, road traffic accidents and costs to industry due to sickness absences.

- 2.1.15 The DHSSPS also estimated that the alcohol industry provides some 32,000 jobs in Northern Ireland (about 5% of the Northern Ireland employed workforce) with combined estimated annual salaries of £298.3 million per year and a contribution to the arts, sports and charities of £2 million per year.

Alcohol use in Northern Ireland

Introduction

- 2.1.16 Alcohol consumption in Northern Ireland over the past 15 or so years has remained relatively constant, although there has been a gradual decline in the proportion of abstainers. To a certain extent this can be explained by the changing drinking patterns of female drinkers.
- 2.1.17 The table below reflects the reduction in the amount of abstainers from 1986 to 2002/03. The shift is clearly more evident among female drinkers.

Table 1 Male and female non-drinkers (Source CHS)

	1986	90/91	92/93	94/95	96/97	98/98	00/01	02/03
	%	%	%	%	%	%	%	%
Males	28	23	23	22	22	22	21	19
Females	43	35	33	33	30	31	33	27

Of those adults who do drink, a significant proportion of males drink over the recommended sensible level; a smaller proportion of women drink in a similar fashion, although this has increased more significantly over the last 10 years.

Table 2 Males and females who drink above the recommended weekly limits* (Source CHS)

	1986	90/91	92/93	94/95	96/97	98/98	00/01	02/03
	%	%	%	%	%	%	%	%
Males	10	17	18	21	23	22	28	33
Females	3	5	6	7	8	10	11	11

* Recommended sensible levels used are the previous sensible drinking message of 21 units of alcohol per week for men and 14 units per week for women. For the purposes of the Continuous Household Survey, dangerous levels were defined as 50 units per week for men and 35 units per week for women.

Binge drinking

- 2.1.18 One feature of drinking often ascribed to Northern Ireland drinking is that of 'binge drinking'. This is a colloquial expression describing the consumption of several drinks/units in a single or prolonged session. The Health Promotion Agency (HPA) conducted research in 2002 that confirmed this type of drinking, with 48% of male drinkers and 35% of female drinkers having been engaged in at least one binge drinking session during the previous week. It is also true that the bulk of drinking takes place on Fridays, Saturdays and Sundays.

Female drinking patterns

- 2.1.19 Another recent phenomenon has been the increase in the proportion of women, especially young adult females, who drink. The Northern Ireland Health and Activity Survey in 1994 showed that 15% of women aged 16-24, and 12% aged 25-34 drank above the old weekly sensible drinking level of 14 units. The HPA report on adult drinking patterns in Northern Ireland (2002) showed that 30% of female drinkers in the 18-29 age group could be classified as risk drinkers compared to 15% of those aged 45-59. The same research showed that single women are more likely to be risk drinkers than those in any other marital status group, with 34% of single women exceeding their weekly limit compared to 17% of married/cohabiting women.
- 2.1.20 Adult drinking patterns do appear to differ depending on gender, age and socio-economic background.

Young people and drinking

- 2.1.21 Young people's drinking again has remained relatively constant in recent years. The Health Behaviour of School Children (HBSC) survey (1997/98) reported that 74% of 11-16 year-olds had tasted alcohol, with almost one in five (19.9%) drinking at least weekly. Over one third (35.5%) had reported being drunk. The Young People's Behaviour and Attitudes (YPBA) survey (2000) of 11-16 year-olds showed that 18.8% reported at least weekly use of alcohol, with almost one third reporting regular use.
- 2.1.22 In the same way as there were differences within the broad adult drinking pattern, there are differences among young people based on age and gender. The YPBA survey showed that the proportion of young people who have tried alcohol rose with age - 20.9% of those aged 12 or less compared to 79.2% of those aged 16 or older. The HBSC (1997/98) survey showed that 5.6% of boys and 2.5% of girls in Primary 7 were drinking weekly compared with 43.6% of boys and 39.9% of girls in Year 12.

2.2 REGULATION AND CONTROL

- 2.2.1 Licensing regulations affect when, where and to whom alcohol is available for sale or consumption.
- 2.2.2 Reasons for regulating availability include:
- (i) the protection of children and young people
 - (ii) the prevention of crime, violence and public disorder
 - (iii) the prevention of ill-health and premature mortality
 - (iv) the maintenance of personal and social morality and standards of conduct
 - (v) the prevention of accidents and injuries
 - (vi) the protection of commercial interests from excessive competition
 - (vii) the minimisation of costs to industry
 - (viii) the minimisation of costs to health and social care systems
 - (ix) the easement of tax collection
- 2.2.3 Economic as well as social reasons have been crucial to the development of alcohol regulation. Raistrick et al (1999) suggest that the current approach to licensing in the United Kingdom (UK) reflects the ambiguous position of alcohol, as a potential cause of harm, whilst also linked to pleasure and leisure activities. There has therefore been debate about the focus of action to address alcohol problems – should this be on the population as a whole or only those groups and individuals who have problems with alcohol ? This argument has been reflected in the discussion around regulation and control issues – with some arguing the measures should be used to reduce per head consumption, with others suggesting that measures should be targeted on specific drinking patterns or target groups.

Licensing Law Reform

- 2.2.4 There is disagreement about the purpose of licensing laws (Raistrick et al 1999) – some seeing licensing laws as a method of regulating overall consumption; others focussing on the role of licensing law in shaping the context in which drinking takes place.
- 2.2.5 This lack of a clear rationale has weakened the impact of the licensing laws and fuelled the case for relaxing the legislation.
- 2.2.6 The evidence regarding the impact of licensing law reform is difficult to interpret – the law on licensing is not a single measure but a collection of restrictions and regulations relating to the purchase, sale and consumption of alcohol by persons, from particular outlets, at certain times (Tether and Godfrey 1990). It is therefore possible to relax the law in one way – say by extending opening hours –

while at the same time tightening it in another area – say by strengthening the provisions relating to under age drinking. This causes difficulties for evaluation.

- 2.2.7 The variation in drinking cultures between different countries creates problems for comparative studies of availability. Measures operating in one country may not have the same effect when applied to another country.
- 2.2.8 Another problem is that the strictness of enforcement of licensing laws varies from location to location.
- 2.2.9 Other factors – like price, income, unemployment levels and advertising – are likely to affect levels of alcohol consumption and problems. Licensing law can influence some of these factors – like price – while others may be independent. Gruenewald et al 1995 suggests that there is often an interplay between these factors, licensing and the drinking culture.

2.3 OPENING HOURS – THE REGULATION OF HOURS

Restrictions on Purchasing Times

- 2.3.1 Evidence from other countries on the effects of altering the hours during which alcohol can be sold show that longer hours lead to increased problems and shorter hours a reduction in problems (Edwards et al 1994).
- 2.3.2 Studies by Olsson and Wikstrom (1982) and Nordlund (1985) – cited by Raistrick et al (1999) – suggested that there is a direct link between licensing hours and problems.
- 2.3.3 Smith (1989) reported on the results of Australian studies. After the introduction of alcohol sales on Sunday in Perth there was a 64% increase in the number of people killed on Sundays. In Brisbane, where an 11.00 a.m. Sunday morning session was brought in, the number of property damage incidents between noon and 1.59 p.m. rose by 53%. There was also an annual increase of 85% in property damage incidents for the two hour period after a 4.00 p.m. to 6.00 p.m. session. Smith also reported evidence of increases in casualty admissions following the extension of hours.
- 2.3.4 A cost-effectiveness study for the Scottish Executive (2001) found that there was generally unclear evidence, especially in the UK, about licensing controls and relatively few studies of licensing interventions.
- 2.3.5 Regarding licensing hours the study reported that some studies, from countries outside the UK, suggested that longer licensing hours increased alcohol related problems, although having little effect on total consumption.
- 2.3.6 In the UK recent licensing reforms have extended permitted hours. These changes were brought in at different times in different parts of the country – Scottish licensing hours were increased in 1976; with a relaxation in the law for England and Wales being proposed in 1988.
- 2.3.7 When the Office of Population Censuses and Surveys (OPCS) evaluated the Scottish licensing changes – the primary focus was on the impact of increased licensing hours on overall consumption (OPCS 1986). There was a 13% increase in consumption reported although this was mainly attributed to a 35% increase in female drinking. In view of the differential impact on the sexes the report argued that it was unlikely that the change in the law was the crucial factor in the increase in consumption.
- 2.3.8 Raistrick et al (1999) reports that it is not easy to draw

any firm conclusions from the Scottish experience - as different studies have reached different conclusions. Tether and Godfrey (1990) commented that 'the link between permitted hours and alcohol related problems is ... unclear'.

- 2.3.9 The OPCS study of drinking in England and Wales in the late 1980's found that average reported alcohol consumption had fallen slightly following the reforms (OPCS 1991). However this may be influenced by the under reporting of consumption by respondents.
- 2.3.10 Official surveys into drinking habits before and after the reforms do not provide comparable data on the level of alcohol related problems (OPCS 1991).
- 2.3.11 Pinot de Moira and Duffy (1995) concluded that there was no clear evidence of an increase in alcohol related mortality since the 1998 changes in England and Wales.
- 2.3.12 Research undertaken on behalf of the Home Office (Hope 1986; Tuck 1989) found that violent incidents tended to cluster around closing time. It has been suggested that closing times might be staggered in order to minimise these problems.
- 2.3.13 An experiment in extended and staggered closing times in Manchester in 1993 found an association with a fall in city centre arrests and a 14% decline in alcohol related incidents. However a further experiment in Manchester in 1996 found that alcohol related incidents did increase when compared to the year before – criminal damage by 7%, assaults by 12%, street disturbances by 10% and disturbances on licensed premises by 13% (Lovatt 1996).
- 2.3.14 The impact of later closing times will be far greater on the living environment in residential areas than it will in city centres comprising largely commercial premises. The availability of transport and other facilities – and police officers – will also have a bearing on what happens when people leave pubs at a later time and after a longer period of access to alcohol.

2.4 ENFORCEMENT

Enforcement of the Law

- 2.4.1 Many laws and local by laws governing drinking practices are poorly enforced. When attempts have been made to ensure that laws concerning drinking are enforced, there has often been a reduction in the level of problems, particularly in relation to public order. For example, the introduction of random breath testing greatly increased the likelihood of detection and reduced the level of alcohol related road traffic accidents. When licensees were reminded of their legal responsibilities and then police checks on compliance were carried out – there was a 20% reduction in recorded offences (Jeffs and Saunders 1983). When the police checks stopped the levels of offending rose again.
- 2.4.2 It is clear that the effectiveness of licensing law depends greatly upon implementation and enforcement. Poor enforcement and inadequate implementation at local level is one reason why the prevention potential of licensing legislation has not been fulfilled (Tether and Robinson, 1986).
- 2.4.3 The presence of the police is associated with stricter enforcement of the law, as an experiment in Torquay illustrates. Here, high profile policing of licensed premises, particularly to enforce the laws relating to under age drinking and drunkenness, was associated with a decrease in the number of arrests and rates of crime (Jeffs and Saunders 1983). A police presence, whether undercover or overt, may itself influence the reporting of incidents and offences (Stockwell 1997).
- 2.4.4 The TASC Project in Cardiff City, Wales pioneered a partnership between police forces and licensed premises. In order to prevent crime where alcohol was present, police established a more prominent presence in city centres and trained bar and club staff how to deal better with potentially violent situations. They also launched an awareness media campaign. It is still too early to fully evaluate progress but there have been promising results in the number and severity of injuries at two big clubs in Cardiff (Maguire, Morgan and Nettleton 2001).
- 2.4.5 Effective implementation requires more than police enforcement – other interested agencies and individuals, for example publicans and magistrates – need to be involved (All Party Group on Alcohol Misuse, 1995).
- 2.4.6 The drinks industry via the Portman Group has established a number of programmes to look at aspects of alcohol misuse. There is concern about the prevalence of under age drinking in public

houses; and how easily alcohol can be purchased by minors from off licences and supermarkets (Sutherland and Willner, 1998). The Portman Group has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards. The Portman Group report 'Keeping the Peace' (1993) noted that identity card schemes can have a deterrent effect and assist licensees. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for licensees to identify the ages of potential customers.

2.5 SURRENDER OF A LICENCE

- 2.5.1 The current legislation in Ireland (both North and South) in effect limits the number of pubs and off-licences in Ireland. In order to open a new licensed premises a licence has to be acquired (bought) from an existing premises. This has to be surrendered before a new licence can be issued.
- 2.5.2 Obviously this means that liquor licences are a valuable trading commodity, and indeed can be viewed as a retirement fund for licensees. For example, licensed premises in a Belfast entertainment centre would have a considerable market value attached to them
- 2.5.3 It should be noted that new urban based premises in Northern Ireland can be opened upon surrender of a licence from a rural location. For example, to open new premises in Belfast prospective licensees surrendered licences from Aghalee and Ballycarry. It can be assumed that the square footage of the new premises would be considerably in excess of those they replaced.

Northern Ireland

Obtaining a licence to sell alcohol

- 2.5.4 The situation in Northern Ireland is that, in effect, there are a set number of licences. This means that if someone wants to open a new outlet for the sale of alcohol they have to acquire a licence already in existence, i.e. from an off-licence or a club/pub, which is prepared to give up its licence. For this reason, the value of each licence lies in market forces.
- 2.5.5 A licence is granted through the courts if the following three criteria are met:
- hand in an old licence to receive a new licence;
 - prove that you are a fit person or have fit premises;
 - prove the need for licensed premises in the area.

A person must prove that they are a fit person to hold a liquor licence before a licence is issued.

Obtaining a licence to sell alcohol for the first time

- 2.5.6 An application for the grant of a licence must be made to a county court. The court will turn down the application if it considers that:
- the correct application procedures have not been followed, although it should be noted that the court has

- some flexibility here;
- the applicant is not fit to hold a licence or the premises are not suitable (the necessary planning permission is essential). However, the court may grant the licence on the basis that the premises will be made suitable;
- there are already an adequate number of such premises in the area. This only applies to pubs and off-licences;
- a current pub or off-licence licence has not been handed in to the court.

In effect, this limits the total number of pubs and off-licences in Northern Ireland.

Providing licensed premises to serve greenfield residential developments is thus solely dependent on the freeing of licences through natural wastage of businesses across Northern Ireland.

If the application relates to a guesthouse, the court will attach a condition to the licence to ensure that the premises have adequate seated accommodation away from any bedroom, dining area or area where alcohol is sold or consumed.

If the application relates to a place of public entertainment, the court may, if it wishes, attach conditions to the licence. The conditions imposed are likely to depend on the type of entertainment being provided in the premises.

Ireland

2.5.7 Under the current system in Ireland to open a new licensed premises, a prospective publican has to buy a licence from an existing pub and 'extinguish' it. The same also applies for hotels and off-licences, which has limited the number of licensed premises in Ireland.

In Ireland up to the passing of the 2000 Act, in order to obtain a new licence for a previously unlicensed premises in an urban area one had to extinguish a licence in the immediate vicinity of the proposed new licensed premises. As the population in certain areas increased, demand increased and the publicans responded to that by increasing the size of their public houses to cope. These restrictive laws contributed to the creation of 'super pubs'.

2.5.8 Super pubs create noise and nuisance for local residents and make compliance with, and enforcement of the law, more difficult for licensees and the Gardai. Also, when large numbers emerge from these super pubs at closing there is an increased risk of public disorder (CLL 2003).

- 2.5.9 The planned codification of the licensing laws in Ireland includes proposals to cap the size allowed for licensed premises in an effort to stem the rise of the super pub phenomenon. There are also measures to issue new licences for small pubs and cafes under 1,500 square feet in size. (Irish Times, 14 Sept. 2004).

2.6 CATEGORIES OF LICENCE – THE REGULATION OF WHERE ALCOHOL CAN BE SOLD

2.6.1 In Northern Ireland a court can grant a licence for alcohol to be sold in the following type of premises:

- public houses;
- off-sales attached to public houses;
- off-licences;
- hotels;
- guesthouses;
- restaurants;
- conference centres;
- higher education institutions (university or other educational establishments providing higher education courses and designated as such);
- places of public entertainment - currently a theatre, ballroom or registered race track;
- refreshment rooms in public transport premises (railway, airport, harbour terminal or bus station);
- seamen's canteens.

Types of outlet

2.6.2 It has been suggested that the type of outlet may be an important factor in consideration of alcohol problems. Wolfson et al (1996) suggested that in the USA there are variations in how different types of outlet observe under age drinking laws with grocery stores more prepared to sell to minors than other types of outlet. Factors associated with lower sales to minors included being part of a chain, membership of a trade association and deriving a high proportion of income from alcohol sales.

2.6.3 Raistrick et al (1999) suggested that there is evidence that nightclubs and bars have a higher level of risk for assault than restaurants or social clubs (Stockwell et al 1992).

2.7 WIDER PUBLIC HEALTH ISSUES

- 2.7.1 The state likes to receive tax revenue from alcohol but also recognises the adverse effects of alcohol on health and social well being; the drinks industry is criticised for putting profit first but praised for its employment record; at the individual level there is some wish to view the problems related to drinking as belonging to 'them' not 'us'.
- 2.7.2 The consumption of alcohol is, for the majority of the adult population, a normal part of their lives. Self-report data (HEA 1997) show that 93% of men and 86% of women aged sixteen or over claim to drink alcohol. However consumption levels and alcohol related problems are not spread evenly throughout the population.
- 2.7.3 Goddard (1991) looked at alcohol consumption in the late 1980s – examining the changes in alcohol consumption around the time the licensing laws in England and Wales were relaxed. Despite the increase in hours for licensed premises there was no significant increase in alcohol consumption at the population level.
- 2.7.4 A study for the Scottish Executive (2001) reported, after reviewing the literature, that
- Reducing alcohol consumption in the general population or in high risk populations are equally effective in preventing alcohol related problems
 - Internationally there is a trend away from efforts aimed solely at decreasing total population alcohol consumption, coupled with concentration on policies aimed at combating use among specific groups and in specific settings
- 2.7.5 Raistrick et al (1999) reported that the literature shows that
- by the age of 13 most young people have tasted alcohol, and
 - that boys drink more than girls, and
 - older adolescents drink more than younger.
- 2.7.6 Newcombe et al (1995) has reported that young people are drinking considerably more alcohol on one occasion – this may be due to the availability of the high strength drinks now being promoted.
- 2.7.7 In recent years the alcohol industry has introduced and promoted new fortified wines, spirit mixers and strong ciders. Concern has grown that such drinks may particularly appeal to adolescent drinkers, due to their sweet taste and stylish packaging (McKeganey et al 1996; Hughes et al 1997).
- 2.7.8 Although the producers of alcopops argue that they

are aiming for the 18 to 25 year old market there is little doubt that alcopops appeal to the under 18s. The peak age for drinking alcopops is 13 to 16. It should be noted that in 1996, 17% of alcohol consumed by young people were alcopops but this had fallen to 10% in 1998 (Goddard and Higgins 1999).

See also 2.8.6

- 2.7.9 Research has also shown that designer drinks tend to be consumed in less controlled circumstances and can lead to a greater loss of control and an increase in aggressiveness and antisocial behaviour (Hughes et al 1997).
- 2.7.10 Research carried out by the Health Education Authority (HEA) has shown that teenagers viewed alcopops as more appealing than traditional drinks – more refreshing, better tasting, less likely to taste of alcohol and trendier (HEA 1997).
- 2.7.11 Before alcopops were launched government research had shown that young people were starting to drink at an earlier age and that they were drinking more heavily (Goddard 1996). It has not been established if the new drinks encourage more young people to start to drink or existing drinkers to drink more, rather than simply influencing the beverage preferences of existing drinkers (Wright 1999).

Safe Limits and Labelling

- 2.7.12 In the UK public information on alcohol has focussed on identifying safe, or sensible, levels for individual consumption in terms of units of alcohol. Individuals can set their own drinking against this to determine their level of risk and regulate their intake. However as this relies on an understanding of the alcohol content of drinks as measured in units – this calculation is increasingly complicated by the proliferation of different drinks available and the range and variety of their strengths. Stockwell (1993) reported that the introduction of voluntary unit labelling by the alcohol industry in Australia gained public and political support.

2.8 PROVISIONS FOR THE PROTECTION OF CHILDREN – THE AGE AT WHICH ALCOHOL CAN BE SOLD

Children and Young Persons

- 2.8.1 Licensing law contains several provisions relating to the protection of children and young people. These take the form of age restrictions with regard to the sale, purchase and consumption of alcohol and the presence of children on licensed premises.
- 2.8.2 Evidence from other countries suggests that age restrictions on consumption play an important role in the prevention of alcohol related problems (Lister-Sharp, 1994).
- 2.8.3 An Australian study (Smith and Burvill 1987) found that male juvenile crime rose by between a fifth and a quarter after the legal drinking age was lowered to eighteen. In the USA a reduction in the legal drinking age was linked to an increase in alcohol consumption and alcohol related road accidents involving young people (Wagenaar 1993).
- 2.8.4 A problem with measuring the impact of the age limits is that numerous studies report that the rules are not being adhered to (Hawker 1978; OPCS 1986). A Scottish survey (Bradshaw 2003) found that the most common source of alcohol for young people who purchased alcohol illegally was a small licensed grocer or corner shop.
- 2.8.5 One way of discouraging under age drinking on licensed premises and illegal purchase of alcohol from all types of licensed premises is to enforce the law more robustly (Standing Conference on Crime Prevention 1987; British Paediatric Association and the Royal College of Physicians 1995).
- 2.8.6 In recent years concerns have grown about the appeal of sweet tasting alcoholic designer drinks known as 'alcopops' to children and teenagers. These products have been associated with drunkenness among children of secondary school age (Health Education Authority 1996; McKeganey et al 1996; Hughes et al 1997).
See also 2.7.8
- 2.8.7 The Portman Group has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards. The Portman Group report 'Keeping the Peace' (1993) noted that identity card schemes can have a deterrent effect and assist licensees. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for licensees to identify the ages of potential customers.

2.8.8 In Ireland the Intoxicating Liquor Bill 2003 introduces an entirely new provision requiring that persons under 21 (apart from those in the company of a parent or guardian) carry an “age document” in order to enter and remain in the bar of licensed premises.

An age document may be one of the following:

- a Garda age card;
- passport;
- identity card of a member state of the European Communities;
- driver’s licence;
- a document prescribed in regulations to be made by the Minister.

This new obligation to produce an age document in order to gain admission to bars is intended to assist licensees in complying with provisions relating to underage consumption of alcohol and to assist the Gardai in enforcing the law.

2.9 CRIME AND DISORDER

- 2.9.1 While it is not suggested that there is a deterministic link between alcohol and crime and disorder it has been suggested that a large amount of crime is committed while the individual is under the influence of alcohol (Home Office 2000).
- 2.9.2 Drinking is associated with many types of crime, including drink specific crimes e.g. underage drinking, drunkenness, driving whilst under the influence, property damage and fire setting, and aggression and violence.
- 2.9.3 Surveys of offenders show that they are very heavy drinkers in comparison with non-offenders, particularly 16 to 24 year olds. In the UK around 60% of male prisoners and almost 40% of female prisoners are hazardous drinkers, as measured by the Alcohol Use Disorders Identification Test (AUDIT), compared with around 30% male and at most 10% female general hospital patients (Singleton et al 1999). Offending is most prevalent in heavy drinkers (Fergusson 1996), and population studies show that as alcohol consumption increases, so does violent offending (Norstrom 1998). Many arrestees are drunk (Bennett 1998), and a proportion of offenders admit to a relationship between their drinking and offending (McMurran and Hollin 1989).
- 2.9.4 Evidence supports the view that alcohol plays a role in the commission of offences, however there are a number of types of relationship (Collins 1982; Roberts et al 1999)
- Alcohol may cause crime directly (e.g. disinhibition, cognitive impairment);
 - Alcohol and crime may be linked through a shared third factor (e.g. personality, social disadvantage);
 - Alcohol and crime may be in a conjunctive relationship, connected by social and contextual factors (e.g. being in a pub with other drinkers);
 - Crime may lead to drinking (e.g. having the money; to assuage guilt);
 - The relationship may be spurious (e.g. lying about drinking to mitigate crime).
- 2.9.5 There is a body of evidence showing a link between alcohol intoxication and aggressive and violent behaviour (Hoaken and Pihl 2000). Violence is more likely to happen where people are grouped together, particularly if others are also drunk and aggressive. Violence most commonly occurs in and around city centre licensed premises and entertainment venues, especially where young men gather and drink heavily on weekend nights (Hope 1985; Lang et al 1995; Ramsay 1982). Not only is the assailant likely

to be intoxicated, but so is the victim of violence (Lindqvist 1991). As intoxicated people are less able to ignore threats or prevent escalation of conflict, this effect may be multiplicative in a group of drinkers (Graham et al 1998).

2.9.6 The Home Office looked at the relationship between alcohol consumption and offending among eighteen to twenty four year olds (Richardson et al 2003). From the 1989/1999 Youth Lifestyles Survey (YLS) it was found that 39% of 18 – 24 year olds were classified as 'binge drinkers'. Binge drinkers were more likely to offend (39%) than other young adults (14%), with young male binge drinkers particularly likely to offend (49%). The link between drinking and offending was particularly strong for violent crime (Richardson and Budd 2003). Qualitative research, involving focus groups, (Engineer et al 2003) found that most of the young adults had experienced or witnessed assaults or fighting while out drinking. The four broad groups that they felt contributed to crime and disorder were – effects of binge drinking, attitudes and motivations, social and peer group norms and the drinking environment.

2.9.7 The Home Office Alcohol and Crime Toolkit (2001) notes that:

- Alcohol is a factor in 40% of recorded domestic violence incidents
- Victims of violence judged offenders to be under the influence of alcohol in 40% of incidents and in 53% of stranger violence
- 19% of all violent incidents occur in and around pubs or clubs, rising to a third of violent incidents where the offender is a stranger
- Drinking in bars is associated with greater violence or aggressive behaviour than in other drinking settings, such as private clubs or restaurants
- Alcohol consumption increases the vulnerability of an individual to assault
- Young males aged 16-24 are much more likely to be the perpetrators of alcohol related violence than any other group

2.9.8 It is important to prevent alcohol related violence by addressing the broad context in which drinking occurs (Shepherd and Lisles 1998).

- National and local legislative controls on the availability of alcohol e.g. banning the sale of alcohol at sports grounds and prohibiting drinking in certain public places
- Targeted policing e.g. weekend night time police presence in city centres
- Altering drinking venues e.g. seating, noise levels and décor in pubs and clubs, use of toughened glass
- Training bar staff e.g. de-escalation skills

- Staggering closing times

- 2.9.9 The size of a venue, as well as its design, contributes to its atmosphere. A small venue with an enclosed design can produce problems such as overcrowding and inefficient service. This may result in an atmosphere conducive to aggressive behaviour (Macintyre and Homel 1997).
- 2.9.10 One way of reducing the damage caused by violence in and around licensed premises involves the removal of possible harm causing objects, such as broken bottles or glasses. A more durable (toughened) glass has been developed, six times stronger than a conventional beer glass. When this glass does break it breaks into small pieces and is less likely to cause injury (Mihill 1993; Burrell 1997; Shepherd et al 1993).
- 2.9.11 The availability of food has been associated with a reduced risk of aggression (Graham 1985). Additionally eating while drinking slows the biological process of intoxication (Wedel et al 1991).
- 2.9.12 There exists a substantial body of research that shows enforcement strategies to be a highly effective means of reducing problems in and around licensed premises (Jeffs and Saunders, 1983; McKnight and Streff, 1992; Single and Tocher, 1992; Levy and Miller, 1995; Lang and Rumbold, 1997). The TASC Project in Cardiff City, Wales pioneered one such partnership between police forces and licensed premises. In order to prevent crime where alcohol was present, police established a more prominent presence in city centres and trained bar and club staff how to deal better with potentially violent situations. They also launched an awareness media campaign. So far there have been promising results in the number and severity of injuries at two big clubs in Cardiff (Maguire, Morgan and Nettleton, 2001).
- 2.9.13 Elsewhere in the UK, however, a police intervention that attempted to reduce underage consumption and consisted of warning letters and visits to vendors known to sell alcohol to underage patrons proved unsuccessful. The threat of legal action, in the form of police cautions, did not influence these vendors' actions, largely because of a lack of legislative support (Wilner *et al.*, 2000).
- 2.9.14 A study of the Geelong Accord (a community intervention programme) in Australia reported the successful application of a strategy whereby police were engaged in more than mere enforcement activities (Rumbold *et al.*, 1998). Police sergeants were allocated a specific 'cluster' of licensed premises to visit on a monthly basis. Their duties included facilitating communication within and between the licensees in order to eliminate practices that appeared to encourage over-consumption, such as certain

discounts on alcohol. In addition, the police officers served as advisors to licensees on harm reduction strategies. This form of assisted self-regulation both increased profitability and decreased violence involving alcohol (Rydon and Stockwell, 1997).

- 2.9.15 However community intervention programmes require a high level of commitment to be successful - as illustrated by two Australian accords. Within the first year of one programme's operation at Surfers' Paradise, a popular tourist destination, levels of violence decreased significantly (Homel *et al.*, 1997). However, this early success was not sustained after the intensive intervention ceased. The main reason identified for this decline was licensee disregard for the accord in favour of commercial competition with one another (Indermauer, 1999). A similar accord in Freemantle, another popular beach area, was highly promoted in the press and seen as a successful innovation at the time of its launch. However, the results of an independent evaluation two years after its implementation found little evidence of a reduction in the number of assaults around bars (Hawks *et al.*, 1998). It has been suggested that both accords suffered from the same problems: lack of committed personnel and vendors over the longer term (Indermauer, 1999).
- 2.9.16 In New Zealand the Host Responsibility Programme required establishments to offer food service, stock low-alcohol or alcohol-free beverages, and uphold strict policies on age identification. In addition, participating establishments had to provide transportation options to intoxicated patrons. These requirements were fulfilled under the supervision of an on-site, host-responsibility manager, and the result of negligence was a revoked license. To raise public awareness about these consequences, a mass media campaign was launched. An evaluation of the programme found that the loss of license and other penalties were the main motivation for licensed premises to adopt host responsibility practices (Wyllie, 1997).
- 2.9.17 It has been suggested that CCTV can have a deterrent effect on alcohol related crime and disorder, although it is more effective when used alongside other measures, such as, Pubwatch schemes (St John-Brookes 1998). In Burnley CCTV was used as part of an overall strategy to tackle alcohol related disorder, along with Pubwatch, a registration scheme and work with young people. It was noted that crime in the town centre (excluding shoplifting) fell by 48% between April 1995 and February 1996 (St John-Brookes 1998).
- 2.9.18 In Northern Ireland the Get Home Safe campaign was developed in Belfast from October to December 2002, with the objectives of reducing the recorded assault crime rate, reducing South Belfast residents perceived fear of crime and increasing their confidence in

the general safety of the area. Partnership initiatives included the introduction of an evening radio link; training for bar staff and door supervisors; strict enforcement of City byelaws; the introduction of toughened glasses; the introduction of a free night time bus service for students; distribution of personal attack alarms; additional CCTV cameras and an alcohol referral scheme.

Increased policing at selected locations (‘ hot spots ‘) supported partner initiatives on Thursday, Friday and Saturday nights.

Evaluation of the campaign showed that by the end of the three month period the overall assault rate had fallen by 19% and the feeling that nothing was being done about alcohol related violence reduced significantly from 55% pre to 33% post campaign.

Drink Driving legislation

- 2.9.19 It is widely accepted that the consumption of alcohol prior to driving increases the risk of accident for both drivers and pedestrians (Mayou and Bryant 1995; Deery and Love 1996; Kennedy et al 1996). Estimates of intoxication as a cause of road injury vary from 20% (Mayou and Bryant 1995) and 33% (Hansen et al 1996). Green et al (1993) studied the role of alcohol in road traffic accidents which resulted in accident and emergency admissions. The study concluded that 10% of all road accidents causing injury result from drivers with excess blood alcohol concentration and that 25% of all road accident fatalities have blood alcohol levels greater than 80mg/%.
- 2.9.20 A Scottish study (Bradbury 1991) found that young males (aged 20 to 29) were the highest risk group of intoxicated pedestrians sustaining traffic injuries as a result of the impairment of judgement and reaction time needed to cross roads. Irwin et al (1983) concluded that there is a strong positive correlation between blood alcohol levels and road accidents to pedestrians.
- 2.9.21 A review for the Scottish Executive (Scottish Executive 2001) reported that in the USA, legislation and enforcement have been used in a number of ways to try to reduce drink driving and that the actions taken had been generally successful.
- An overall reduction in permissible blood alcohol levels
 - Lower blood alcohol levels for young people and for people with previous convictions for drunk driving
 - Random breath testing
 - The use of specific sanctions such as ignition interlock devices and mandatory license suspension
- 2.9.22 Drink driving measures can be effective, where these are enforced

vigorously, and where there is a high public profile for these measures (Edwards 1994).

- 2.9.23 Prevention is prominent in relation to drink driving, for example, targeting young people's access to alcohol (Wagenaar et al 2000), promoting designated driver schemes (Meier et al 1998) and random breath testing (Baum 1999).
- 2.9.24 The EU has adopted a programme of priority measures for road safety, including a recommendation to ratify blood alcohol limits of 0.5% or less. While many European countries are in line with this (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Netherlands, Portugal and Spain), the UK limit is higher at 0.8%. Sewel (2001) points out that many countries have reduced their limits in the past five years. Some countries have lower limits for young drivers or professional drivers.
- 2.9.25 An international literature review (Sewell 2001) found some evidence of an increase in recent years in the number of countries having random breath testing.
- 2.9.26 Evidence from the USA and Australia illustrates the effectiveness of random breath testing with reductions shown in fatalities, injuries and crashes (Scottish Executive 2001). Additionally the studies show that if there is a high likelihood that a drink driver will be caught and that if caught the punishment is severe and applied quickly, the driver is more likely to avoid drink driving.
- 2.9.27 The evidence relating to the effectiveness of mandatory license suspension (immediately on failing a test) is mixed (McArthur and Krauss 1999).
- 2.9.28 Cobin and Larkin (1999) suggest that the findings indicate that ignition interlock devices can be effective in preventing drivers re-offending. With these devices, a driver must provide a sample of breath before starting the engine, and if the sample is above the permissible level, the ignition is locked and the vehicle immobilised. However Sewel (2001) has suggested that studies have shown low levels of compliance with some sanctions e.g. suspended drivers continuing to drive; drivers continuing to drive in other people's vehicles.

2.10 SOCIAL AND ENVIRONMENTAL ISSUES

Public drinking

- 2.10.1 Sewel (2001) reported that in the USA alcohol consumption is often prohibited in public places – e.g. recreational locations like parks and beaches; at workplaces and in cars. Rehn et al (2001) found that in 1994/1995 60% of the countries they looked at had legislation to provide alcohol free environments.
- 2.10.2 Raistrick et al (1999) noted that the availability of alcohol at, or on the way to, sporting events in the UK is controlled by legislation. Sewel (2001) also reported recent attempts to control alcohol availability at some sporting events, but there have been problems with these measures, relating to the level of revenue generated for the events through the sale of alcohol. Sewel concludes that as yet there is no controlled evaluation of the effects of alcohol restrictions at public locations.
- 2.10.3 An Australian study (Tuncks 1999) examined the use of dry areas to control the consumption and possession of alcohol in public places. The study found that in one area that had previously been a 'drinking place', this had now stopped and it was being used as a tourist area.
- 2.10.4 In the USA Hoffman (1998) reported that a ban in alcohol consumption in Washington DC parks on the 4th July 1997 had seen both police and park officials claiming a reduction in serious incidents, arrests and trash (rubbish). Serious assaults during the 1996 and 1997 celebrations fell from 11 to 0; arrests from 40 to 7, and the clean up time was halved.
- 2.10.5 In the UK, some local authorities have byelaws that prohibit drinking in public places. An evaluation of the experience in Coventry (which was the first city to introduce a byelaw ban on alcohol consumption in certain public areas) suggested that the use of such measures should be extended. Ramsay (1989) explored perceptions in Coventry city centre prior to the introduction of the byelaw (which made it illegal to consume alcohol in public except in licensed premises). In a follow up study, Ramsay (1990) found that the scheme was successful in reducing the fear of crime and disorder related to alcohol. However police statistics suggested that assaults; robberies and thefts from the person; and criminal damage seemed to be unaffected by the byelaw.
- 2.10.6 The Spotlight initiative in Glasgow included the enforcement of a byelaw prohibiting public consumption of alcohol in the city. Positive results were suggested (St John-Brookes 1998) with a general reduction in disorderly behaviour being seen.

- 2.10.7 Raistrick et al (1999) notes that these schemes are heavily dependent on the enforcement of the byelaw and, even if successful, may simply push the problems of crime and disorder to other unregulated areas. The Portman Group study (St John-Brookes 1998) noted that the operation of the byelaw was enhanced where it was part of wider work to tackle alcohol related disorder.
- 2.10.8 However despite the fact that, as yet, there is no systematic evidence regarding their effectiveness, local authorities and police seem satisfied with the experience so far, as reflected in the spread of such measures (Raistrick et al 1999).

Community Action

- 2.10.9 Problems associated with the use of alcohol show themselves in many different areas of community life. Raistrick et al (1999) suggest that community action has the advantage of being based on local evidence and experience but is often most effective when linked with a national or regional alcohol strategy.
- 2.10.10 Programmes of this kind have been evaluated in Europe (Holmila 1997; Hannibal et al 1995). This sort of approach is sensitive to local alcohol problem 'hot spots' – for example, order offences related to drunkenness and under age drinking. The police could monitor the percentage of their work time that is devoted to alcohol related problems; and A&E departments could monitor alcohol related attendances.

2.11 EQUITY AND EQUALITY ISSUES

Identity cards

- 2.11.1 In the UK the Portman Group (representing the alcohol trade) has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards – although this is not comprehensive. The Portman Group report ‘Keeping the Peace’ (1993) noted that identity card schemes can have a deterrent effect and assist licensees in identifying those customers who were under 18. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for licensees to identify the ages of potential customers.

However it should be noted that the validation of applications for identity cards may not always conform to the desired standard.

- 2.11.2 In Northern Ireland the police would welcome the introduction of a compulsory ID scheme for all places of entertainment. This approach has been piloted, for example, as part of the Coleraine ‘Safer Dancing’ initiative. Licensees are required to ask for approved ID (i.e. passport, driving licence, NI electoral card).

However it should be noted that Northern Ireland teenagers (in Antrim) below the age of 18 are obtaining professionally made fake IDs via the internet – in order to purchase alcohol from off licences (Belfast Telegraph 2 December 2004).

- 2.11.3 In Ireland the Intoxicating Liquor Bill 2003 introduces an entirely new provision requiring that persons under 21 (apart from those in the company of a parent or guardian) carry an “age document” in order to enter and remain in the bar of licensed premises.

- 2.11.4 Equality and freedom of the individual issues (ICCL 2003; EC 2003) have been raised by proposals under the Intoxicating Liquor Bill 2003 (OASIS 2003) for changes to the law in Ireland (Eire) relating to

- the right of licensees to refuse service; and
- the use of identity cards to prove age

2.12 CONCENTRATION OF PREMISES

Number and Type of Outlets Selling Alcohol

- 2.12.1 In the UK the number of outlets selling alcohol has been accompanied by a growth in alcohol consumption. The number of outlets rose from 129,367 to 201,148 between 1960 and 1995, an increase of 55%.
- 2.12.2 A saturation of outlets can reduce the costs of obtaining alcohol by reducing travel time and associated transaction costs. It can also produce competitive pressures that lead to falling prices and increased consumption (Home Office 1993; Wagenaar and Langley 1995). 'Happy hours' – times at which drinks are sold at low prices – are a prime example of this.
- 2.12.3 In Ireland over the last decade alcohol consumption has risen rapidly with Irish adults currently among the highest consumers of alcohol in Europe (Strategic Task Force on Alcohol 2002). Increasing alcohol consumption among women and young people are associated with this development (Simpura and Karlsson 2001), as well as an increase in adult binge drinking (SLAN 2003). Another characteristic of the Irish drinking culture is that many people do not drink alcohol at all. The SLAN survey in 1998 estimated the proportion of non drinkers to be 14% for men and 19% for women.
- 2.12.4 Ramstedt and Hope (2003) reported that the prevalence of binge drinking at least once a week is 48% for men and 16% for women. The equivalent figures for the UK are 38% for men and 12% for women. When the number of binge drinking occasions over 12 months are calculated Ireland and the UK have very similar results – which are 3-4 times higher than what is found in other countries. Of 100 drinking events, 58 end up in binge drinking for men and in 30 cases for women. From this it appears that among those consuming alcohol in Ireland, binge drinking is the norm among men and occurs in about a third of drinking occasions for women.
- 2.12.5 In Ireland Section 20 of the Intoxicating Liquor Bill 2003 prohibits the supply of intoxicating liquor at a reduced price during a limited period during any day, e.g. 'happy hours'. This is intended to discourage practices, which may lead to excessive consumption of intoxicating liquor.
- 2.12.6 A concentration of outlets within a small area is often linked with disorder. Researchers in Texas have shown a clear link between alcohol outlet density and violent crime. The results showed a clear association between alcohol outlet density and violent crime. Incidents of violence were more prevalent in areas with greater alcohol availability (Zhu et al 2004).

- 2.12.7 Australian evidence suggests that different licences are associated with different levels of risks for assaults and road accidents. Nightclubs and bars have a higher level of risk than social clubs and restaurants (Stockwell et al 1992). Wolfson et al (1996) found that grocery stores were more prepared to sell to under age buyers than other outlets, whilst on-licence outlets (who derived a larger proportion of their income from alcohol) were less likely to do so.
- 2.12.8 An Irish study in 1999 reported that one of the major concerns for off licence premises is underage attempts to purchase drink and that, for more than half the premises such attempts have increased in the last five years (PTAA 2002).
- 2.12.9 UK research from the 1970's provided circumstantial evidence of a link between off licence growth and alcohol problems (Williams 1975). The All Party Group on Alcohol Misuse (1995) quoted circumstantial evidence that certain outlets, off license premises and clubs, are more difficult to police than others, such as pubs.

2.13 OTHER ISSUES

Taxation

- 2.13.1 UK taxes are levied at different rates and in different forms for different beverages, but the specific element of the tax is in the form of a monetary amount for a given quantity. With inflation the real value of these specific duties falls over time and, in consequence, consumption and problems increase.
- 2.13.2 Raistrick et al (1999) have suggested that changes to pricing have an impact on the level of alcohol consumption

Price Controls

- 2.13.3 Taxes are only one component of price – tax levels are low enough for manufacturers and retailers to have considerable influence on the prices paid by consumers. The industry has increased the price of beer well above those required by any tax change. Whilst these price increases were designed to maximise profit – they will also have the effect of limiting consumption. However some trade practices like ‘happy hour’ reductions may encourage binge drinking.

The elasticity of consumption with price is by no means constant throughout the market, varying with both product and consumer.

- 2.13.4 Manufacturers and retailers are competing for business and price is one way of attracting customers. However there is a need for responsibility amongst retailers in marketing what is a potentially dangerous product.

Media

- 2.13.5 Belief in the power of the mass media to influence drinking practices has a long history. The Temperance movement produced many magic lantern slides in the late nineteenth and early twentieth centuries. Between 1908 and 1989 over six hundred Hollywood films were made that had an explicit focus on problem drinking (Denzin 1991). The cinema, together with tabloid newspapers, has helped to form the popular understanding of alcohol and drug problems (Denzin 1991; Lagerspetz 1994).
- 2.13.6 Public health campaigners have been concerned, for many years, about the way in which alcohol is portrayed in the mass media, particularly on television – feeling that drinking is shown too often and that the negative consequences of drinking are seldom portrayed. Hansen (1986) found that visual and verbal references to alcohol occurred in approximately two thirds of all prime time

programmes.

Advertising Regulation

- 2.13.7 In the UK there are currently voluntary controls on alcohol advertising and marketing through the Advertising Standards Authority (ASA) and Independent Television Commission (ITC). The Portman Group also has a voluntary code.
- 2.13.8 The international literature review carried out by Sewell (2001) reported that the Nordic countries have complete bans on alcohol advertising and France has a ban on TV advertising and restrictions on other media. Rehn et al (2001) found that only 5 out of 39 countries require health warnings on advertisements. Evidence relating to the effectiveness of this approach is not well developed.
- 2.13.9 A report for the Scottish Executive (2001) concluded that studies of advertising and alcohol consumption over time have failed to find a significant association. However for young people there was a small but significant association between exposure to and awareness of advertising and drinking beliefs and behaviours.
- 2.13.10 Alcohol advertising could predispose young people to drinking, or lead to earlier experimentation, it is argued, because it produces positive expectancies of drinking (Grube 1993; Grube and Wallack 1994). An Irish study (Dring and Hope 2001) recommends that the exposure of children and adolescents to alcohol advertising must be significantly reduced.

Server Training

- 2.13.11 Raistrick et al (1999) suggested that there was considerable variation in the quality of management and supervision of outlets. There is a burden of responsibility on those whose job it is to serve drinks in bars and off-licences. Skills are required in order to preserve a peaceful and safe environment when –
- refusing service;
 - defusing situations or
 - pre-empting situations which could lead to aggression
- 2.13.12 Sewel (2001) notes that responsible server programmes are popular in the USA , Australia and Europe. These programmes have four purposes :-
- to reduce drunkenness in on site alcohol outlets
 - to reduce alcohol sales to minors
 - to reduce drink driving
 - to reduce alcohol related injury and violence

- 2.13.13 Holder and Wagenaar (1994) found that server training can reduce alcohol problems, especially under age drinking. Hauritz et al (1998) suggested that server programmes are valuable if combined with enforcement but there need to be other measures as well. Stockwell (2001) suggested that server interventions work well when there is strong back up from management, but pointed out that this was not always the case. Stockwell (2001) suggested the need for a law enforcement approach, with penalties for licensees breaking the law, rather than relying upon server training alone.
- 2.13.14 In Ireland government and industry (the Health Promotion Unit and trade organisations) have worked together to develop a training programme for bar staff on the responsible serving of alcohol. The course, launched in 2001, trains bar staff to better recognise and deal with problems such as drunkenness, underage drinking and drink driving. It provides bar staff with the skills needed to handle difficult situations and leads to a safer and more comfortable environment for customers and staff.
- 2.13.15 There is no tradition in the UK of placing a legal liability on those who have contributed, through the service of alcoholic drinks, to the behaviour and actions of a third party who has gone on to inflict harm on themselves or others. However the principle of server liability has been established in other countries (particularly the USA and Canada) where it has included specific statute law. Ireland (1995) suggested that, in the USA and Canada, considerable damages have been awarded to those suffering injury or damage.

Safer Pubs

- 2.13.16 Concerns about pub safety have a long history (Greenaway, 1998). Several studies have concluded that preventing alcohol related harm requires measures to reduce intoxication on licensed premises (Casswell et al, 1993; Stockwell et al 1993; Lang et al 1995). These measures would include server training, stricter enforcement of existing law on serving intoxicated patrons, and attention to the design of bar areas.
- 2.13.17 Violence in and around licensed premises often involves the use of glass. Surveys of assault victims found bar glasses to be the most commonly used sharp weapon (Shepherd 1994). Aside from violence two thirds of injuries to bar staff are the result of glasses being broken while collecting, stacking and washing.

SUMMARY OF ISSUES RAISED

3.1 THE EVIDENCE PRESENTED

3.1.1 The information presented in the literature review comprised of evidence from studies in the UK and Ireland as well as international studies. This work is intended to help inform the debate in relation to the development of appropriate measures for the control and regulation of alcohol within the Northern Irish context.

3.1.2 The literature review showed that there has been a range of studies of the effectiveness of measures to regulate and control alcohol sales and consumption. However the evidence is not always clear, and there is sometimes a need for caution in applying the results directly to Northern Ireland.

3.1.3 The key points from the literature review regarding measures to regulate and restrict the consumption of alcohol are summarised below:-

- Longer hours of alcohol sales may be linked to increased problems with alcohol related crime and disorder but the evidence is mixed
- Staggered closing times may have an impact on disorder by reducing the number of people on the streets at the same time, and may help with the management of disorder where this occurs
- Some studies suggest that lowering the age at which people can drink alcohol on licensed premises can reduce the likelihood of young people drinking in unsafe and unsupervised locations. However, there is also evidence that lowering the age can raise the levels of male juvenile crime, and raising the age can reduce alcohol related car crashes and fatalities.
- There is evidence of a link between the number of outlets selling alcohol and levels of alcohol related problems, and limitation of the numbers may have an effect on alleviating problems
- Some evidence that different types of outlet may experience different levels and types of alcohol related crime and disorder
- There is a general lack of evidence of the impact of alcohol advertising on alcohol related harm, although there may be some effect of advertising on young people
- There is a link between alcohol price and consumption, but little direct evidence of the impact of this on alcohol related crime and disorder

- High profile policing and enforcement of the law relating to under age drinking has been found to be linked to a reduction in the number of crimes and arrests
- High profile policing around licensed premises can be associated with a reduction in arrests and crime rates
- There is some evidence to support community enforcement programmes, although the effect may not be sustained in the longer term, and some suggest a need for these measures to be combined with formal measures
- There is a perception that proof of age schemes are valuable
- Pubwatch schemes have had some success in the reduction of alcohol related disorder
- There is some evidence to suggest that the prohibition of drinking in public places has had some success in addressing alcohol related crime and disorder
- Measures to address drink driving have generally been found to have been successful, especially when they are vigorously enforced and have a high public profile
- Young people were identified frequently as a target, as were specific geographical areas identified as hotspots

3.1.4 The findings from the literature review suggest that changing the drinking environment can have an impact on drinking behaviour: -

- Overcrowding, poor bar layout, inconvenient access, a permissive environment, bar workers who do not practice responsible serving and promotions that encourage heavy ('binge') drinking have been found to contribute to alcohol related aggression
- Staff / server training, particularly where this is backed by management, used to enforce legislation and reinforced, is seen as a way of helping to prevent and deal with alcohol related crime and disorder, including under age drinking and drink driving
- The physical design of the premises can reduce alcohol related crime and disorder, for example, attractive outlets; outlets serving food
- There is little evidence of the impact of health warning information
- It has been suggested that inappropriate promotions can contribute to alcohol related disorder
- The use of toughened glass can have an impact on the number of 'glassing' attacks and facial injuries

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ANNEX 1 MATRIX

Opening hours – the regulation of hours.

	England and Wales	Scotland	Ireland
Background to the Review	<p>A study in Manchester found a fall in arrests in the city centre and in alcohol related incidents during an experimental period of staggered closing times. (L1)</p> <p>Violent incidents tend to cluster around closing time – staggered closing times might minimise these problems (H1; T1)</p> <p>Evidence from other countries show that longer hours lead to increased problems and shorter hours a reduction in problems (E1)</p> <p>Australian studies show an increase in deaths; property damage and casualty admissions after an extension of hours (S1)</p>	<p>There has been a trend since the 1960s towards relaxing the licensing laws. The 1976 reform included the introduction of extended opening hours, and the permission of all day opening. (HO3)</p> <p>Evidence that longer hours of sales may be linked to increased problems with alcohol-related crime and disorder. (SE1)</p> <p>Evidence that staggered closing times may have an impact on disorder, by disaggregating the problems associated with normal closing time, however the police may find it easier to deal with. (SE1)</p> <p>Some evidence of existing measures in parts of Scotland to tackle general availability of alcohol by imposing conditions and local guidelines on the extension of opening hours. (SE1)</p> <p>One report drew on international evidence that showed that longer opening hours and Sunday opening was linked with increases in certain types of crime and disorder. (SE1)</p> <p>A Glasgow study found that by imposing a curfew on entries to clubs after midnight, there was a reduction in some types of violence and disorder in the city centre area. (PG1)</p>	

Expected outcome	<p>To address the general sale and consumption of alcohol through licensing restrictions and initiatives, and by particular groups in particular locations, and to change the drinking environment.</p> <p>The Home Office expected “a more relaxed drinking culture, by avoiding the perceived necessity to binge drink in advance of closing time, and to avoid the potential problems that can arise when a number of licensed premises send all their patrons onto the streets at the same time”. (HO4)</p> <p>Fewer people on the streets at one time seeking food and transport. (HO1)</p> <p>Decline in rate of drinking and people leaving the licensed premises in smaller groups. (MFK 1)</p>	<p>Issues to control the availability of alcohol through licensing - Work to address opening hours or other aspects of the sale of alcohol. (SE1)</p>	
Changes made			
Current Situation			

	England and Wales	Scotland	Ireland
Background to the Review	A study in Manchester found a fall in arrests in the city centre and in alcohol related incidents during an experimental period of staggered closing times. (L1)	<p>There has been a trend since the 1960s towards relaxing the licensing laws. The 1976 reform included the introduction of extended opening hours, and the permission of all day opening. (HO3)</p> <p>Evidence that longer hours of sales may be linked to increased problems with alcohol-related crime and disorder. (SE1)</p> <p>Evidence that staggered closing times may have an impact on disorder, by disaggregating the problems associated with normal closing time, however the police may find it easier to deal with. (SE1)</p> <p>Some evidence of existing measures in parts of Scotland to tackle general availability of alcohol by imposing conditions and local guidelines on the extension of opening hours. (SE1)</p> <p>One report drew on international evidence that showed that longer opening hours and Sunday opening was linked with increases in certain types of crime and disorder. (SE1)</p> <p>A Glasgow study found that by imposing a curfew on entries to clubs after midnight, there was a reduction in some types of violence and disorder in the city centre area. (PG1)</p>	

Expected outcome	<p>To address the general sale and consumption of alcohol through licensing restrictions and initiatives, and by particular groups in particular locations, and to change the drinking environment.</p> <p>The Home Office expected “a more relaxed drinking culture, by avoiding the perceived necessity to binge drink in advance of closing time, and to avoid the potential problems that can arise when a number of licensed premises send all their patrons onto the streets at the same time”. (HO4)</p> <p>Fewer people on the streets at one time seeking food and transport. (HO1)</p> <p>Decline in rate of drinking and people leaving the licensed premises in smaller groups. (MFK 1)</p>	<p>Issues to control the availability of alcohol through licensing - Work to address opening hours or other aspects of the sale of alcohol. (SE1)</p>	
Changes made			
Current Situation			

Enforcement

	England and Wales	Scotland	Ireland
Background to the Review	Sales to, or serving underage drinkers. (AC1) Serving people who are intoxicated. (AC1) Presence of the police is associated with stricter enforcement of the law (JS1; ST1) Ease of which alcohol can be purchased by minors (SW1)	Initiative – high profile policing and enforcement of law relating to some licensed premises; Intoxicated persons on licensed premises; and also in relation to under-age drinking, can be linked to a reduction in the number of crimes and arrests. (SE1) In many areas, proof of age schemes operated. (SE1) Hotspot initiatives targeted law enforcement in certain areas. (SE1) Action to combat drink driving found to be successful when enforced vigorously and when given a high profile. (SE1)	
Expected outcome	Partnership between police and licensed premises – reduction in number and severity of injuries (MMN1) Proof of age/identity card schemes have a deterrent effect on underage drinkers (SB1; HO3)	Regulation of aspects of consumption, initiatives to tackle specific groups or crimes and the enforcement of existing law including, for example, drinking in certain locations, under age drinking, drink driving etc. (SE1) Link evidenced between legal drinking age and juvenile crime. Lowering the age limit may increase juvenile crime (and may force underage drinkers to drink in unsafe unsupervised locations) however raising the age limit can reduce alcohol-related car crashes and fatalities. (SE1)	
Changes made			
Current Situation			

Raistrick et al (1999) found through their review that one of the problems regarding measuring the impact of licensing law reform was where changes are made to legislation, enforcement varies. (HO3)

Surrender of a ... licence

	England and Wales	Scotland	Ireland
Background to the Review			Under the current system in Ireland to open a new licensed premises, a prospective publican has to buy a licence from an existing pub and ‘extinguish’ it. This has contributed to the rise of super-pubs. (The same also applies for hotels and off-licences, which has limited the number of licensed premises in Ireland.)
Expected outcome			Super pubs create noise and nuisance for local residents and make compliance with, and enforcement of the law, more difficult for licensees and the Gardai. Also, when large numbers emerge from these super pubs at closing there is an increased risk of public disorder (CLL1).
Changes made			The planned codification of the licensing laws in Ireland includes proposals to cap the size allowed for licensed premises in an effort to stem the rise of the super pub phenomenon. Also measures to issue new licences for small pubs and cafes under 1,500 square feet in size – return to local pubs.
Current Situation			

Categories of Licence – the regulation of where alcohol can be sold.

	England and Wales	Scotland	Ireland
Background to the Review	Studies suggest nightclubs and bars higher risk for assault than restaurants or social clubs e.g. in Australia (ST2; HO3)	Evidence considered from US studies. This indicates that different types of outlet vary in how they observe the law as regards under-age drinkers. Grocery stores were more lax than other licensed premises. (W1)	
Expected outcome			
Changes made			
Current Situation			

Scotland:

Licensing (Scotland) Act 1976

This Act covers the sale and supply of alcohol, and allows Licensing Boards (with responsibility for licensing in their local area) to make local byelaws.

Many changes in how alcohol is perceived, sold, promoted and consumed. Change in attitudes to drinking, the increased availability of alcohol (growth in number of licenses), the increased use of 'promotions', and changes to patterns of drinking (such as binge-drinking).

Nicholson Committee considered the implications of all these issues and more, in order to produce recommendations

Wider public health issues

	England and Wales	Scotland	Ireland
Background to the Review	93% of men and 86% of women drink alcohol (HE1) Relaxation in the law did not lead to rise in alcohol consumption (GO1) Young people are drinking more on one occasion (NC1) Growth of 'alcopops' appealing to the under 18's (GH1; HE1) Voluntary unit labelling by the alcohol industry gained public and political support in Australia (ST3)		Irish study recommends that exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1)
Expected outcome			
Changes made			
Current Situation			

There has been a mass of research in this area, too extensive to summarise. It is recognised that excessive or inappropriate consumption of alcohol has harmful effects on health. To the extent that licensing regimes promote excessive or inappropriate consumption, health issues are affected.

Provisions for the protection of Children – The age at which alcohol can be bought.

	England and Wales	Scotland	Ireland
Background to the Review	Being drunk in charge of a child recognised as a problem. (AC1) Sales of alcohol to under-age persons. (AC1)	Initiative – high profile policing and enforcement of law relating to under-age drinking can be linked to a reduction in the number of crimes and arrests. (SE1) In many areas, proof of age schemes operated. (SE1). An Australian study found that lowering the age limit led to an increase in particular crimes such as burglary, larceny of motor vehicles and drunkenness; therefore concluding the age limit should be raised in order to reduce this. (S1) Some US evidence considered that raising the age limit to 21 has reduced alcohol related crashes and injuries and probably reduced that homicide (Murder) rate as well. (SE1)	Irish study recommends that exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1)
Expected outcome			
Changes made			
Current Situation			

Crime & Disorder

	England and Wales	Scotland	Ireland
Background to the Review	<p>More than 13,000 violent incidents occur in and around pubs in England and Wales every week. (HO1)</p> <p>A substantial amount of crime is committed by individuals who were 'under the influence' (HO1)</p> <p>Strong correlation evidenced between alcohol and aggression. Alcohol can exacerbate violence or abuse. (HO2)</p> <p>Reports of crimes committed because of alcohol problems, and crimes committed whilst using alcohol as a disinhibitor. (AC1)</p> <p>Offenders stated that alcohol was acting as a trigger, or used it as an excuse for offending behaviour. (AC1)</p> <p>A high proportion of violent crime (50 to 80 per cent), including assault, rape, and homicide, is committed by an intoxicated person. (AC1)</p>	<p>Aspects of the layout and operation of licensed premises found to be able to contribute to alcohol-related aggression. Some initiatives taken in Scotland to try to address these. (SE1)</p> <p>Use of toughened glass can have an impact on the number of 'glassing' attacks, and of facial injuries – evidence of initiatives re this in parts of Scotland. (SE1)</p> <p>Some evidence that training licensees, servers and door stewards (particularly when backed by management) could help to prevent and deal with alcohol-related crime and disorder. One such initiative was Serve-wise. (SE1)</p> <p>Widely accepted that consuming alcohol prior to driving increases the risk of accident for both driver and pedestrian (SE2)</p>	
Expected outcome	<p>Greater use of pub bouncers, tougher glass to reduce injuries, more food provision to soak up alcohol, and better public transport to cut down on drinking and driving.</p> <p>Greater use of treatment programmes for those convicted of alcohol-related crimes.</p> <p>Working together across government, law enforcement, voluntary agencies, and the licensed trade to reduce crime linked to alcohol abuse.</p> <p>Better training of police officers dealing with the problem.</p> <p>More partnerships between police and other agencies, which include publicans and other in the alcohol industry. (AC1)</p>	<p>Community intervention programmes – partnership between police, licensees and local community (RU1; SE1)</p> <p>Drink driving – focus on prevention e.g. restricting young people's access to alcohol (SE2)</p>	
Changes made			
Current Situation			

Social and environmental issues

	England and Wales	Scotland	Ireland
Background to the Review	Local authority byelaws to prohibit drinking in public places. Evaluation in Coventry found reduced fear of alcohol related crime/disorder (R1)	In the USA alcohol consumption often prohibited in public places (SEW1) 60% of countries examined in Europe had legislation to provide alcohol free environments (RE1) Spotlight initiative in Glasgow included the enforcement of a byelaw prohibiting public consumption of alcohol – general reduction in disorderly behaviour (SB1) Community action programmes – sensitive to local area ‘ hot spots ‘	
Expected outcome	Reduction in perceived fear of crime and disorder related to alcohol (R1)	General reduction in disorderly behaviour	
Changes made			
Current Situation			

Public drinking

Noise

Litter

Fear

Crime is dealt with separately [See Crime and Disorder table]

Equity and Equality issues

	England and Wales	Scotland	Ireland
Background to the Review	Portman Group (representing the alcohol trade) has had a Proof of Age scheme since 1990 (PG1) National proof of age scheme could make it easier for licensees to identify ages of potential customers (HO3)		Right to refuse service – this could have equality implications Identity cards to prove age – implications for freedom of the individual (IC1)
Expected outcome			
Changes made			
Current Situation			

Concentration of premises

	England and Wales	Scotland	Ireland
Background to the Review	Too many licences in one area leads to more competition such as cheap drinks promotions to attract customers, reduced costs, and tolerance of law breaking such as under-age drinking and drunkenness. (HO3) Evidence of the proliferation of licenses, new pubs, theme bars and 'super-pubs'. (HO2) Suggested that there should be consideration of population size and number of pubs in an area when considering granting a licence. (HO2) "A concentration of outlets within a small area is often linked with disorder" (HO3)	Link between number of premises/outlets in an area and levels of alcohol-related problems. Limiting the number of premise/outlets may impact on alleviating these problems. (SE1) Some evidence that different types of outlet experience different levels and types of alcohol related crime & disorder. (SE1) Some areas of Scotland consider the density of outlets in an area when considering whether to grant a new licence. (SE1)	
Expected outcome		Control of outlet density. (SE1)	
Changes made			
Current Situation			

Miscellaneous/Other Issues.

	England and Wales	Scotland	Ireland
Background to the Review	Alcohol linked to pleasure and leisure (Raistrick et al 1999 in SE1). Plan for Action wished to raise general awareness of alcohol, to offer protection to try to help those who were experiencing alcohol misuse problems, and those who suffer the consequences of this misuse. (HO2)	Lack of evidence regarding the impact of alcohol advertising on the levels of alcohol related harm. (SE1) Some evidence of link between price of alcohol and consumption. (SE1) Little evidence to suggest that health warning information has an impact on alcohol related crime & disorder. Few examples of provision of this material. (SE1) Some evidence that inappropriate advertising of alcohol contributes to alcohol related disorder. (SE1) Some evidence that training licensees, servers and door stewards (particularly when backed by management) could help to prevent and deal with alcohol-related crime and disorder. One such initiative was Serve-wise. (SE1)	Irish study recommends that the exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1) Government backed training programme for bar staff on the responsible serving of alcohol launched in 2001. Happy hours banned – effort to discourage binge drinking Government plans to encourage small bars and cafes
Expected outcome	Media campaign to promote "sensible drinking" (AC1)	Proper training for licensees.	Training – to aid responsible serving practices
Changes made			
Current Situation			

Sources

AC1	Alcohol & Crime: Taking Stock. 1999. Bulletin available on the Alcohol Concern Website
CLL1	CLL (2003) Commission on Liquor Licensing Final Report April 2003 Dublin
DH1	Dring C. and Hope A. (2001) The Impact of Alcohol Advertising on Teenagers in Ireland. Health Promotion Unit, Department of Health and Children
E1	Edwards, G., Anderson A., Babor, T.F., Casswell, S., Ferrence, R., Giebrecht, N., Godfrey, C., Holder, H.D., Lemmens, P., Makela, K., Midanik, L. T., Norstrom, T., Osterberg, E., Romelsjo, A., Room, R., Simpura, J., and Skog, O. (1994) Alcohol policy and the Public Good. Oxford: Oxford University Press.
GH1	Goddard, E. and Higgins V. (1999) Smoking, Drinking and Drug Use among young teenagers in 1998 London: Office of National Statistics
GO1	Goddard, E. (1991) Drinking in England and Wales in the Late 1980s. London: The Stationery Office Books
H1	Hope, T. (1986) Liquor Licensing and Crime Prevention , Home Office Research and Planning Unit Research Bulletin 20 5-8
HE1	Health Education Authority (1997) Health Update: alcohol London HEA
HO1	Deehan, (1999) Alcohol & Crime: Taking Stock. London HMSO
HO2	Towards a Plan For Action on Alcohol Misuse. (2001) London HMSO. Referred to as the Plan for Action.
HO3	Raistrick, D., Hodgson, R. and Ritson, B. (eds). (1999) Tackling Alcohol Together: The Evidence Base for a UK Alcohol Policy.
HO4	Tackling Alcohol Related Crime, Disorder and Nuisance. (2000) London HMSO.
IC1	Irish Council for Civil Liberties Submission to Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights Tuesday 6 th May 2003
JS1	Jeffer, B. and Saunders, W. (1983) Minimising alcohol-related offences by enforcement of the existing licensing legislation. British Journal of Addiction 78 67-77
L1	Lovatt, A. (1996) Soft City, Hard City?: The Flexibility of Permitted Hours for UK Cities. 24 Hour City Conference. Leeds (cited in HO3, above)
MFK1	Marsh, P. and Fox Kibby, K. (1992) Drinking and Public Disorder Oxford. Alden Press (for the Portman Group)
MMN1	Maguire, M., Morgan, R., & Nettleton, H. (2001) Early Lessons From the Crime Reduction Programme: Tackling Alcohol-Related Street Crime in Cardiff (TASC Project) Home Office Briefing Note. London: Home Office Research.
NC1	Newcombe, R., Measham, F. and Parker, H. (1995) A survey of drinking and deviant behaviour among 14-15 year olds in North West England Addiction Research 2 319-341
PG1	St John-Brookes, K. (1998) Keeping the Peace: A guide to the prevention of alcohol related disorder. London. Produced by Working Solutions for the Portman Group.
R1	Ramsay, M. (1990) Lagerland Lost? An Experiment in Keeping Drinkers off the Streets in Central Coventry and Elsewhere London Home Office
RE1	Rehn, N., Room, R., and Edwards, G. (2001) Alcohol in the European Region – Consumption, Harm and Policies WHO Regional Office for Europe
RU1	Rumbold, G., Malpass, A., Lang, E., Cvetkovski, S., and Kelly, W. (1998) An Evaluation of the Geelong Local Industry Accord Fitzroy, Vic: Turning Point Alcohol and Drug Centre and the Victorian Police.

S1	Smith, I. (1989) <i>Effectiveness of legislative and fiscal restrictions in reducing alcohol-related crime and traffic accidents.</i> Alcohol Conference Proceedings 223–240.
SB1	(St John-Brookes 1998). Tether, P. and Godfrey, C. (1990) <i>Liquor Licensing</i> in Godfrey C. and Robinson D. (eds) Preventing Alcohol and Tobacco Problems Vol. 2 Manipulating Consumption: information, Law and voluntary controls pp. 116-138. Aldershot, Avery
SE1	Scottish Executive (2003) <i>Liquor Licensing and Public Disorder: Review of Literature on the Impact of licensing and Other Controls/Audit of Local initiatives.</i> Reid Howie Associates for Scottish Executive Social Research.
SE2	Scottish Executive (2001) <i>Cost Effective Measures to Reduce Alcohol Misuse in Scotland: A Literature Review</i> University of Aberdeen, HEBS and University of York for Scottish Executive
ST1	Stockwell, T. (1997) <i>Liquor outlets and prevention policy: the need for light in dark corners</i> Addiction Research 92 925-930
ST2	Stockwell, T., Somerford, P. and Lang, E. (1992) <i>The relationship between licence type and alcohol-related problems attributed to licensed premises in Perth, Western Australia</i> Journal of Studies on Alcohol 53 495-498
ST3	Stockwell, T. (1993) <i>Influencing the labelling of alcoholic beverage containers: informing the public</i> Addiction 88 S53-60.
SW1	Sutherland, I. and Willner, P. (1998) <i>Patterns of alcohol, cigarette and illicit drug use in English adolescents</i> Addiction 93 1199-208
SEW1	Sewel K. (2001) <i>International Alcohol Policies: A Literature Review</i> Scottish Executive Edinburgh
T1	Tuck, M. (1989) <i>Drinking and Disorder: a study of Non-Metropolitan Violence</i> , Home Office Research Study 108. London, HMSO.
W1	Wolfson, M., Toomey, T., Murray, D., Forster, J., Short, B., and Wagenaar, A. (1996) <i>Alcohol Outlet Policies and Practices Concerning Sales to Underage People.</i> Addiction 91, 589-602.

ANNEX 2 LEGISLATION

Legislation on alcohol use in Northern Ireland

There is a wide range of legislation that relates to the regulation, sale, purchase and consumption of alcohol in Northern Ireland. Legislation on alcohol use in Northern Ireland falls distinctly into two groups: licensing laws and laws that include alcohol as a main feature.

The law on alcohol in licensed and club premises

In Northern Ireland people can buy and/or consume alcohol from:

- premises which have a licence to sell alcohol to the public under the Licensing (Northern Ireland) Order 1996
- clubs which are registered to supply alcohol to its members as non- profit making organisations under the Registration of Clubs (Northern Ireland) Order 1996

A club is not licensed to sell alcohol but is allowed to supply it to its members and guests under a certificate of registration. It is only a Members' club that can obtain a certificate of registration, i.e. a club that is owned by the members, and is not run as a profit making business. Any profits made from activities carried out by the club must be used for the benefit of the club membership as a whole.

The above legislation seeks to strike a balance between the need to control and regulate the sale of alcohol in a way, which is effective, enforceable and equitable, and the need to have full regard to the wider public health issues.

Obtaining a licence to sell alcohol

The situation in Northern Ireland is that, in effect, there are a set number of licences. This means that if someone wants to open a new outlet for the sale of alcohol they have to acquire a licence already in existence, i.e. from an off-licence or a club/pub, which is prepared to give up its licence. For this reason, the value of each licence lies in market forces.

A licence is granted through the courts if the following three criteria are met:

- hand in an old licence to receive a new licence;
- prove that you are a decent person or have decent premises;
- prove the need for licensed premises in the area.

A person must prove that they are a fit person to hold a liquor licence before a licence is issued.

Granting a licence

A court can grant a licence for alcohol to be sold in the following type of premises:

- public houses;
- off-sales attached to public houses;
- off-licences;
- hotels;
- guesthouses;
- restaurants;
- conference centres;
- higher education institutions (university or other educational establishments providing higher education courses and designated as such);
- places of public entertainment - currently a theatre, ballroom or registered race track;
- refreshment rooms in public transport premises (railway, airport, harbour terminal or bus station);
- seamen's canteens.

Obtaining a licence to sell alcohol for the first time

An application for the grant of a licence must be made to a county court. The court will turn down the application if it considers that:

- the correct application procedures have not been followed, although it should be noted that the court has some flexibility here;
- the applicant is not fit to hold a licence or the premises are not suitable (the necessary planning permission is essential). However, the court may grant the licence on the basis that the premises will be made suitable;
- there are already an adequate number of such premises in the area. This only applies to pubs and off-licences;
- a current pub or off-licence licence has not been handed in to the court.

In effect, this limits the total number of pubs and off-licences in Northern Ireland.

If the application relates to a guesthouse, the court will attach a condition to the licence to ensure that the premises have adequate seated accommodation away from any bedroom, dining area or area where alcohol is sold or consumed.

If the application relates to a place of public entertainment, the court may, if it wishes, attach conditions to the licence. The conditions imposed are likely to depend on the type of entertainment being provided in the premises.

Granting a certificate of registration

A court can grant a certificate of registration if it is satisfied that a club complies with the requirements laid down in the Clubs Order and shows that it is a bona fide club run by the members for the members and not as a profit making business, or purely for the supply of alcohol.

In general, only a club member, their guest(s), club staff or someone legitimately in the club on business should ever be in the bar area or any part of club premises where alcohol is supplied. It follows that clubs should not engage in commercial activities by allowing the public the use of its premises.

Objections to the granting of a licence/certificate of registration

The following may object:

- the police;
- the relevant district council;
- any person who owns, or conducts a business, or resides in the vicinity of the premises for which the licence/certificate is being sought.

Renewal of a licence/certificate of registration

A licence/certificate has to be renewed at the end of a licensing/registration period, which lasts for five years.

Suspension of a licence/cancellation of a certificate of registration

A court will suspend a licence/cancel a certificate of registration where it considers that the premises are no longer a suitable venue for the sale/supply of alcohol, e.g. the premises are causing disturbance or inconvenience to the general public.

A court may also suspend a licence/cancel a certificate of registration as a penalty for certain breaches of the licensing legislation, e.g. selling alcohol outside the permitted opening hours.

Opening hours

Table 1 Public houses, hotels, guesthouses, restaurants, conference centres, higher education establishments, refreshment rooms in public transport premises and seamen's canteens

	Open	Close
Weekdays	11.30 a.m.	11.00 p.m.
Good Friday	5.00 p.m.	11.00 p.m.
Sunday or Christmas Day	12.30 p.m.	10.00 p.m.

30 minutes drinking-up time is permitted at the end of each of these periods.

Table 2 Places of public entertainment - currently theatres and certain horseracing tracks

Weekdays (including Good Friday but not Christmas Day)	During the period of entertainment and up to 30 minutes before and after the entertainment as long as the entertainment takes place within the opening hours of the licensed premises under the above opening hours.
Sunday and Christmas Day where it falls on a Sunday (Theatres only)	

Table 3 Off-licences and off-sales areas attached to public houses where the licence holder has applied for off-licence opening hours

	Open	Close
Weekdays (including Good Friday)	8.00 a.m.	11.00 p.m.
Sundays	10.00 a.m.	10.00 p.m.

Off-licences and off-sales areas are not permitted to open on either Christmas Day or Easter Sunday.

Table 4 Members' clubs

	Open	Close
Weekdays	11.30 a.m.	11.00 p.m.
Good Friday	5.00 p.m.	11.00 p.m.
Sunday or Christmas Day	12.30 p.m.	10.00 p.m.

30 minutes drinking-up time is permitted at the end of each of these periods.

Additional opening hours

It is possible for a court to grant additional opening hours to public houses, hotels, restaurants, conference centres and higher education establishments where:

- it is satisfied that the granting of additional hours will not cause undue inconvenience to the people living in the vicinity of the premises either during the additional hours or following the end of such hours when persons are leaving the premises;
- and
- the above premises provide food or entertainment for a substantial period during normal opening hours on a regular basis and continue to provide food or entertainment during the additional opening hours.

Note: food is something more than just a simple snack; Person(s) actually present on the premises must provide the entertainment. This rules out, for example, pre-recorded music, videos and films but not music provided by disc jockeys.

Table 5 Additional opening hours

	Extended from	Close
Weekdays except Good Friday or Christmas Day	11.00 p.m.	1.00 a.m. the following day
Sundays (except 31 December)	10.00 p.m.	12 midnight
Sunday 31 December	10.00 p.m.	1.00 a.m. the following day
Good Friday, Easter Day or Christmas Day	No additional opening hours	

30 minutes drinking up time is allowed at the end of these periods.

The police can grant small pubs, which are not in a position to provide food or entertainment on a regular basis, the above additional hours on 20 occasions in a year and can grant clubs the additional hours on 52 occasions in a year.

Extension of opening hours

A court or a clerk of petty sessions can grant extensions to the opening hours to public houses, hotels, restaurants, conference centres and higher education establishments to enable them to hold functions organised by charities or bodies with a common interest, e.g. trades, professions, sports. The sale of alcohol must be ancillary to the function.

Where the licence holder organises the function, the number of extensions is limited to six in a year.

Young people and the legal drinking age

A young person between the age of 14 and 18 is allowed to consume alcohol only in a private residence. Under the Children and Young Persons Act (Northern Ireland) 1968, a person under the age of 14 is allowed to consume alcohol in a private residence for medical purposes only.

In general, during opening hours a young person under the age of 18 is not allowed in any area of licensed premises or club premises that contains a bar, or that is used mainly or exclusively for the sale or consumption of alcohol. It is, however, possible for a minor to be present in the above areas under certain circumstances:

- if they are with an adult who is responsible for them or if they are a child of the licensee;
- if they are 16 years old and have a written contract of employment to work there, are receiving training under an approved scheme, or are on a scheme as part of a further education course;

and

the Court has granted a Children's Certificate, which allows children to be present until 9.00pm (or 9.30pm when they or the adult are consuming a meal purchased before 9.00pm). The certificate has to be displayed in a prominent place by the licence holder.

and

they sit at a table away from the bar.

In addition, a young person is allowed into:

- an off-licence or an off sales attached to a public house if they are with an adult;
- a refreshment room of public transport premises (railway, airport, harbour terminal or bus station);
- any room in a sporting club, but they must not be on the premises after 9.00pm.

Offences under the Licensing Order and the Clubs Order

General

It is an offence for any person to buy or consume alcohol in licensed premises outside the permitted opening hours.

Likewise, it is an offence for a licence holder, a club or their employees to sell or supply alcohol outside the permitted opening hours.

In relation to young persons under the age of 18

It is an offence for a young person to represent himself or herself to be 18 or over so that they can be present or consume alcohol in licensed or club premises.

Likewise, it is an offence for a licence holder, a club, and their employees, or any adult to allow a young person whom they know to be under 18 to be present or to consume alcohol in licensed or club premises.

In relation to the behaviour in licensed or club premises

It is an offence for any person to be drunk in licensed or club premises or to use behaviour that is riotous, indecent or likely to lead to a breach of the peace.

Likewise, it is an offence for a licence holder, a club, and their employees, or any person to allow a person whom they know to be drunk to be present in, or to buy or to consume alcohol in, licensed or club premises.

The penalty, if found guilty, of an offence under the Licensing Order or Clubs Order is, depending on its seriousness, a fine, a term of imprisonment not exceeding six months, or both.

Other relevant legislation

Confiscation of Alcohol (Young Persons) Act 1997

This Act gives police authority to ask the young person to surrender their alcoholic drink and to state their name and address - if they fail to comply then police have powers of arrest.

Where an officer reasonably suspects that a person in a relevant place* is in possession of intoxicating liquor and that either:

- (a) he is under the age of 18; or
- (b) he intends that any of the liquor should be consumed by a person under the age of 18 in that or any other relevant place; or
- (c) a person under the age of 18 who is, or has recently been, with him has recently consumed intoxicating liquor in that or any other place,

* any public place other than licensed premises or any public place to which the person has gained unlawful access.

Public Processions (Northern Ireland) Act 1998

Section 13 (1): Consuming intoxicating liquor at parades

Parts 13 (1) - 13 (10) apply to alcohol by-laws

This Act states that where an officer in uniform reasonably suspects that a person to whom this subsection applies is consuming intoxicating liquor; the officer may require that person:

- a. to surrender anything in his possession which is, or which the officer reasonably believes to be, intoxicating liquor; and
- b. to state his name and address.

Section 13 (2): The above applies to a person who

- a. is taking part in a public procession; or
- b. is among those who have assembled with a view to taking part in a public procession; or
- c.
 - i. is otherwise present at, or is in the vicinity of, a place on the route or proposed route of a public procession; and
 - ii. is in a public place, other than licensed premises.

Section 13 (3): Possession of intoxicating liquor at parades

Where an officer in uniform reasonably suspects that a person to whom this subsection applies is in possession of intoxicating liquor, the officer may require that person:

- a. to surrender anything in his possession which is, or which the officer reasonably believes to be, intoxicating liquor; and
- b. to state his name and address.

The powers of the officer under this section may only be examined in relation to a particular public procession in the period six hours before the proposed starting time of the procession and ending at midnight on the day of the dispersal.

Riotous and disorderly behaviour

Riotous and disorderly behaviour is often linked to excessive use of alcohol or drugs. If people are behaving in a disorderly manner police have the power to arrest for 'disorderly behaviour'.

This can be affected by the time of day, the area, and how the general public view the behaviour.

Article 18

A person who in any public place displays:

- disorderly behaviour, or
- riotous behaviour, or
- behaviour whereby a Breach Of Peace is likely to be occasioned

shall be guilty of an offence (this gives police automatic power of arrest).

Power of arrest for riotous and disorderly behaviour - the behaviour must occur in a public place, although there is a power of arrest under common law for riot.

Power of arrest for breach of the peace can occur anywhere.

Riotous and disorderly behaviour is included within The Public Order (Northern Ireland) Order 1987.

Antisocial behaviour

In addition to the law that controls the availability of alcohol in licensed and club premises, another law is used to penalise antisocial behaviour in public places resulting from the misuse of alcohol.

Drunkenness

There is no 'drunk and disorderly' offence in Northern Ireland. The offence is 'disorderly behaviour' in which the person may or may not have taken alcohol. The charge of 'simple drunk' has been more often used as a protection for the drinker than as a punitive measure against disruptive drunkenness.

The Road Traffic (Northern Ireland) Order 1995

Under this Order a person who drives a vehicle over the legal limit is guilty of an offence. The person who is suspected of being under the influence of drink or drugs has to provide either a breath, urine or blood sample (as a last resort) to prove whether or not they are over the legal limit to drive.

Articles 11-21 relate to driving while under the influence of alcohol or drugs.

Motor vehicles: drink and drugs

13 (2) Roadside breath tests are taken to indicate whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit: The law states that the prescribed limit is:

- 35 micrograms of alcohol in 100 millilitres of breath or
- 80 milligrams of alcohol in 100 millilitres of blood, or
- 107 milligrams of alcohol in 100 millilitres of urine.

There are two distinct offences here:

1. Unfit - no need for preliminary breath test - need to prove impairment.
2. Excess alcohol - preliminary breath test required at roadside

Unfit

Police have an immediate power of arrest if, as a consequence of their observations, they have reasonable cause to suspect that a driver is impaired through drink or drugs.

Driving, or being in charge, when under influence of drink or drugs

15 (1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

15 (6) An officer may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this Article.

A person is liable for prosecution even if they are sitting or sleeping in a car, i.e. being in charge of the mechanically propelled vehicle.

Excess alcohol

If a police officer witnesses the driver committing a moving traffic offence or the driver is involved in a collision, no matter how slight, or the officer suspects the driver to have consumed alcohol, he or she may be required to provide a roadside screen breath test. Depending upon the result of the roadside test, the driver may be arrested and then required, at a selected police station, to provide breath samples for evidential purposes.

Driving, or being in charge of a motor vehicle with alcohol concentration above prescription limit.

16 (1) A person is guilty of an offence if he:

- drives or attempts to drive a motor vehicle on a road or public place, or is in charge of a motor vehicle on a road or other public place
- after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit.

Breath tests (preliminary breath test*)

17 (1) Where an officer in uniform has reasonable cause to suspect -

- a. that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body or has committed a traffic offence while the vehicle was in motion; or
- b. that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his body and that that person still has alcohol in his body; or
- c. that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence while the vehicle was in motion;

he may require him to provide a specimen of breath for a preliminary breath test.

*A preliminary breath test is a way to obtain by means of a device of a type approved by the Head of Department to give an indication whether the proportion of alcohol in the previous breath or blood is likely to exceed the prescribed limit.

Provisions of specimens for analysis

18 (4) A requirement under paragraph (1) (b) to provide a specimen of blood or urine can only be made at a police station or a hospital; and it cannot be made at a police station unless:

- a. the officer making the requirement has reasonable cause to believe that a specimen of breath cannot be provided or should not be required, or
- b. at the time the requirement is made, a device or a reliable device of the type mentioned in paragraph (1) (a) is not available at the police station or it is then for any other reason not practicable to use such a device there, or (b) A police officer may require the provision of blood/urine at a police station when he has cause to believe that a breath test device did not produce a reliable indication of the proportion of alcohol. Whoever is making the requirement for blood/urine should inform why breath cannot be provided;
- c. the suspected offence is one under Article 14 or 15, and a medical practitioner has advised the officer making the requirement that the condition of the person required to provide the specimen might be due to some drug.

The requirement to provide a blood or urine sample may then be made notwithstanding that the person required providing the specimen has already provided or been required to provide two specimens of breath.

18 (8) An officer must, on requiring any person to provide a specimen in pursuance of this Article, warn him that a failure to provide it may render him liable to prosecution.

NB: All drivers involved in a road traffic collision are automatically screened with a preliminary breath test. Where a road traffic collision occurs and injury is sustained police have power of entry to any place - by force if need be - where police reasonably suspect the driver(s) to be intoxicated.

Further offences

- a. Causing death/grievous bodily injury by careless driving through drink or drugs (Article 14).
- b. Cycling when under the influence of drink or drugs (Article 44).

Other offences

Being drunk in certain circumstances can be an arrestable offence.

- Drunkenness on licensed premises
- The offence 'drunkenness on licensed premises' comes under Article 61-62 Licensing (Northern Ireland) Order 1996, which states that it is an offence for the holder of a licence, servant or agent to:
 - permit drunkenness or disorderly conduct on licensed premises and/or
 - sell intoxicating liquor to a drunken person knowing him to be such.
- Drunk in any road or other public place
- The offence 'drunk in any road or other public place' comes under the Criminal Justice (Northern Ireland) Order 1980 Article 10.

Alcohol bye-laws

The nuisance caused by people drinking in public areas, e.g. in town and city centres, has led to local councils introducing by-laws that make it an offence to consume alcohol in designated areas.

Enforcement is at the discretion of the council who decide whether or not to prosecute offenders. If they decide to do so, police merely provide a statement of evidence to support the case. The penalty, if found guilty of an offence, is a fine.

Police must witness consumption of the alcohol; merely having an opened bottle will not constitute an offence. Police have no power of seizure; they can however arrest any person who fails to provide their name and address (Art 27 PACE).

Legal definitions

'Drug' includes any intoxicant other than alcohol.

'Drunk' refers to intoxication by any alcoholic drink.

Appendix Sources

Alcohol Concern '*Alcohol and Crime.*'

January 2003.

Outlines the risk factors in relation to alcohol related violence and possible interventions.

Alcohol Concern '*The licensed trade.*'

January 2001.

Factsheet with statistics on the licensed trade in the UK.

Alcohol Concern '*Methodology in alcohol research.*'

January 2003.

A short paper on methodology in alcohol research with an emphasis on treatment research.

Alcohol Concern / National Addiction Centre

'Teenage Drinkers: A follow-up study of alcohol use among 15-17 year olds in England: Summary of main results.'

January 2003.

Presents the key findings from a study of alcohol consumption, attitudes and related behaviour among 15-16 year old students recruited from Southern England.

Alcohol Research and Health '*Alcohol and Violence.*'

January 2001.

Special issue of journal devoted to Alcohol and Violence.

ARP and the NSPCC '*Evaluation report on the Family Alcohol Service.*'

February 2004.

The Family Alcohol Service is a project run by ARP and the NSPCC.

This report is a detailed and interesting evaluation conducted by Bath University.

Australian Commonwealth Department of Health and Ageing Australia

'The treatment of alcohol problems.'

January 2003.

A review of the evidence A description of the prevalence and patterns of, and the harms associated with drinking in Australia and a review of the evidence for the effectiveness of the main treatments available for alcohol use disorders.

Australian Commonwealth Department of Health and Ageing Australia

'Guidelines for the treatment of alcohol problems.'

January 2003.

These guidelines are based on a review of the evidence about the effectiveness of treatments, and on the clinical experience of an expert panel.

**Australian Commonwealth Department of Health and Aged Care
Australia 'Alcohol in Australia: Issues and Strategies.'**

January 2001.

A background paper to the National Alcohol Strategy.

**Australian Commonwealth Department of Health and Aged Care
Australia 'National Alcohol Strategy A Plan for Action 2001 to 2003-04.'**

January 2001.

Sets out a broad coordinated strategic approach to the reduction of alcohol-related harm in Australia.

Australian Government 'Foetal Alcohol Syndrome: A Literature Review.'

January 2002.

This paper provides a review of the published scientific literature on Foetal Alcohol Syndrome (FAS) and Alcohol Related Neuro-developmental Disorder (ARND).

Australian Government 'Australian Alcohol Guidelines : Health Risks and Benefits.'

January 2001.

Australian drinking guidelines and the evidence base.

Australian Government 'National Alcohol Research Agenda.'

January 2002.

Australian Institute of Criminology 'Alcohol, young persons and violence.'

January 2001.

A collection of 9 papers from a 1999 round-table on alcohol, young persons and violence.

British Crime Survey (BCS)

The British Crime Survey (BCS) is one of the largest social surveys conducted in Britain. The BCS is primarily a 'victimisation' survey, in which respondents are asked about the experiences of property crimes of the household and personal crimes which they themselves have experienced. The reference period and the wording of the series of questions, which are asked to elicit victimisation experiences, have been held constant throughout the series of BCS surveys. Because members of the public are asked directly about victimisation, the BCS provides a record of the experience of crime which is unaffected by variations in the behaviour of victims about reporting the incident to the police and variations over time and between places in the police practices about recording crime. Until 2001, eight waves of the BCS had been carried out in England and Wales: 1982, 1984, 1988, 1992, 1994, 1996, 1998 and 2000. From 2001, the series became annual instead of biennial. The Survey covers England And Wales, however prior to 1989 it also included Scotland. Detailed information listed below from the National Statistics web site can be viewed at www.esds.ac.uk/government/bcs.

British Medical Association (BMA) *'Tackling Under Age Drinking.'*

January 2003.

Briefing paper by the BMA on under age drinking.

Cabinet Office Strategy Unit *'Interim Analytical Report for the National Alcohol Harm Reduction Strategy.'*

January 2003.

This paper sets out the evidence on which the national harm reduction strategy in England and Wales will be based. It is not the final report and therefore does not contain any policy recommendations.

Cabinet Office Strategy Unit *'Alcohol Misuse: How much does it cost?'*

January 2003.

Provides the Government's National Alcohol Harm Reduction Strategy with new detailed estimates of the costs associated with alcohol misuse.

Centre for Health Service Studies *'The effectiveness of treatment for substance dependence within the prison system in England: a Review.'*

January 2003.

The aims of this review were to identify treatments that are used for those with substance dependence, describe the current regimes available in prison, and to evaluate the effectiveness of the treatments.

Canadian Centre on Substance Abuse *'Proportions of crimes associated with alcohol and other drugs in Canada.'*

January 2002.

Reports on research aimed at estimating associations between psychoactive substances and crime and the proportions of crime that can be attributed to alcohol and illicit drugs.

Community Attitudes Survey (CAS)

The CAS is a continuously run survey which provides an objective assessment of public perceptions and views on crime, law and order and policing issues over time. The survey was first commissioned in 1992 by the Criminal Justice Departments and Agencies and the Central Community Relations Unit, following an independent review of crime survey needs undertaken by the Northern Ireland Office.

The survey includes questions relating to perceptions of whether drunks are a problem on the streets (although this question is worded as 'drunks or tramps' grouping both together rather than separating them out), and it also asks questions relating to perceptions or views of policing priorities in relation to drinking and driving, and also in relation to drunk and disorderly people. The data is routinely analysed and reported by region, with the publications containing results for Catholic and Protestant respondents.

Results for selected questions from the survey have been produced for each twelve month fieldwork period, for November to October 1992/93 to 1997/98 and then for January to December for the years 1999 to 2002. The questionnaires used for each year of the survey can be accessed on the

questionnaire section of CSU website. These documents indicate those questions for which results are currently available.

Bulletins summarising the results for 2000, 2001 and 2002 can be accessed in the publications section of this website, along with the detailed tables for these years. In November 2003 the CAS results were extended to include analysis by religion, age and gender for each question that has ever been asked in the Community Attitudes Survey. These trend tables are available in the results section. Tables for 2003 entitled '**Community Attitudes Survey Rapid Results Tables 2003**' can be accessed at <http://www.csu.nisra.gov.uk/archive/Surveys/CAS/Publications/Rapid%20results%202003.pdf>.

Continuous Household Survey (CHS)

The CHS is one of the largest continuous surveys carried out in Northern Ireland. It is designed, conducted and analysed by the Central Survey Unit of the Northern Ireland Statistics and Research Agency (NISRA), and has been running since 1983. It is based on a sample of the general population resident in private households and is designed to provide a regular source of information on a wide range of social and economic issues relevant to Northern Ireland. Regularly produced data includes information such as drinking trends.

The section on drinking appears in the CHS every other year, and was last used in the 2002/03 questionnaire. It addresses the type and amount of alcohol consumed by individuals within a household and includes a section on drink-driving. The data once analysed is presented online in four sets of tables (both in word and excel format) for prevalence of drinking by sex and age; and for level of alcohol consumption by sex, by sex and age, and by sex and religion. All of these tables cover the years 1986 to 2002-03. These can be found online at www.csu.nisra.gov.uk/surveys/survey.asp?id=1&details=3&topicId=39.

The most recent publication produced from the CHS is the '**Continuous Household Survey Bulletin 2002/03**', published in February 2004, which can be found online at <http://www.csu.nisra.gov.uk/archive/Surveys/CHS/Publications/CHS%20Bulletin%20200203.pdf>. This Bulletin presents a selection of tables from the 2002/03 CHS including drinking patterns and, where appropriate, indicates some of the changes that have taken place since 1983.

Crime and Justice Survey

The Crime and Justice Survey (CJS) is a new large-scale survey commissioned by the Northern Ireland Office (NIO) and Queen's University Belfast (QUB) to provide measures on experiences of crime, safety from crime and self-reported offending among the general population. It is intended as a one-off Survey, and the analysis is being conducted by QUB on behalf of the NIO, thus the actual publication details and contents of the tables will be decided between Queens and the NIO.

The survey includes questions on individual and household demographics; attitudes towards crime; and drinking and any consequences. There are separate questionnaires used for juveniles (aged 11-17) and adults (aged 18 and over). The questions tackle the frequency of drinking, type of alcohol consumed, location of alcohol consumption, any episodes of being drunk, and who drink is consumed with. The questionnaire also asks a number of questions regarding any consequences of getting drunk including assaulting someone, being assaulted by someone, and getting into trouble with the police. The juvenile questionnaire asks additional questions about parents' knowledge of their child's drinking habits, about family drinking habits, and about where they buy alcohol (if appropriate).

Due to the sensitive nature of some topics, the CJS interview uses a combination of conventional face-to-face interviewing (CAPI) and computerised assisted self-interviewing (CASI). Fieldwork took place from June to November 2003 however the results have not yet been published

Department for Culture, Media and Sport 'Draft Guidance Issued Under Section 182 of the Licensing Act 2003.'

March 2004.

Draft guidance related to the Licensing Act 2003.

Department of Health 'Drinking: Adults Behaviour & Knowledge.'

January 2002.

Reports survey findings about drinking behaviour, awareness of units and alcohol consumption.

Department of Health 'Smoking, Drinking and Drug Use Among Young People in England in 2002.'

January 2002.

Survey to monitor smoking, drinking and drug use among secondary school children aged 11-15 in England.

Department of Health 'Smoking, Drinking and Drugs Survey 2003.'

April 2004.

Drug use, smoking and drinking among young people in England in 2003.

Department of Health and Children, Health Promotion Unit Ireland 'The Irish drinking culture – Drinking and drinking-related harm, a European comparison.'

January 2003.

Examines Irish drinking habits and experiences of adverse consequences.

Department of Health and Children, Health Promotion Unit Ireland 'The Impact of Alcohol Advertising on Teenagers in Ireland.'

January 2001.

Report on research to examine the impact of alcohol advertising on teenagers in Ireland.

Department of Health, Social Services and Public Safety (DHSSPS) - Drug and Alcohol Information and Research Unit (DAIRU)

DAIRU has been carrying out work on replicating an ONS statistical bulletin entitled '*Statistics on Alcohol; England, 2003*' which was produced in conjunction the Department of Health (in the UK) and published in October 2003. The UK bulletin reports on drinking among adults aged 16 and over; drinking among young people aged 11-15; alcohol releases for home consumption; alcohol-related ill health; and other indicators of alcohol-related harm. It also details expenditure on alcohol from 1980 to 2002, and provides indices of alcohol price. These tables include a break down by types of crime whereby offender(s) were under the influence of alcohol in violent incidents for the years 1998, 2000 and 2001/02; the number of persons cautioned, proceeded against, and those found guilty of drunkenness by gender, for 1998, 2000 and 2001/02; the number of proceedings at magistrates' courts from 1990 to 2001 for driving after consuming alcohol or taking drugs; and breath test results and convictions relating to these from 1980 to 2001. The NI tables produced by DAIRU, which have not been published as yet, replicate the tables from the ONS bulletin for NI, where these statistics were readily available. Work on these tables is ongoing. Whilst the Northern Ireland Court Service (NICtS) was able to provide DAIRU with figures to replicate two of the alcohol-related crime tables from the ONS bulletin, the offences in Northern Ireland are not exactly the same as those in England and Wales therefore NICtS provided footnotes to the tables in order to highlight these differences. The corresponding Northern Ireland figures have not been used in any NICtS publications, although they may be used in the near future by DAIRU.

Department of Health, Social Services and Public Safety (DHSSPS)

DHSSPS are able to collate figures for Alcohol related diagnosis from their Hospital Inpatients System. These include figures for admissions to hospital with different alcohol related diagnoses (for both primary and all stages of diagnosis) selected by sex and particular diagnosis. Examples of alcohol related diagnoses are acute intoxication, harmful use, dependence syndrome, withdrawal state, or psychotic disorder. Separate results are available for diagnosis of alcoholic liver disease.

'Drinking Habits in Northern Ireland 1987-1989 Occasional Paper 22'

K Sweeney, J Gillan and J Orr. Published 1990.

This Report addresses characteristics of drinkers, frequency, type of drink chosen, amount consumed, location of drinking and days of occurrence. It provides tables broken down by sex, age, marital status, area of residence, religion, employment status and socio-economic class in the late 1980's. It is of particular interest in that it compares figures prior to and after the introduction of the changes in Sunday drinking laws in Northern Ireland.

'Drinking Practices in Northern Ireland'

J J Harbison and T Haire. Published 1982.

This Report addresses weekly alcohol consumption; patterns of consumption; demographic and occupational variation in drinking patterns; leisure and drinking; the influence of drinking on the respondents' work; the development

of drinking patterns; opinion on drinking problems and a brief overview of drinking habits in the UK in the early 1980's.

'Drinking, Smoking and Illicit Drug Use Amongst 15 and 16 year old School Students in Northern Ireland.'

Patrick Millar PhD and Martin Plant PhD (Alcohol and Health Research Centre). Published May 2001.

This study formed a part of a UK wide Survey funded by the Alcohol Education & Research Council and the Health Education Authority. The Survey includes figures for self-reported alcohol use amongst a representative sample of 723 secondary school children from 71 schools across Northern Ireland, with data collection having taken place in March and June of 1999.

The Report contains tables for the following, all of which included a breakdown by sex: some demographic and other characteristics of the children in the sample; alcohol consumption; detail about the last drinking occasion; positive and negative perceptions of drinking alcohol; number of problems experienced due to alcohol consumption; ease of obtaining alcohol; perceptions (disapproval of others and risks); usage of friends and elder siblings; and knowledge of the effects. There were also reported associations between aspects of alcohol consumption and some other key variables such as school management type; playing truant; family structure; self-esteem; depressed mood; exteriority and constraint; and friends.

Approximately 90% of these children indicated that they had at some time consumed alcohol. The report also contained comparisons to girls and boys in England Scotland and Wales, and compared results with the European School Survey Project on Alcohol and Drugs (ESPAD) 1995 study.

European School Survey Project on Alcohol and Drugs (ESPAD)

ESPAD is a Survey carried out by The Swedish Council for Information on Alcohol and Other Drugs, CAN Council for Europe, and the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group). Following an ESPAD carried out in 1995 in 26 countries across Europe, the Survey was repeated in 1999 and a Report entitled '*The 1999 ESPAD Report – Alcohol and Other Drug Use Among Students in 30 European Countries*' was produced. The ESPAD collected data from 15 to 16 year olds by using group-administered questionnaires under the supervision of a research assistant or teacher, with anonymity having been assured. The students were asked about their last drinking occasion; and about their alcohol consumption over the last 30 days, the last year, and over their lifetime. They were also asked about the types of alcohol they had consumed (beer, wine, spirits and alco-pops); and about binge drinking and drunkenness. The published Report provides a breakdown of key results by country, including results for the United Kingdom, and results for Ireland. A 2003 study was planned, however no report –has yet been produced from it.

Expenditure and Food Survey (EFS)

This UK survey has included Northern Ireland since April 2001. For Northern Ireland, participation in the EFS replaces the need to carry out two separate surveys; the Family Expenditure Survey (FES) and the National Food Survey (NFS). The Northern Ireland FES had been carried out annually since 1967 whilst the NFS only commenced here in 1996. There had been considerable overlap between the two surveys, with both surveys having asked respondents to keep a diary of expenditure, including the amount spent on alcohol. The amalgamation of the two surveys to form the EFS provided improvements in data scope and quality and has proven to be more cost effective than having two separate studies.

‘National Food Survey Northern Ireland 2000 – Annual Report on food Expenditure, Consumption and Nutrient Intakes.’

This publication was the fifth and final one based solely in Northern Ireland, and is taken from the EFS. It covers the period of January to December 2000, and was published by the Department of Agriculture and Rural Development (DARD). The Report provides tables of expenditure and consumption of alcohol for Northern Ireland from 1996 to 2000, with comparisons to Great Britain for 2000. (See page 17, table 2.12.) There are also comparisons made for consumption of and expenditure on alcoholic drinks by geographic area - for Belfast, and for rural and urban areas, plus the total for Northern Ireland (see tables 3.1 and 3.2). Comparisons are also made by income level; household composition; and by age of the diary keeper. There are also results from nutritional analysis available within this Report.

The ‘**Family Expenditure Report 1998/99**’ also provides tables for average expenditure on various items, including alcohol and can be found online at www.csu.nisra.gov.uk/archive/Surveys/EFS/FES%20Monitor%209899.pdf.

Geographic Information System (GIS) and Neighbourhood Statistics

Using GIS, DMB can provide figures for deaths by age and sex by administrative area (either health board or District Council). These figures for deaths from selected causes linked to alcohol consumption, by gender are classified using the International Classification of Diseases (ICD) and are broken down into subcategories by disease type. These figures are available for 1990 to 2000 using ICD 9 codes and for 2001 and 2002 using ICD 10 codes.

DMB also map crime figures as provided by NIO, however NIO does not provide DMB with a breakdown of crimes against the person, which would identify those crimes committed by persons under the influence of alcohol. It would be possible to map alcohol-related crime if NICtS are to provide the figures for the 52 alcohol-related offences, with corresponding postcodes of the location of the offence.

DMB would also be able to map licensed premises across Northern Ireland if they are provided with a list of licensed premises postcodes. (Please see section on Northern Ireland Court Service.)

GSS Methodology Series ‘Obtaining information about drinking through surveys of the general population.’

January 2001.

Research methodology on alcohol consumption surveys.

Health Promotion Agency` (HPA) ‘The health behaviour of school children in Northern Ireland. A report on the 1997/98 survey. A World Health Organization collaborative study.’

Published March, 2000.

In 1997/1998 the Health Promotion Agency for Northern Ireland administered the health behaviour of school children (HBSC) survey, which was being carried out in 26 European countries, as well as the USA and Canada. The survey is a unique cross-national research study conducted in collaboration with the European Region of the World Health Organization (WHO), in order to gain new insight into, and to increase the understanding of, the health behaviours and lifestyle of young people. The resulting NI Report presents the results of the Survey. It can be accessed online at www.healthpromotionagency.org.uk/Resources/mental/pdfs/HBSCsurvey.pdf.

Health Promotion Agency ‘Adult Drinking Patterns in Northern Ireland’

Published December 2002.

This very comprehensive report is based on a quantitative study, with research having been carried out in October and November of 1999. It reports on who drinks; how often they drink; the days when they drink; what they drink; where they drink; who they drink with; how much they drink; and binge drinking. In total 1,752 participants took part in the survey. The Report includes the use of drink diaries and the CAGE questionnaire. It details perceptions of drinking and presents 52 tables with breakdowns available for most of these by demographics such as age and gender; and by socio-economic, educational, and other factors. In addition to these 52 tables there are a further 21 figures, most of which are broken down by gender and/or age. The Report also includes a discussion section that draws out implications for individuals’ health; societal health; public health approaches; and policy development. It also provides 5 recommendations to tackle the problem of excess or binge drinking. It can be accessed online at www.healthpromotionagency.org.uk/Resources/alcohol/pdfs/adult%20drinkers.pdf.

Health Promotion Agency ‘Attitudes and behaviour of young adult drinkers in Northern Ireland: a qualitative study’

Published January 2003.

This research report, which was commissioned by the HPA in 2001, is based on qualitative research into the drinking habits of young adults (aged 18-35) in Northern Ireland. Based on semi-structured interviews and focus group discussions, the research explored young people’s experiences, views and perceptions of the benefits and the negative effects of drinking; their

knowledge of and attitudes towards safe drinking; and the drinking context, including where, when, how often, how much and with whom they drink. The research provides a greater understanding of the local drinking culture among young adults, in order to target future health promotion initiatives on alcohol appropriately. It can be accessed online at www.healthpromotionagency.org.uk/Resources/alcohol/pdfs/young%20drink.pdf.

Health Development Agency 'Prevention and reduction of alcohol misuse: Evidence briefing.'

January 2002.

This evidence briefing is a review of reviews about the prevention and reduction of alcohol misuse.

The Health and Social Well-being Survey

The Northern Ireland Health and Social Well-being Survey was commissioned by the Department of Health, Social Services and Public Safety to periodically monitor the health and well-being of the Northern Ireland population. The fieldwork for the survey is carried out by CSU and has been conducted on two occasions to date, in 1997 and 2001, with the next survey due to take place in 2004.

The survey, which is designed to yield a representative sample of all adults aged 16 and over living in Northern Ireland, focuses on a range of different health issues including drinking. A section on cigarette smoking and drinking was covered in 1997 and a subset of questions was used in 2001. The questions covered current drinkers, non-drinkers and ex-drinkers, health and drinking, levels of alcohol consumption and the type of alcoholic drink consumed. This section was completed by adults aged 16 to 17 using a self-completion method.

Summary tables of results from the 2001 survey, including alcohol consumption levels can be accessed at www.csu.nisra.gov.uk/surveys/survey.asp?id=5&details=3&topicId=52. There are a number of tables available from the 2001 Survey including drinking by age and sex, socio-economic group, employment status, religion, marital status and highest educational qualifications.

Details of publications from both the 2001 and 1997 can be accessed in the publications section of the same CSU site at the following page: www.csu.nisra.gov.uk/surveys/survey.asp?id=5&details=5. These include The Cigarette Smoking and Drinking Bulletin 2001 (see below) and the Health and Social Well-being Survey - Top-line Results 2001, the latter of which provides summary information on results by age and sex.

The '**Cigarette Smoking and Drinking bulletin 2001**' which was published in July 2002 is available online at <http://www.csu.nisra.gov.uk/archive/Surveys/HWB/publications/2001/Cigarette%20smoking%20and%20drinking%20bulletin%202001.PDF>.

The **'Health and Social Well-being Survey - Top-line Results 2001'** which was published in December 2001 is available online at <http://www.csu.nisra.gov.uk/archive/Surveys/HWB/publications/2001/Health%20&%20Wellbeing%20Topline%20bulletin%202001.pdf>.

The datasets for the Health and Social Well-being Surveys are archived in the UK Data Archive, where they can be accessed for secondary analysis.

Home Office 'Alcohol and Crime: Taking Stock.'

January 1999.

This Report came out prior to the Government's alcohol strategy being announced. It explored the impact of alcohol on crime by gathering together information from the academic, health and policing fields. It emphasised the importance of proper training for licensees and control of the drinking environment. "Maintaining premises, training staff to deal with intoxicated customers, promoting alcohol in a sensible manner, filtering patrons from licensed premises by using staggered closing times can all be elements in an overall strategy." The report concludes that there is a need for a co-ordinated approach. It quotes Alcohol Concern's recent proposals for a national alcohol strategy in stating that the problem should be tackled by "focusing not only on the individual but on society as a whole".

Home Office 'Reducing alcohol-related violence and disorder: an evaluation of the 'TASC' project.'

Mike Maguire and Hilary Nettleton (with the assistance of Andrew Rix and Stephen Raybould) . January 2003.

An evaluation of the Tackling Alcohol-Related Street Crime (TASC) project, whose objective was to reduce the level of alcohol-related violence and disorder in central Cardiff and Cardiff Bay. The project was a police-led multi-agency scheme launched in July 2000 under the Home Office in the Cardiff area. The detailed evaluation of the initiative looks at the implementations of the scheme, and local data mapping. It examined costs and cost-effectiveness, before drawing conclusions on the success of the project and giving examples of key good practice.

The Targeted Policing Initiative interventions included:

- focused dialogue between the police and members of the licensed trade, mainly through an active Licensees Forum;
- measures aimed at improving the quality and behaviour of door staff;
- attempts to influence licensing policy and practice;
- measures aimed at publicising the problem of alcohol-related violent crime;
- targeted policing operations directed at crime and disorder 'hot spots';
- a cognitive behavioural programme for repeat offenders ('COV-AID');
- a training programme for bar staff ('Servewise');
- a programme of education about alcohol for school age children; and
- support for victims of alcohol-related assaults attending hospital.

The project data analyst created and maintained a database combining information from police sources and the local hospital. This revealed that:

- alcohol related incidents were heavily concentrated on Friday and Saturday nights. Sixty-one per cent involved physical violence, the remainder 'disorder';
- over half (most of them violent) occurred in or just outside licensed premises. Incidents of disorder were more likely to occur elsewhere on the streets;
- most of those involved as offenders or victims were young white males. Forty-two per cent of arrestees had previous arrests for violence or public order offences;
- 'door staff' were involved as victims or alleged assailants in 16 per cent of all violent incidents. Sixty-one were arrested over the 30 month period monitored;
- the most common form of assault was punching or kicking, but at least 10 per cent of cases involved bottles or glasses; the use of knives was rare; and
- most injuries were minor, but 15 per cent of assault victims suffered broken bones and 12 per cent major cuts.

A comparison of the first 12 months after the launch of the project with the previous 12 months indicated an overall decrease of four per cent in incidents involving alcohol-related assaults, despite a ten percent increase in licensed premise capacity in central Cardiff whilst incidents of violence against the person rose elsewhere in South Wales. The researchers estimated that the project helped to reduce the expected level of violent incidents by eight percent during its first year, thus representing 'value for money'. By contrast, there was a 49 per cent increase in incidents of alcohol-related disorder, however these figures were also susceptible to changes in police recording practices.

Even if the figures are accepted at face value, two important qualifications should be noted:

1. The rise slowed markedly during the evaluation period: the increases for the first three six-month periods after launch, compared to the equivalent period of the year before, were 75 per cent, 29 per cent and 3 per cent.
2. Virtually all the rise in disorder was accounted for by one street in Cardiff, which had the densest concentration of pubs and clubs and several newly opened premises.

There were significant reductions in violent and disorderly incidents occurring in or just outside individual pubs and clubs which were the subject of carefully targeted policing operations, and these were sustained over time. Operations targeted at whole streets, rather than individual premises, were less successful.

Overall, the TASC project was most successful in terms of its targeted work with individual premises. Its most fruitful partnership arrangements were with the Licensees Forum. Joint attempts were made to improve security arrangements (including staff training) and particularly in premises where the database indicated that the numbers of incidents were high or rising. In contrast the project was less successful in persuading 'key players' in the County Council, breweries or other relevant companies to adopt broader strategic approaches to prevent late night violence and disorder. Its best achievements here were improved registration, training and disciplinary systems for door staff.

The project was not successful in changing planning policy or in slowing the expansion of licensed premises in 'saturated' areas of Cardiff. It also failed to get general agreement to changes in alcohol marketing strategies. The report argued that, while better management of individual premises is necessary to reduce alcohol-related violence and disorder, attention to wider issues arising from the growth of the 'night time economy' is vital to the long term success of crime prevention in this field.

Key examples of good practice set out by TASC were as follows:

- The creation of effective links with managers of licensed premises (through an active Licensees Forum).
- A well resourced project team, including a manager of sufficient rank and experience and an analyst with good access to police data systems, combined with full integration of the project into police objectives and priorities.
- The maintenance of an accurate and up-to-date dedicated database, drawing on both police and hospital sources, used not only to identify emerging problems, but to guide remedial visits to licensed premises.
- The development of standard training, registration and disciplinary systems for door staff in the city.
- Wide promotion of the project's objectives using a range of innovative sources eg bus campaigns, websites and electronic public information display screens.
- Attempts to engage major players in both the public and private sectors in broader dialogue about the strategic management of the 'late night economy'.

Home Office '*Drunk and disorderly: a qualitative study of binge drinking among 18 to 24-year-olds.*'

January 2003.

Qualitative research explores this issue, particularly young adults' perceptions, experiences of, and motivations for, binge drinking.

Home Office '*Drinking, Crime and Disorder.*'

January 2003.

Presents findings from two Home Office studies that explored the relationship between alcohol consumption and offending among 18 to 24 year-olds.

Home Office 'Alcohol, crime and disorder: a study of young adults.'
January 2003.

Reports on research examining binge drinking and the links with criminal and disorderly behaviour in young adults.

Home Office 'Drug use and offending: summary results of the first two years of the NEW-ADAM programme.'

May 2004.

Report on NEW-ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office 'Trends in drug use and offending: the results of the NEW-ADAM Programme 1999-2002.'

May 2004.

Report on NEW ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office 'The results of the first two years of the NEW-ADAM programme.'

May 2004.

Report on NEW ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office 'Motoring Offences and Breath Test Statistics, England and Wales 2002.' May 2004.

Information on breath tests in England and Wales.

Home Office 'Violent crime in England and Wales.'

May 2004.

Report on violent crime including a small section on alcohol.

Home Office 'Alcohol audits, strategies and initiatives: lessons from Crime and Disorder Reduction Partnerships.'

May 2004.

Report on alcohol audits from crime disorder partnerships.

Home Office 'Drunks and Disorder: Processing intoxicated arrestees in two city-centre custody suites.'

January 2002.

Reports on a study exploring the problems encountered in policing city-centre entertainment districts and in dealing with intoxicated arrestees.

Home Office 'The Role of the Forensic Medical Examiner with "Drunken Detainees" in Police Custody.'

January 2001.

Explores the current role of the Forensic Medical Examiner with 'drunken detainees'.

Home Office 'Alcohol-related assault: findings from the British Crime Survey.' January 2003.

Reports on analysis of alcohol related assaults in England and Wales.

Home Office 'Alcohol and Sexual Violence: Key Findings From the Research.' February 2004.

Summary of research on alcohol and sexual violence.

Home Office 'Alcohol and Intimate Partner Violence: Key Findings From the Research.'

March 2004.

Summary of research on alcohol and intimate partner violence.

Home Office 'Violence in the Night-Time Economy: Key Findings From the Research.' March 2004.

Summary of research on violence in the night-time economy.

Home Office 'Alcohol Audits, Strategies and Initiatives: Lessons From Crime and Disorder Reduction Partnerships.'

March 2004.

Information on how alcohol related crime is being tackled locally.

Home Office 'Penalty Notices for Disorder: Early Results.'

March 2004.

From the Pilot Report on research into penalty notices for disorder (PNDs).

Home Office 'Alcohol-related crime and disorder data: guidance for local partnerships.'

January 2003.

This report is intended to provide guidance for local Crime and Disorder Reduction Partnerships (CDRPs) on the collection and analysis of alcohol-related crime and disorder data.

Home Office 'Evaluation of various data sources on drug use, smoking and drinking by children of secondary school age.'

January 2003.

Paper that compares data from various sources on secondary school children.

Home Office 'The social contexts of underage drinking.'

January 2000.

Research to aid the understanding of the meaning of alcohol in the lives of 12- to 17-year-old young people.

Home Office 'Underage Drinking: Findings from the 1998-99 Youth Lifestyles Survey.'

January 2000.

A survey of young people living in private households in England and Wales who were asked about their drinking behaviour.

HTBS 'Prevention of relapse in alcohol dependence: Health Technology Assessment Report 3. NHS Quality Improvement Scotland.'

January 2002.

Assessment of interventions to prevent relapse in people with alcohol - dependence.

Household Surveys (SHS)

The nature and aims of Continuous Household Survey (CHS) in Northern Ireland are similar to those of the General Household Survey (GHS), which is carried out by the ONS in Great Britain. A parallel household survey, the Scottish Household Survey (SHS) is also conducted for Scotland. Data from the CHS, the GHS and the SHS are archived every year in the UK Data Archive at www.data-archive.ac.uk/findingData/niData.asp and this site can provide access to the databases for secondary analysis.

Institute of Alcohol Studies (IAS) '*Crime and Disorder, Binge Drinking and the Licensing Bill.*'

January 2003.

This report discusses the evidence base for changes to licensing legislation in England and Wales. It summarises the Government claims that the licensing reforms would have positive outcomes by staggering closing times of licensed premises; to try to put an end to binge drinking; and to encourage diversity of provision leading to a less youth-dominated drinking culture. It draws on evidence from objective, scientific studies based in the UK and Europe which suggest that such the reform would not achieve its expected outcomes. Later opening hours may encourage rather than discourage the binge drinking culture. Scotland is now experiencing the backlash of their reform with a situation of 'drunken anarchy' on the streets of the urban centres.

Mediterranean countries have differing regulatory styles from the UK as their drinking cultures are very different from the UK and therefore their different closing times work well there, but would not work as well here. The report points out there needs to be extra policing and transport resources, as well as more fast food outlets operating later at night, if closing times are extended. It also points out that neighbourhood disturbance would be staggered rather than eradicated by simply staggering closing times. It points out that economic viability will determine how late each premises would stay open, whilst in the interests of a business being competitive the idea of closing premises at staggered times would be appealed by those who are forced to close their doors earlier than the others. Such factors have been largely ignored by the Government reform. A growth in the number of premises, combined with longer opening hours, has been shown to have resulted in a major growth in crime, disorder and public nuisance in urban centres in the UK, and internationally. Late night drinking appeals primarily to the younger generation, and binge-drinkers, with extended hours appealing to a relatively small segment of the UK population (estimated in this report as 20 percent). In contrast to what the Government had claimed in their reform, International studies have shown that whilst increased hours of trading may not increase the overall level of alcohol consumption, they increase the problems associated with consumption such as the following: alcohol-related harm; traffic injury; street disorder and violence: heavier drinking; and drunken behaviour.

Institute of Alcohol Studies (IAS) '*Alcohol and Crime.*'

January 2003.

Summarises research findings on alcohol and crime and outlines government initiatives.

This document can be found at:

www.ias.org.uk/publications/alert/99issue3/alert9903_p12.html

This publication reviews the content of the Home Office publication '*Alcohol and Crime: Taking Stock*'. It notes that whilst the Home Office report stressed the need for greater use of pub exclusions, laws on anti-social behaviour, and alcohol by-laws, it avoided reference to known links between violent crime and the overall level of alcohol consumption. This was stressed despite the Home Office having drawn particular attention in previous research which had concluded that the growth in beer consumption was the most important single factor explaining growth in violent crime. It also sidesteps most of the issues concerned with liquor licensing.

Institute of Alcohol Studies (IAS) '*Alcohol Policy - What the UK public thinks.*'

This bulletin from the IAS online publication 'The Globe' detailed the results of an opinion poll on possible changes in alcohol policy, conducted by NOP on behalf of the Institute. NOP Solutions surveyed more than 1800 adults aged 15 years and over, using a random location sample. The sample was designed to be representative of all adults in Great Britain. Interviewing took place between the 6th and 11th of January, 2000. Results were broken down by sex and region. This poll was carried out at a time when ministers were believed to have been contemplating the liberalisation of the present laws to introduce "continental-style" drinking. There was an attitude of almost disbelief amongst the media and industry to the publication of the results of the poll, which found that the majority of British people said that it would be a bad thing to extend pub opening times at night and rejected the concept of continental drinking.

The poll asked whether it would be a good thing or a bad thing to extend drinking hours at night. Those who thought it would be a good thing to extend drinking hours at night were also asked about the days on which there should be later opening times. All of the sample were then asked as to which time they thought closing time should be in residential areas. They were then asked whether, in the case of drinking hours being extended beyond 11 pm, they would take advantage of the later opening hours.

Local choice: There had been some discussion as to where the power to grant licences should lie. The choice was between a continuation of the present system in operation in England and Wales where it is in the hands of licensing magistrates or some form of local accountability. The latter could either be a committee of the council or a licensing authority which would consist representatives of local interests. Whilst most of the of the questions in the poll had some implication for any community-based approach to licensing, two had specific relevance. Those questioned were asked, "Do you think that people who live in an area should have the right to object to late night opening by pubs and clubs or not?" An overwhelming 92 per cent

wanted the right to object. There was no great variation in class, sex, age, or region.

Similarly, 90 per cent of the population believed that people should have the right to object if they think that too many pubs and clubs are being opened in the area in which they live. There is even less variation according to class, age, sex, or region for this question.

The results provided a very strong message to Government that people wanted to have a greater say in how licences are granted in their own communities.

Café society: The sample was also asked whether they thought that the present law restricting the entry of children under 14 into bars should be kept or that they should be allowed legally into all bars and pubs when accompanied by an adult. The majority believed that the present law should be retained, with very little variation across the categories mentioned.

Age limits: There had been no suggestion that the liberalisation of the licensing laws proposed by ministers should include any change to the legal age for buying alcohol but some time ago the drink industry did begin to make some moves towards a lowering of that age. The controversy over alco-pops put a temporary halt to this.

In representations to Her Majesty's Government, the IAS explained that it accepted the need to modernise the licensing law and believed that a key element of reform should be to make the licensing system more responsive to the needs of local residents. This was necessary to prevent the licensing system coming to serve the interests of the alcohol industry and a minority of drinkers at the expense of the wider community.

Institute of Alcohol Studies (IAS) '*Alcohol-Related Crime and Disorder.*'
January 2003.

Summarises research and statistics on alcohol related crime.

Institute of Alcohol Studies (IAS) '*Young People and Alcohol.*'
January 2003.

Summary of statistics and research on young people and alcohol.

Institute of Alcohol Studies (IAS) '*Alcohol: Tax, Price and Public Health.*'
January 2002.

Contains evidence on links between tax, price, consumption and harm, together with rates of excise duty 1973-2001.

Institute of Alcohol Studies (IAS) '*Youth, Alcohol, and the Emergence of the Post-Modern Alcohol Order.*'

Kevin J Brain.

IAS Occasional Paper No. 1 January 2000.

This paper attempts to outline and provide an explanation for recent trends in the youth alcohol market.

Institute of Alcohol Studies (IAS) Ireland ‘Crime and Disorder, Binge Drinking and the Licensing Bill.’

January 2003.

This Report detailed evidence which conflicted with that reported by the UK Government when they undertook their recent licensing reform. It includes international evidence, including Ireland. Hospital A&E departments and the Gardai in Ireland have attributed a rise in the late night street disorder and violence to the extension of licensing hours that was introduced in 2000, and that as a direct result of this, the Irish Government ruled out the possibility of 24 hour licensing being introduced there for the foreseeable future.

International Centre for Alcohol Policies (ICAP) ‘Violence and Licensed Premises.’

January 2002.

This Report examines some of the prevention strategies used to combat violence in and around licensed premises.

International Centre for Alcohol Policies (ICAP) ‘Estimating Costs Associated With Alcohol Abuse: Towards A Patterns Approach.’

January 1998.

This Report explores how social cost estimates for alcohol have been developed.

Ministry of Health and Alcohol Advisory Council of New Zealand ‘National Alcohol Strategy 2000 - 2003.’

January 2001.

National Alcohol Strategy 2000 - 2003.

NACRO ‘Young People Alcohol and Offending.’

January 1999.

Covers how much young people drink, the circumstances likely to lead to alcohol problems and the relationship between alcohol and offending.

NHS National Services Scotland - ISD ‘West Lothian Young People’s Street Survey 2002.’

May 2003.

A street/work survey of young people in West Lothian on drug, alcohol and tobacco use and sexual health behaviour of young people aged 12-18.

NHS National Services Scotland - ISD ‘Smoking, drinking, drug use and sexual health among schoolchildren in the Western Isles.’

January 2001.

A survey of the prevalence of drinking, smoking and drug use among Western Isles schoolchildren as well as establishing views and knowledge on a range of sexual health issues.

Northern Ireland Court Service (NICtS)

Offences - NICtS holds a list of 52 individual alcohol related offences for which a person can be prosecuted or convicted. Whilst NICtS do not currently

make a record of the number of cases that fall into each of these categories, they still hold records of convictions and prosecutions on paper files for the years 1993 to 2002, and these could be checked over to produce frequencies for each alcohol related offence. Alternatively the DSS is the source for prosecutions and therefore they (or the DPP on their behalf) would be able to provide the numbers, areas and the results of these prosecutions.

Licensing - Figures for the number of licences granted to new establishments plus the total number of renewal licences, occasional licences and transfer (and other) licences issued each year can be found in the publication entitled '**Judicial Statistics 2002.**' which can be accessed on the NICtS website at: www.courtsni.gov.uk/en-GB/Publications/Targets_and_Performance/p tp_judicialstatistics2002.htm. (See Tables D11.2, P57 and E14, P76.) The 2003 publication is due to be published very soon. Legislation regarding licensing was changed approximately five to six years ago. Prior to that a license had to be renewed annually, however under the revised legislation it must be renewed every five years. Based on these figures it would be possible to ascertain the number of licenses granted to licensed premises in Northern Ireland each year, if the records for the last six years were to be made available. Courthouses also send a record of the number of licence applications to the Social Legislation Office at the Department for Social Developments (at Dundonald House) taken from registers held at each courthouse. These registers contain the names and addresses in relation to each licensed premise, and can be inspected on payment of a fee should this be required. Court administrators at each court location should be contacted in the first instance to discuss access issues.

Mapping - It should also be possible to pull together a list of postcodes from the NICtS files of all licensed premises in Northern Ireland at any one time, and to map these using GIS. The paperwork relating to new applications for licences are held by individual county courts whilst the renewal, transfer, occasional and other licences paperwork is held at the magistrates courts, these are in one location for all combined court offices. Similarly this mapping exercise could be repeated for the postcodes of offenders by their home address. This would involve substantial administrative resources at the outset, as these addresses and postcodes, assuming that all the records include postcodes, are held on paper files at individual courthouses rather than being held centrally on computer. It is envisaged that the Integrated Court Operation System (ICOS) will capture all register details electronically by early 2006. In relation to licensing, those premises which were granted a licence within the last year do not apply for renewal until they approach their five year renewal date therefore it is feasible that in 5 years time the system will be accurate for all licensed premises.

Northern Ireland Crime Survey (NICS)

NIO have conducted the Northern Ireland Crime Survey since it began in 1994. It currently runs every 2 years however plans are afoot to run it annually from 2005. From this survey NIO have been able to produce figures for the percentage of victims of violent crime who believed that the offender in their case had been under the influence of alcohol. A question determining

this percentage was asked in the Survey in 1998, 2001 and 2003-04, however it was not asked in the earlier 1994 sweep. It is only asked of respondents who have been victims of crime in the last 12 months and who knew something about the offender.

As the Crime Survey questionnaire is very long at present it will be looked at again critically prior to moving to an annual Survey in 2005, and a decision will be made as to whether to retain this question. Interest in the result of a particular question will be taken into account when deciding whether it will remain in future surveys.

Of the 830 crime incidents picked up by the Survey sample in 2003-04, 115 were violent. Of these 115 victims, a base of 107 were asked if, as far as they knew, the offender or offenders had been under the influence of alcohol. It was found that 59% of victims stated that the offender or offenders had been under the influence of alcohol, 26% believed this hadn't been the case and 15% didn't know. These results are un-weighted as they relate to incidents rather than respondents. Caution should be taken when using these findings as there is such a low base for this question, particularly when the results are split into property and violent crime.

Northern Ireland Omnibus Survey

The Northern Ireland Omnibus Survey is a multi-purpose survey which contains questions about a wide range of issues which is run every two to three months depending on client demand. It is a fast, effective and reliable way of obtaining information from a representative sample of people in Northern Ireland. Addresses are selected using a random sampling method, based on the Valuation and Lands Agency list of all domestic properties in Northern Ireland, ensuring that addresses are spread proportionately across Northern Ireland. All fieldwork is carried out by CSU's panel of fully trained and experienced interviewers. The face-to-face interviews are conducted over a five week period at a minimum of 1,100 addresses, taking one randomly selected person aged 16 at each address, therefore the interviewers have no influence over who is interviewed. Unlike quota samples, this method avoids the bias introduced when interviews are only taken from those respondents who are easy to persuade to take part in the survey. The results are available two weeks after the end of this field period.

Requests for the inclusion of questions in the omnibus can be accepted up to three weeks before fieldwork begins, subject to space being available. Clients can either provide their own questions or can consult with Central Survey Unit to develop appropriate questions to meet their needs however questions requiring substantial development need to be requested before the three week deadline. It is conducted using the latest Computer Aided Interviewing (CAI) technology, which ensures not only the fastest turnaround and the highest quality of data but also projects an image of professionalism to the respondent.

The omnibus offers clients a probability random sample; high response rates; advice on questionnaire design; and the option of analysis by a large number

of classificatory variables such as age-group, gender, religion, marital status, disability status, dependent status, socio-economic group, employment status, economic activity status, highest qualification level and urban rural areas.

The Omnibus can be used to measure the effectiveness of publicity campaigns and public awareness of new policies or to obtain quick answers to questions of immediate interest or small amounts of information which do not require a full survey.

The **'Road Safety Monitor 2003'** is a publication produced by CSU, which has been commissioned by the Department for Regional Development (DRD). It has been running for 10 years, therefore trend data is available, and fieldwork is carried out annually in May. The Report presents the findings from the Road Safety Module that is taken from the Omnibus Survey. It contains results from the 2003 survey, including a section on drink driving that addresses drink driving behaviour, attitudes and awareness. Results are presented in tabular form with a breakdown by age and gender. Additional breakdowns are also provided for specific tables as appropriate, such as a breakdown by driver status (driver or non-driver). This publication can be accessed online at the CSU website at the following address:

www.csu.nisra.gov.uk/publications/default.asp.

Results from the May 2004 monitor are due to be published in September 2004.

National Assembly for Wales 'Road Accidents: Drinking and Driving, 2001.'

This statistical bulletin published in December 2002 addresses the number of casualties resulting from drink driving accidents was published in December 2002. The information presented here relates only to those cases where personal injury accidents reported to the police occurred. The figures also partly reflect the testing policies of the individual police forces and other extraneous factors. It can be found at the following website address:

www.wales.gov.uk/keypubstatisticsforwalesheadline/content/transport/2002/hdw200212161-e.htm.

Office of National Statistics (ONS) Sources - United Kingdom (UK) only

The Department of Health compiles data on smoking and misuse of alcohol from a variety of sources, which can be accessed online via the ONS at <http://www.statistics.gov.uk/STATBASE/Analysis.asp?vlnk=116>. Occasional publications on trends are also prepared. This is collected and compiled biennially with data for alcohol available for 1986 onwards, covering England, Scotland and Wales, with full geographic coverage. Commonly available units for which aggregate data are made available are Regional Health Authority (RHA) or Regional (Health) Office Area while the standard geographical classification or coding systems used is Government Office Regions. Key census variables used are age/date of birth; ethnic group; marital status; sex; social group; and socio-economic group.

The publication **Office of National Statistics (ONS) 'Social Trends'** draws together social and economic data from a wide range of government departments and other organisations across the UK to paint a broad picture of society, and how it has been changing.

There are 13 chapters each focusing on a different social policy area, described in tables, figures and text including population; households and families; social protection; crime and justice; and lifestyles and social participation. It can be found on the website of The Office of National Statistics at

www.statistics.gov.uk/StatBase/Product.asp?vlnk=5748&Pos=&ColRank=1&Rank=422.

Office of National Statistics (ONS) 'Regional trends' is a comprehensive annual source of official statistics for the Statistical Regions of the United Kingdom (Scotland, Wales, Northern Ireland and the Government Office Regions within England). It includes a wide range of demographic, social, industrial and economic statistics covering aspects of life in the regions. Publication chapters include: 'regional' profiles; European Union regional statistics; income and lifestyles; crime and justice; and sub-regions of England, Wales, Scotland and Northern Ireland.

www.statistics.gov.uk/StatBase/Product.asp?vlnk=836&Pos=&ColRank=1&Rank=422.

Office of National Statistics (ONS) 'Motoring Offences and Breath Test Statistics, England and Wales 2001' (Statistical Bulletin 03/03 – Margaret Ayres, Paul Hayward & Dave Perry)

This Home Office Report produced in conjunction with the ONS and published in February 2003 covers the total roadside breath tests required in England and Wales and the number found to be positive or refused. It also contains motoring offences dealt with by various types of official action for those driving under the influence of alcohol or drugs (although these two substances are dealt with as one, rather than separated). Analysis by quarter (of the year) and by police force area are also included. Findings of guilt at all courts for this offence are also provided for 1991 to 2001, including by age and sex of offender. A number of tables contain figures for 1951, 1961, 1971, 1981, 1991 and 1994 through to 2001. The Report can be accessed online at www.homeoffice.gov.uk/rds/pdfs2/hosb303.pdf.

Office of National Statistics (ONS) 'Statistics on Alcohol; England, 2003', (Statistical Bulletin 03/20).

This statistical bulletin was produced by the Department of Health in conjunction with ONS and was published in October 2003. It reports on drinking among adults aged 16 and over; drinking among young people aged 11-15; alcohol releases for home consumption; alcohol-related ill health; and other indicators of alcohol-related harm. It also details expenditure on alcohol from 1980 to 2002, and provides indices of alcohol price. Table 17 within the Bulletin gives a break down by types of crime whereby offender(s) were under

the influence of alcohol in violent incidents for England and Wales for the years 1998, 2000 and 2001/02. This table was sourced from the *Home Office British Crime Surveys*. Table 18 details the number of persons cautioned, proceeded against, and those found guilty of drunkenness by Gender in England and Wales for the same years as the previous table. The source for this table was the *Home Office Statistics England and Wales* (Supplementary Tables 2001 volumes 1 and 3). Table 19 lists the number of proceedings at magistrates' courts, from 1990 to 2001, for driving after consuming alcohol or taking drugs, however these figures include those who were under the influence of drugs rather than alcohol. These were taken from the Home Office Statistical Bulletin (03/03) '**Motoring Offences and Breath Test Statistics, England and Wales 2001**', Table 8. Table 20 of the ONS Bulletin provides figures for the breath test results and convictions relating to these from 1980 to 2001, also taken from the Home Office Bulletin.

Office of National Statistics (ONS) 'Living in Britain 2002' is a publication that was produced by ONS in 2004 based on the results of the 2002 General Household Survey (GHS). The GHS uses two measures of alcohol consumption: maximum daily amount drunk last week; and average weekly alcohol consumption. Figures are included for alcohol consumption by sex, and by weekly-based measures of alcohol consumption reported, when drinking questions were first asked on the GHS in 1978. Questions relating to maximum daily amount have been asked since 1998, reflecting the move in 1995 from weekly-based to daily-based guidelines from the Department of Health. Longer-term trend data from the GHS are currently only available for weekly-based measures. A summary of the section on drinking from this Report can be accessed online at: www.statistics.gov.uk/cci/nugget.asp?id=829.

Further tables taken from this Report are also available from the ONS website for the average number of units of alcohol consumed per week by men and women aged 16 and over, in 2002, broken down by Government Office Region; by usual gross weekly earnings (for those in full-time employment); by economic activity status; by usual gross weekly household income; and by socio-economic classification of the household reference person. These tables can be found at www.statistics.gov.uk/cci/nscl.asp?ID=5652.

Office of National Statistics (ONS) Expenditure and Food Survey (EFS)

The EFS is a continuous survey, collecting information on household expenditure, income and food consumption. The primary uses of the survey are to provide information about spending patterns for the Retail Price Index, and about food consumption and nutrition. The Survey provides average weekly expenditure figures on various goods including alcohol. The EFS is commissioned by the Social Survey Division (SSD) of ONS and by the Department for Environment, Food and Rural Affairs (DEFRA). The main customers are divisions within ONS, DEFRA and a number of other government departments. SSD is responsible for the survey design and carries out fieldwork in Great Britain, while the Central Survey Unit (CSU) of the Northern Ireland Statistics and Research Agency (NISRA) undertakes the

fieldwork in Northern Ireland. The family spending report entitled '**UK Expenditure and Food Survey Report**' can be accessed at the following website address:

http://www.statistics.gov.uk/downloads/theme_social/Family_Spending_2002-03/Family_Spending_2002-03.pdf.

Office of Population Censuses and Surveys – Social Survey Division
'Drinking in England and Wales in the late 1980s.'

Eileen Goddard. Published 1991.

This Report includes background to the Survey such as licensing laws in England and Wales; the impact of the changes in opening hours of licensed premises; drinking and driving; alcohol consumption; patterns of drinking; problem drinking; types and strengths of drink; drinking and general health; and alcohol and work. It covers 1989, but makes comparisons back to 1987, and provides a background to the survey which includes licensing in England and Wales and changes in alcohol consumption in the decade before the implementation of the 1988 Licensing Act.

Police Service of Northern Ireland (PSNI)

PSNI have collated figures for Road Traffic Collision (RTC) casualties in NI from 1990 to 2003. The figures may not be directly comparable to those collated in the ONS Statistical Bulletin due to differences in coding methods for driver alcohol related collisions, and also as there is no adjustment made for under-reporting for collisions recorded by PSNI. At this stage figures for 2003 are provisional and are therefore subject to amendment.

Figures for RTC casualties by year provide a total number of all road traffic casualties, and subtotals for the total number of casualties within these figures whereby the primary causation factor was judged to be driver/rider alcohol. These casualties are then broken down into the number killed, seriously injured and slightly injured. This table also includes figures for pedestrian casualties and deaths whereby the pedestrian was under the influence of alcohol or drugs. '**Northern Ireland - Principal Factors in Road Traffic Collisions: 2003**' is available online at the following PSNI website address: www.psni.police.uk/calendar_stats3-2.doc.

Figures are also collated for the number of casualties due to driver or rider alcohol providing a breakdown by age and road user type (pedestrian, pedal cyclist, motorcyclist, car occupants and other road users). Further tables are also available for breakdown of total number of alcohol related road casualties by age and gender. These figures can be accessed on the PSNI website at:

www.psni.police.uk/index/statistics_branch/pg_road_traffic_related_statistics.htm.

PSNI also employ crime analysts within each DCU who record statistics for their own DCU for criminal activity that does not proceed to court.

When someone is charged with an offence, the actual charge sheet would include the address or location at which the offence took place, and these could be used in a mapping exercise for alcohol-related offences however this can only be done for those cases which detail on the charge sheets whether the offender was under the influence of alcohol. This part of the charge sheet is not always complete and therefore under-recorded.

Portman Group *'Counting The Cost: The measurement and recording of alcohol-related violence and disorder.'*

January 2001.

This Research Report examines in detail the current procedures used to record and collate information on alcohol-related violence and disorder. It was commissioned in order to investigate how different agencies approach the problem of defining and measuring alcohol-related disorder. It also suggests ways in which greater accuracy and consistency could be achieved in doing this in future. The research was based on qualitative research, telephone surveys and questionnaires focusing on data from the police; hospital A&E departments; crime reduction partnerships and projects; city and town centre managers; and the Netherlands. It also incorporated an industry view. It concluded that inadequate recording practices were not enabling the scale and nature of alcohol related violence and disorder to be assessed accurately, and suggested finding or producing a clearer definition of the term 'alcohol related'. It also pointed that it was very difficult, if not almost impossible, to make an objective evaluation of initiatives aimed at reducing alcohol related violence and disorder.

Portman Group *'Keeping The Peace: A guide to the prevention of alcohol-related disorder.'*

This Report served as a model for setting up schemes to prevent alcohol related disorder, and it provided a guide to prevention at a local level. It covered various aspects of drink-related disorder and considered the role that each group or agency can play in reducing the problems. It addressed partnership approaches; town centres strategies; pub-watch and similar schemes; exclusion orders; operation of licensed premises; alcohol counselling services; door staff; training; designing out violence; and current initiatives in place.

Social Care Institute for Excellence *'Families that have alcohol and mental health problems: a template for partnership working.'*

January 2003.

Report is about delivering high quality co-ordinated services to families where children live with parents who misuse alcohol or have mental health problems.

Social Care Institute for Excellence *'Alcohol, Drug and Mental Health Problems: working with families'*

January 2003.

Focuses on the policies and practices that can promote integrated services to families where a parent has persistent mental health, alcohol or drug problems.

Sociological Research Online ‘Researching a Hard-To-Access and Vulnerable Population: Some Considerations On Researching Drug and Alcohol-Using Mothers.’

January 2000.

Research methodology on specific population groups.

The Academy of Medical Sciences ‘Calling Time.’

March 2004.

The scientific evidence indicates that, for the health of the public, action is required to reduce the consumption of alcohol at a population level.

The Northern Ireland Life and Times Survey

The Northern Ireland Life and Times Survey was launched in October 1998 and is carried out by the Queen’s University of Belfast and the University of Ulster. It has its roots in the [Northern Ireland Social Attitudes Survey](#), which ran from 1989 to 1996 and records the attitudes, values and beliefs of the people in Northern Ireland to a wide range of social policy issues. In 1998 it asked one question relating to drunkenness, which has not been repeated since. It should be noted that this question did not differentiate between ‘drunks’ and tramps. The question was worded as follows:
How common are drunks or tramps on the streets in your area?

The survey can be accessed online at: www.ark.ac.uk

Scottish Crime Survey (SCS)

Information including introductory pages, resources, and frequently asked questions is now available on the ESDS Government website at the following address: www.esds.ac.uk/government/scs/web_pages.

Before the separate survey series for Scotland was established, Scottish data were collected as part of the 1982 and 1988 waves of the British Crime Survey in 1982 and 1988. The SHS was run independently from the British Crime Survey since these 1988, in 1993, 1996 and 2000.

These can be accessed through the UK Data Archive site at www.data-archive.ac.uk/findingData/scsTitles.asp.

Scottish Executive Nicholson Committee

The core 'licensing principles' recommended by the Nicholson Committee set out in the Licensing (Scotland) Bill were the prevention of crime or disorder; the promotion of public safety; the prevention of public nuisance; the promotion of public health; and the protection of children from harm.

The main proposals included:

- Improved monitoring of licence condition compliance and tougher sanctions on those who break the conditions
- An end to irresponsible drink promotions which encourage binge drinking

- A clear national framework will be established but with local flexibility. The Executive propose to put Local Licensing Fora on a statutory footing and new requirements for licensing boards to assess local provision
- Improvements to the objection process including widening the range of local people able to object
- The system of opening hours will be replaced with a 'premises by premises' approach to hours.

Scottish Executive '*Liquor Licensing and Public Disorder: Review of Literature on the Impact of Licensing and Other Controls, and Audit of Local Initiatives.*'

January 2003.

This Literature review addresses the impact of licensing law and other controls on public disorder. The review was written prior to the Nicholson Report and provides evidence regarding licensing issues such as regulating the control of the sale of alcohol; initiatives to control licensing and the availability of alcohol; targeting groups or areas; controls on location of drinking; drink-driving; and alcohol as a defence for committing crime. It details initiatives that were then being piloted in Scotland and summarises any issues that these initiatives raised. The review is very extensive and references many studies from not only the United Kingdom, but also international studies, predominantly from the United States of America and Australia.

Scottish Executive '*Liquor Licensing in Scotland, 1999-2003. A Scottish Executive National Statistics Publication on liquor licensing in Scotland in the Scottish Executive's Criminal Justice Series: (CrJ/2004/3).*'

May 2004.

This document provides statistics for liquor licences in force by type of premises, by licence type, and by council area. It also looks at regular extensions, refusals of licences; and at registered clubs. It provides tables also for liquor licensing law offences recorded by the police, by type of offence, and persons charged.

Scottish Executive '*The Nicholson Committee Report on Liquor Licensing Law in Scotland: Analysis of Consultation Responses.*'

March 2004.

Scottish Executive '*Criminal Proceedings in Scottish Courts 2002.*'

February 2004

Scottish Executive bulletin presenting statistics on criminal (including alcohol related) proceedings in Scottish courts thus providing information about those prosecuted in Scottish courts.

Scottish Executive '*Liquor Licensing in Scotland 1998–2002.*'

January 2003.

This publication is produced annually and provides statistics covering the previous 4 years.

Scottish Executive '*Recorded Crime in Scotland 2002.*'

January 2003.

This is an annual publication reports statistics on crimes and offences recorded and cleared up by the eight Scottish police forces, in this case for 2002.

Scottish Executive '*Road Accidents Scotland 2002.*'

November 2003.

This annual publication provides detailed statistics about road accidents, accident costs, vehicles involved, drivers and riders, drink-drive accidents, drivers breath tested, and casualties.

Scottish Executive '*Homicides in Scotland in 2001.*'

January 2002.

This publication provides annual statistics on those charged with homicide including relationship to alcohol.

Scottish Executive '*Domestic Violence: Findings from the 2000 Scottish Crime Survey.*' January 2001.

This report presents the findings from the 2000 Scottish Crime Survey (SCS) relating to domestic violence including the relationship to alcohol.

Scottish Executive '*Drinking and driving: prevalence, decision-making and attitudes.*' January 2001.

Research on drinking and driving in Scotland.

Scottish Executive '*The Scottish Health Survey 1998.*'

January 2000.

Scottish wide health survey including questions on drinking.

Scottish Executive '*Effective And Cost-Effective Measures To Reduce Alcohol Misuse In Scotland: A Literature Review.*'

January 2001.

Scottish Executive '*Scottish Community Care Statistics 2001.*'

January 2002.

An annual publication which provides statistics on the community care across the range of health and social care services for adults in Scotland.

Scottish Executive '*Mind the Gap - Meeting the needs of people with co-occurring substance misuse and mental health problems.*'

November 2003.

Scottish Executive '*Health in Scotland 2003.*'

April 2004.

Annual Report of the Chief Medical Officer.

Scottish Executive '*Attitudes Towards Alcohol Misuse: Views of the General Public.*' January 2001.

Scottish Executive 'Attitudes towards alcohol: views of the general public, problem drinkers alcohol service users and their families and friends.'

January 2001.

Scottish Executive 'Consultation with Children and Young People on the Scottish Executive's Plan for Action on Alcohol Misuse.'

January 2001.

Consultation with Children and Young People on the Scottish Executive's Plan for Action on Alcohol Misuse.

Scottish Executive 'Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2002.'

November 2001.

Reports on smoking, drinking and drugs use in the context of other aspects of pupils' lifestyles.

Scottish Executive 'Underage Drinking and the Illegal Purchase of Alcohol.'

January 2003.

Report on research on under-age drinking behaviour of young people, and the extent to which alcohol is purchased illegally.

Scottish Executive 'SALSUS Interim National Report Survey of substance use prevalence amongst schoolchildren in Scotland, including data on health behaviours, health and well being indicators and social contextual variables.'

January 2003.

In addition to this national report, local reports are available for key findings from SALSUS on the prevalence of smoking, drinking and drug use among 13 and 15 year old pupils attending schools in Scottish Regions in 2002 are available for the following regions: West Lothian, Shetland, Perth and Kinross, Orkney, Moray, Midlothian, Lanarkshire, Highland, Greater Glasgow, Forth Valley, Fife, Edinburgh City, East Lothian, Dundee City, Dumfries and Galloway, Borders, Ayrshire and Arran, Argyll and Clyde, Angus, Aberdeenshire, and in Aberdeen City.

Scottish Executive 'Alcohol Misuse in Scotland: Trends and Costs.'

January 2001.

Alcohol Misuse in Scotland: Trends and Costs.

Scottish Executive 'Getting our Priorities Right: Good Practice Guidance for working with Children and Families affected by Substance Misuse.'

January 2003.

Guidance for everyone who has an interest in the well-being of children and families including staff in drug and alcohol services, children's services and criminal justice agencies.

Scottish Executive 'Towards A Plan For Action On Alcohol Misuse.'

January 2003.

Summary Of Evidence.

Scottish Executive 'ARBD - A Fuller Life.'

April 2004.

Report of the expert group on Alcohol Related Brain Damage.

Scottish Executive 'Plan for Action on Alcohol Problems.'

January 2001.

Scottish Executive's national plan for alcohol problems.

Scottish Intercollegiate Guidelines Network 'The management of alcohol dependence in primary care.'

January 2003.

This guideline pertains to patients with alcohol dependence, hazardous or harmful drinking in primary care (general practice and community nursing) and among those attending, but not admitted from, A&E departments.

The National Centre on Addiction and Substance Abuse (CASA) USA 'Teen Tiplers: America's Underage Drinking Epidemic.'

January 2002.

Report that documents the pathways to use and abuse of alcohol by children and teens and identifies obstacles that hamper efforts to prevent underage drinking.

The National Centre on Addiction and Substance Abuse (CASA) USA 'The Economic Value of Underage and Adult Excessive Drinking to the Alcohol Industry.'

January 2003.

This report estimates the amount spent on alcohol by underage and excessive drinkers in the USA.

'Dealing with Drink: Alcohol and Social Policy.'

Dr Betsy Thom.

This book is a review of social policy relating to alcohol over a period of almost 50 years, which was published prior to the Department of Health's new strategy on alcohol. It addresses how attitudes and responses to alcohol and alcohol problems developed over this period, and the changing reaction of Governments to alcohol policy. The immensely detailed research unravels the confusion in both the professional and laypersons' understanding of how perceptions have gradually changed from the concept of alcohol as a disease to controlling consumption. At the same time, this account of alcohol policy provides a case study, which would be useful to those who have an interest in how social policies emerge, change and develop. It raises the following questions and illustrates answers to them through an examination of alcohol policy over the past fifty years:

How do issues move on and off policy agendas?

Why do some policy statements fail to be implemented?
What is the role of civil servants, professional leaders, or pressure groups in policy formation?
How do inter-departmental tensions or the conflicting interests of different social groups influence policy objectives and policy outcomes?
To what extent is policy 'evidence based'?
To obtain a copy of this book email fab@melmoth.demon.co.uk, or phone 020 7388 3182.

TSO 'Road casualties in Great Britain 2002 – Annual Report' (previously called *Road Accidents Great Britain*) was published by TSO in 2003.

This Report provides detailed analyses of road casualties and reports on trends in relation to casualty reduction targets. Some of the tables present 2002 figures in relation to the baseline figures for casualty reduction targets. In addition to the detailed statistical tables, the publication also includes an article presenting final estimates of road accidents involving drink driving for 2001, and provisional figures for 2002. The provisional drink drive figures show that the number of deaths in accidents involving drink driving has risen and casualties of all severities appear to be on the increase. The full Report is available online at:
www.dft.gov.uk/stellent/groups/dft_transstats/documents/page/dft_transstats_024293.hcsp.

TSO 'Smoking, drinking & drug use among young people in Scotland in 2000.'
January 2001.

Survey to monitor smoking, drinking and drug use among secondary school children aged 12-15 in Scotland.

University of Strathclyde 'Perceptions of factors that promote and protect against the misuse of alcohol amongst young people and young adults.'
January 2001.

A report on qualitative research exploring alcohol use and problems among young people in Scotland.

US Department of Justice USA 'Alcohol and Crime.'
January 1998.

Overview of national (US) information on the role of alcohol in violent victimization and its use among those convicted of crimes.

World Health Organization 'Global Status Report: Alcohol and Young People.'
January 2000.

Drawing on WHO's global alcohol database, this report provides an overview information relating to young people.

World Health Organization ‘Needs Assessment.’

January 2002.

A World Health Organisation workbook to assist with substance misuse needs assessments.

World Health Organization ‘Brief Intervention for Hazardous and Harmful Drinking. A Manual for Use in Primary Care.’

January 2001.

This manual is written to help primary care workers – physicians, nurses, community health workers, and others – to deal with persons whose alcohol consumption has become hazardous or harmful to their health.

World Health Organization ‘International guide for monitoring alcohol consumption and related harm.’

January 2000.

Guidance on the development of indicators of alcohol consumption and harm.

World Health Organization ‘International Guide for Monitoring Alcohol Consumption and Related Harm.’

January 2000.

The purpose of this document is to provide principles and guidance on the development of indicators of alcohol consumption and harm for different countries with different levels of resources.

World Health Organization ‘European Alcohol Action Plan 2000-2005.’

January 2000.

The aim of EAAP for the period 2000–2005 is to prevent and reduce the harm that can be done by alcohol throughout the European Region.

World Health Organization ‘Global Status Report: Alcohol and Young People.’

January 2001.

Provides an overview of the prevalence of drinking among young people, alcohol-related mortality and other health effects, and prevention policies designed to reduce alcohol-related problems among the young.

World Health Organization Neuroscience of Psychoactive Substance Use and Dependence: Summary.’

March 2004.

Summary of current knowledge of the biological basis of substance use behaviours.

Young Persons Behaviour and Attitudes Survey (YPBAS)

A consortium of government departments and public bodies commissioned CSU to design and conduct a study on the behaviour and attitudes of young people in post-primary education in Northern Ireland, resulting in the YPBAS. The content of the Survey questionnaire is set in consultation with the clients. This school-based survey is conducted among 11-16 year-olds and covers a

range of topics relevant to the lives of young people today including alcohol. As yet only two rounds of the survey have taken place: one in Autumn 2000 and again in Autumn 2003. The self-completion paper questionnaire asks a range of questions including the behaviour and attitudes of young people towards alcohol (asked in both years), and antisocial behaviour (asked only in the latter year). Results can be found at the following address online: www.csu.nisra.gov.uk/surveys/survey.asp?id=11&details=3.

The latest bulletin entitled 'YPBAS Headline Bulletin 2003 (Weighted)' was published in June 2004 and Can be found online at [http://www.csu.nisra.gov.uk/archive/Surveys/YPBAS/PUBLICATIONS/YPBAS%202003%20Headline%20Bulletin%20\(weighted\).pdf](http://www.csu.nisra.gov.uk/archive/Surveys/YPBAS/PUBLICATIONS/YPBAS%202003%20Headline%20Bulletin%20(weighted).pdf).

ANNEX E

District Councils views on proposal to transfer liquor licensing to Councils

Antrim Borough Council	R557 Antrim Borough Council.doc	For, subject to “suitable and sufficient” resources in place
Banbridge District Council	R529 Banbridge District Council.doc	For, subject to “suitable and sufficient” resources in place
Coleraine Borough Council	R515 Coleraine Borough Council.doc	For – no reasons stated
Newry & Mourne Council	R546 Newry and Mourne District Council.doc	For, subject to “suitable and sufficient” resources in place
Strabane District Council	R549 Strabane District Council.doc	For, subject to “suitable and sufficient” resources in place
Ards Borough Council	R172 Ards Borough Council.doc	Against Concerned about financial implications
Armagh City and District Council	R420 Armagh City Council.doc	Against Armagh City and District Council believes that the present court based system is working effectively and should be continued.
Belfast City Council	R548 Belfast City Council.doc	Against Concerned about the financial implications and that significant changes to the licensing regime may be brought about prior to any transfer of the function to councils.
Castlereagh Borough Council	R280 Castlereagh Borough Council.doc	Against Concerned about financial implications.

Cookstown District Council	R295 Cookstown District Council.doc	Against No reason stated
Craigavon Borough Council	R168 Craigavon Borough Council.doc	Against No reason stated but did say that extra resources should be made available if responsibility for licensing is transferred to councils.
Derry City council	R545 Derry City Council.doc	Against Concerned about financial implications and the system being introduced in two phases. Considers that a longer-term approach should be taken.
Down District Council	R216 Down District Council.doc	Against Concerned about responsibility transferring from the courts which would “potentially extend to the sale of alcohol in corner shops and petrol filling stations “.
Dungannon & South Tyrone Borough Council	R447 Dungannon & South Tyrone Bororough Council.doc	Against Concerned about financial implications and the system being introduced in two phases.
Limavady Borough Council	R415 Limavady Borough Council.doc	Against No reason stated.
Lisburn City Council	R540 Lisburn City Council.doc	Against No reason stated.

Magherafelt District Council	R63 Magherafelt District Council.doc	Against No reason stated.
Moyle District Council	R381 Moyle District Council-Chief Executive R G Lewis.doc	Against No reason stated.
Newtownabbey Borough Council	R455 Newtownabbey Borough Council.doc	Against No reason stated.
North Down Borough Council	R441 North Down Borough Council.doc	Against Concerned about financial implications.
Fermanagh District Council	R59 Fermanagh District Council.doc	Neutral. Mixed views but need further information.
Omagh District Council	R530 Omagh District Council.doc	Neutral. Concerned but want more information.
Ballymoney Borough Council	R27 Ballymoney Borough Council response 6 Jan 2006.doc	Neutral – no preference stated
Ballymena Borough Council	R24 Ballymena Borough Council response 4 Jan 2006.doc	No comment. Will allow political parties rather than district council to respond
Carrickfergus Borough Council	-	No response to consultation
Larne Borough Council	-	No response to consultation

ANNEX E

Urban Regeneration Strategy Directorate

Ms Marie Austin
Clerk to the Social Development Committee
Northern Ireland Assembly
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Ormeau Road
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Telephone: (028) 90 829018 Network: 38018
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Email: linda.machugh@dsdni.gov.uk

Your reference:

Our reference:

August 2007

Dear Ms Austin

PROPOSED LICENSING AND REGISTRATION OF CLUBS BILL

In your letter of 3 July 2007 to David Malcolm you indicated that the Committee wished to receive information on the scope and cost of the Business Impact Study commissioned by the Department on the possible abolition of the liquor licensing surrender provision. The Committee also wished to know if the Department had given consideration to undertaking a Sociological Impact Study and if not, the rationale for that decision.

Scope and Cost

A copy of the public tender document which set out the aims and scope of the Business Impact Assessment is at Appendix A. The cost of the study was agreed

at £21,051.

Sociological Impact Study

A study of the potential health and social impacts was carried out as an integral part of the liquor licensing review and development of Minister David Hanson's proposed package of reforms. Details are at Appendix B.

We note that the Committee would like officials to brief it on the results of the Business Impact Study and the proposed legislation in the autumn. We will be happy to present the outcome of the study. The Minister has not indicated that she proposes to bring forward legislation.

Yours sincerely

Linda MacHugh

Business Impact Assessment Tender Documents

Central Procurement Directorate

“Helping The Public Sector Deliver Better Public Services”

www.cpdni.gov.uk



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BT3 9ED

Email: Daniel.braniff@dfpni.gov.uk

Tel/Fax: 028 90 816345 - External

Ref: S 15270/06

Date: 28th February 2007

Dear Sir or Madam,

**DSD – Liquor Licensing Law: Assessment of Impact on Business of Abolishing
‘Surrender’**

The Central Procurement Directorate (CPD), Department of Finance and Personnel, on behalf of its client, Department for Social Development (DSD) invites you to submit a tender offer for the above requirement.

Documents relating to this invitation are; This letter of invite and a services pack containing

Part 1. Instructions for Submission of Tender

Part 2. Terms of Reference

Part 3. Pricing Schedule

Part 4. Forms and Certificates

Part 5. Conditions of Contract

Please note that you must return a signed copy of part 3, “Pricing Schedule” and a completed copy of Part 4 “Forms and Certificates” sections of the tender pack. An Electronic signature is acceptable. There is no requirement to return Part 1, Part 2 or Part 5.

The closing date for submission of tenders is 3.00pm on 21st March 2007.

Under no circumstances will late tenders be considered.

CPD and Department for Social Development (DSD) are not obliged to accept the lowest or any tender.

Yours Sincerely

Daniel Braniff

SERVICES

**DSD – Liquor Licensing Law:
Assessment of Impact on Business of
Abolishing ‘Surrender’**

TENDER REFERENCE NO: S 15270/ 06

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Part I

Instructions to Tenderers

INSTRUCTIONS TO TENDERERS

1. Completion and Submission of Tender Documentation

- i. The form of tender and accompanying tender documents must be completed as directed and returned via the ProCon system no later than **3.00 pm on 21st March 2007** (for documents returned by post please see points v to vii below).
- ii. Proposals can be loaded anytime until the closing date and time specified within this document. These proposals can be retracted and re-submitted any time before the closing date.
- iii. When loading your response, please be aware of the speed of your Internet connection, your system configuration and general web traffic that may impact on the time required to complete the transaction. Loading of submissions must be **completed** by the final submission time.
- iv. Please upload as early as possible on the closing date and if you experience difficulties with the system, please contact the Buyer (see 15 below). Please do **NOT** wait until shortly prior to the closing time on the day that your proposal is to be submitted.
- v. Proposals sent by post should be registered or sent by Recorded Delivery or Datapost. Proposals returned via post or hand delivered **must** be in a plain envelope with no marks indicating the identity of the Tenderer. The reference number of the project proposal should be clearly marked and should be returned to: -

Department of Finance and Personnel

**Central Procurement Directorate
Supplies and Services Division
Clare House
303 Airport Road West
Belfast
BT3 9ED**

So as to be received no later than **3.00 pm on 21st March 2007**

- vi. Tenderers are advised that Tenders sent by post can only be delivered during normal office hours, that is between 9.00 am to 5.00 pm Monday to Friday. Tenders sent by special delivery or delivered by hand **will not** be accepted on either weekends or on Northern Ireland Public and Statutory Holidays. If Tenders are delivered by hand an official receipt should be obtained.
- vii. Department of Finance and Personnel, Central Procurement Directorate cannot accept responsibility for postal or delivery delays.

- viii. Late Tenders will not be considered.
- ix. The Form of Tender must be completed in black ink or typed and signed (for documents returned by Procon the signature on the Form of Tender can be typed or scanned). All prices entered on the Form of Tender, Schedule of Prices or other Tender documentation must be exclusive of VAT and in pounds sterling.
- x. All submissions must be in the English language and any alternations or erasures must be initialled by the signatories to the Form of Tender.
- xi. Tenders must be fully compliant with the requirements detailed in the tender documentation. No amendments to the documents should be made by Tenderers. Any interference with a bound tender document will invalidate your submission. If after taking action in accordance with Section 15 of these Instructions, Tenderers still consider modifications to be necessary, these should be detailed separately in the Tenderer's response.
- xii. Central Procurement Directorate is not obliged to consider or accept alternative offers. Similarly offers made subject to additional or alternative Conditions of Contract may be rejected.
- xiii. Tenders may also be rejected if the complete information is not given at the time of tendering.

2. Economic and Financial Standing

Tenderers may be required to furnish information as to economic and financial standing for assessment by Central Procurement Directorate prior to the acceptance of any Tender.

3. Costs and Expenses

Tenderers will not be entitled to claim from either Central Procurement Directorate or Department any costs or expenses which may be incurred in preparing their Tender whether or not it is successful.

4. Period of Validity

Tenderers are required to keep Tenders valid for acceptance for a period of ninety days from the closing date for receipt of Tenders.

5. Freedom of Information

The Tenderer should treat the Tender documents as private and confidential between himself and Supplies and Services Division. Tenderers are advised that with effect from 1 January 2005

Supplies and Services Division has incorporated a clause in its terms and conditions of contract (see clause 24) to ensure full compliance with the Freedom of Information Act. Please note that the clause states that unless an exemption provided for under the Act is applicable in relation to any particular information, a public authority will be obliged to disclose that information in response to a request regardless of the terms of any contract.

Tenderers are asked to consider if any of the information supplied in the course of this tender competition should not be disclosed because of its sensitivity. Tenderers must complete the “Freedom of Information Statement contained at Part 4 (e) “Forms and Certificates: Freedom of Information Statement” identifying which information is considered commercially sensitive and specify the reasons for its sensitivity. Supplies and services Division will consult with you about sensitive information before making a decision on any Freedom of Information requests received.

6. Official Amendments

If it is necessary for Central Procurement Directorate to amend the Tender documentation in any way, prior to receipt of Tenders, all Tenderers will be notified in writing simultaneously. If appropriate, the deadline for receipt of Tenders will be extended.

7. Environmental Benefits

The Government is committed to Environmental Protection and would wish to see Tenderers adopt a positive environmental policy in support of the Secretary of State's statement on Selling to Government, (copies of which can be issued on request).

8. Canvassing

Any Tenderer who directly or indirectly canvasses any official of Central Procurement Directorate or Department concerning the award of contract or who directly or indirectly obtains or attempts to obtain information from such official concerning the proposed or any other tender will be disqualified.

9. Compliance

Tenders must be submitted in accordance with these instructions. Failure to comply may result in a Tender being rejected by Central Procurement Directorate.

10. Evaluation Criteria

Tenders will be evaluated using the following criteria and associated weightings.

- | | |
|---|-------------|
| • Methodology | 50 % |
| Demonstrate proposed Methodology and Understanding of requirements | 30 % |
| Demonstrate proposed Project management including Timetable and Contingency | 20% |
| • Key personnel relevant experience | 35 % |
| • Price | 15% |

Following receipt, bids will be assessed against the above criteria and, if deemed necessary, companies will be invited for a clarification interview.

11. Format of Response

For ease of evaluation and uniformity purpose tenderers must devote a section of their tender to clearly address the following issues: -

- Full details of your methodology for carrying out the project, which should include your understanding of the client's requirement. It should also include how you intend to capture the necessary data as stated in Paragraph 7 of the Terms of Reference.
- A management summary must also be included as well as a detailed timetable. Tenderers must also demonstrate their capability to complete the exercise within the stated deadlines and identify contingency plans, should any proposed member of the team for reasons or illness or otherwise be unable to complete this project.
- The submission must include the relevant experience of the individual(s) to be deployed. Rather than providing exhaustive lists of previous experience, bidders are asked to give details of relevant examples and should give their reasons why they believe the experience is relevant to this particular exercise. A full CV must also be included for each person.

- The attached Schedule of Rates and Inputs must be included in costing this project. The total price should exclude VAT. The names of each member of staff to be involved in the project must be given against the relevant key activities. Tenderers should show a detailed breakdown of all fees including details of full charges for individual consultants who will be associated with the Review. The Department also requires a breakdown of the time that individual consultants will spend on the project.
- Complete the attached Pricing Schedule.
- Complete the Authorised Representative section at the end of the terms & conditions of contract section of this document.

12. Conflict of Interest

Tenderers must confirm in their proposals that there would be no conflict or perceived conflict of interest in relation to their servicing this contract. (forms; F)

13. Documents to be Returned With Your Bid

If returning your bid using the Procon system you should upload a complete copy of this tender document and a copy of your tender proposal.

If returning your bid by post 1 completed copy of this tender document and Four (4) copies of your tender proposal should be forwarded to the address stated at 1 above.

14. Complaints Procedure

Tenderers are advised that details of the Central Procurement Directorate "Complaints Procedure" can be found on the Central Procurement Directorate website at http://www.cpdni.gov.uk/complaints_procedure.pdf under the Central Procurement Directorate/Publications section. Tenderers should consult this document if they have concerns regarding any aspect of the procurement process.

15. Contact Details

If tenderers require further information or wish to clarify any points of doubt or difficulty relating to the Tender documentation before submitting their Tender. For the purposes of this contract the contact point is: -

Daniel Braniff
CPD
T :028 9081 6345
E: Daniel.Braniff@dfpni.gov.uk

All queries should be emailed to the above contact point, who will then liaise with the client Department and issue a written response.

Part 2

Terms of Reference

LIQUOR LICENSING LAW; ASSESSMENT OF IMPACT ON BUSINESS OF ABOLISHING ‘SURRENDER’

BACKGROUND BRIEF AND TERMS OF REFERENCE

INTRODUCTION

1. Anyone wishing to sell alcohol to the public in Northern Ireland must apply to the court for a licence. For pub (includes night club) and off-licence premises a subsisting (existing) licence must be handed in to the court. This is commonly known as ‘surrender’. The Department for Social Development (the Department) wishes to commission an assessment of the impact on business of the proposal to abolish surrender. The assessment will be carried out in the context of the Government’s published plans for reform of the liquor licensing law.

BACKGROUND

2. Surrender has the effect of capping the overall number of pubs and off-licences in Northern Ireland and existing licences attract a degree of monopoly value. In addition to surrendering an existing licence there is a requirement on the part of the applicant to prove that similar licensed premises in the vicinity are inadequate to serve the normal needs of the population in that area. In practice this requirement is normally held to be satisfied unless there are objections lodged in the court.
3. In November 2005 the Minister for Social Development David Hanson MP published a consultation paper containing proposals for the reform of the licensing law including the abolition of surrender. The Department’s views on abolition are set out in **Annex A**. The majority of respondents expressed concerns about the social implications of abolition and the financial impact on existing licence holders and the trade generally. Those who supported the retention of surrender included the Federation of the Retail Licensed Trade NI (FRLT), the trade association for NI licensees. Those in favour of abolition included the NI Grocery Licensed Forum (NIGLF) representing the grocery trade in Northern Ireland, and the British Retail Consortium (BRC).
4. FRLT commissioned PriceWaterhouseCoopers (PWC) to undertake a study of the economic impact of the Government’s licensing proposals and NIGLF instructed Gerald Eve property consultants to provide expert property evidence on the proposals. The reports arrived at different conclusions as to the likely business impact of abolishing surrender. They also highlighted a number of gaps in the information required to make an accurate and independent assessment of the business impact of the abolition of surrender.
5. The Minister was satisfied that sufficient safeguards would be in place to adequately deal with concerns about the social implications of abolition. In relation to financial considerations, the consultation paper made clear that the current value of licences was an artificial creation, the result of a legal barrier to entry, and that Government could not be under any duty to underwrite the value of such an investment. However, in a written statement to Parliament on 20 July 2006 announcing his plans for reform the Minister indicated that he would commission an assessment of the business impact of abolition before making any further decision on the way forward. The Minister’s statement is attached at **Annex B**.

CONTRACT REQUIREMENTS

6. The successful service provider must:

- Undertake an analysis of the financial impact of abolishing surrender on the licensed trade, with particular reference to pubs and off licences, prospective new entrants to the trade and other key stakeholders.
- Produce findings and conclusions.
- Present a report :

The methodology is likely to include

a) A literature review and analysis.

Some relevant documents including a literature review and Omnibus Survey commissioned by the Department for Social Development (DSD) the PSNI report for the Liquor Licensing Review Team, the consultation document “Liquor Licensing – The Way Forward”, and responses to the consultation paper are available on the Department’s website (www.dsdni.gov.uk) under “Archived consultations”.

b) Consideration of appropriate lessons from further afield.

c) Assessment of the extent and scale of the financial impact of abolishing surrender on existing licence holders e.g. how the buying and selling of licensed premises is conducted at present and what proportion of the total value of investments in the licensed trade is represented by the actual cost of the licence. The Minister has indicated that an appropriate length of time will be allowed in which to write off the value licences have acquired; the assessment should consider what might constitute an appropriate length of time and if there are any other options for addressing the financial impact.

e) An examination of how abolition might affect prospective new applicants for a licence for a pub or off-licence.

f) Examination of the likely impact of abolition on other key stakeholders.

(g) Consultation with key stakeholders, including representatives of the licensed and grocery trades, breweries, property agents and developers and the local bankers’ association.

(h). Primary research including:

Research on court /official records to determine:

- the average number of licences traded each year since the last review of licensing law was completed.
- the location of the licences and their destination. This may involve examination of a sample of court records and/or consultation with relevant property agents /consultants/officials.

Business/market research to establish:

- The value of surrendered licences in monetary terms;

- Whether the existing surrender requirement represents a barrier to entry into the market;
- Current practices/processes for buying/selling pubs or off-licences;
- Current practices/processes for buying/selling licence only;
- What part the value of a licence plays in the sale/purchase of the business;
- The potential impact of abolishing surrender on wider business e.g. prospective applicants for a licence.

Accounting and tax research to establish:

- How pubs and off-licences account for the value of a licence – does the type or turnover of the business dictate the accounting method;
- The tax implications for the sale of a pub or off-licence as a going concern or the sale of the licence only.

Tenderers must specify how they intend to capture the necessary data.

MANAGEMENT OF ASSIGNMENT

7. The assignment will be managed by a Project Team chaired by the Director of the Department’s Urban Regeneration Strategy Directorate.

TIMETABLE

8. Tenders should be based on the premise that the assignment will be completed within a period of 8 weeks from the date of appointment.
9. There will be an initial meeting on appointment, a meeting at the end of week 5 to discuss the interim findings a further meeting at the end of week 7 to discuss the draft final report and a final meeting at the end of week 8 to present the report. Weekly progress reports (one A-4 page) will also be required.,
10. The successful tenderer must provide the final report
 - electronically in Word format;
 - in hard copy format (1 original and 3 copies).

ANNEX A

CONTROL OF LICENSED OUTLETS - “SURRENDER REQUIREMENT”

Background

1. Licences to sell intoxicating liquor in public houses and off-licence premises in Northern Ireland are controlled, principally, by two requirements, namely, “need” and “surrender”. The aim of both requirements is to regulate the numbers of such outlets and, therefore, influence the health and social behaviour of the residents of individual areas and the Province as a whole.

Need

2. Licensing law requires a court hearing an application for a licence for a pub or an off-licence to be satisfied that the existing number of licensed premises of the same kind in the vicinity is inadequate to serve the normal needs of the population in that area. In practice this requirement is normally held to be satisfied unless there are objections lodged in the court on the issue.

Surrender

- 3 Under the surrender requirement a prospective licensee for a pub or off-licence premises is required to hand over a current licence for premises of a similar type. Prior to 1971 two existing licences had to be handed over. Over the years this has created a lucrative trade in licences in the private sector where the price of a licence may be as high as £140k.

Position in GB

- 4 The above requirements are not features of licensing legislation in the rest of the United Kingdom.

Reasons for change

- 5 The research evidence confirms that the surrender requirement is a crude and inflexible method for controlling the number of outlets from which alcohol can be purchased in Northern Ireland. In 1923 when the requirement was first introduced alcohol was supplied mainly by publicans and spirit grocers for consumption on the premises. There are now 12 categories of premises licensed to sell alcohol and private members clubs may also be registered to supply alcohol to their members and guests. Yet surrender applies to only 2 categories of premises namely pubs and off-licences.
- 6 In the past 25 years the total number of subsisting licences for pubs and off-licences has reduced from 2094 to 2009 (a 4.2% drop) but the number of off-sales has more than doubled from 213 in 1980 to 441 in 2005. In the same period over 300 pubs have closed down – a 17% decrease from the 1980 total of 1881. The Omnibus Survey indicated that the majority of those surveyed do not feel NI is overprovided with pubs and off-licences. This is borne out by national statistics which show that NI is under provided per head of population in terms of licensed outlets.
- 7 The development of the ‘super-pub’ is something that was not envisaged when capping of licences was introduced. Also there is no ‘like for like’ or geographical

restriction on the trade in licences. For example the licence for a small rural off-sales could be traded to buy a new licence for a night club in Belfast’s Golden Mile.

- 8 As indicated above there are 10 other categories of licensed premises including hotels and restaurants and clubs may also be registered to supply alcohol. Surrender does not apply to any of these premises. In the past 25 years there has been a dramatic increase in the number of restaurants serving alcohol from 125 in 1980 to 518 in 2005. There are now 604 Clubs registered to supply drink.
- 9 The Government takes the view that entry is unjustifiably restricted to those who can generate sufficient revenue to purchase a licence for which there is a lucrative market and is biased in favour of those able to sell alcohol intensively. Abolition will create a more equitable commercial environment and open the market to new trading opportunities in order to:
 - offer greater choice for Northern Ireland consumers;
 - increase employment opportunities;
 - support tourism and regeneration;
 - respond to modern market trends and customer expectations.

Issues raised during the Consultation

- 10 Among interested parties, opinion is divided on the subject of surrender. To many, its continued existence constitutes a barrier to entry into the market and stands as an anti-competitive mechanism amidst an ever increasing tide of market liberalisation. Others believe that surrender protects NI from overprovision of alcohol outlets. In recent years we have seen an influx of national chains to whom the cost of a licence does not appear to be a problem. There is evidence to indicate that some licensed premises have been sold to make way for more lucrative property development opportunities. Those who support the retention of the surrender requirement include representatives of the pub trade and political parties. Those in favour of abolition include the Grocery trade, Registered Clubs and the British Retail Consortium.
- 11 There have been concerns that abolition will lead to a proliferation of off-sales with the potential for every corner shop to sell alcohol. However, the courts, and in due course councils, will control the number of new licence applications granted taking into account the need for additional licensed premises in the vicinity and any objections lodged. Prospective licence holders will also require to hold an accredited qualification, demonstrate how they will meet licensing objectives and comply with the Mixed Trading Regulations. Bringing a corner shop up to standard would therefore require a scale of investment in time and resources which may not be attractive in terms of likely profits to be gained by a small business.

Options

- 12 *Do nothing* – The surrender principle has been effective in its aim of restricting overall numbers of pubs and off-licences. However, it can not limit the number of outlets in specific areas or the problems associated with high concentrations of licensed premises. While existing licence holders have a vested interest in retaining the provision licences do not have intrinsic economic value – the real prop for prices is the regulatory restrictions on competition.

- 13 *Abolish the provision* - Following the proposed transfer of the licensing system from the courts, councils could decide on applications having regard to local objections. They could apply the ‘need’ principle which currently provides that a court shall not grant a licence for a pub or off-licence if it considers there is already an adequate number of similar outlets in the vicinity. Applicants would have to hold an accredited qualification and demonstrate how they will meet the statutory licensing objectives. In order to minimise the impact on existing licence holders, a period of time would be allowed in which to write off the notional value of the licence.

Proposal

- 14 It is proposed to abolish the surrender requirement in favour of district councils deciding whether to grant licences for further pubs and off-licences in the area. The Licensing (Conditions for Mixed Trading) Regulations (NI) 1997 will continue to apply to a shop wishing also to trade as an off-licence. It is unlikely that this proposal will come into effect before 2009.

**Department for Social Development
February 2007**

NORTHERN IRELAND OFFICE

Reform of Liquor Licensing

The Minister of State for Northern Ireland (David Hanson): This statement sets out my plans to reform liquor licensing law in Northern Ireland. The last review of the law governing liquor licensing and registered clubs took place some ten years ago. Since then the social and economic climate in Northern Ireland has changed and improved immensely. The peace dividend has altered the shape of the tourism and hospitality sectors and of town and city centres. There is great potential for further growth, and liquor licensing law must keep pace with these developments and with modern expectations.

Coupled with that is the need for a more transparent, accountable and better regulated framework for the licensed trade. There are clear anomalies in the current licensing system and a requirement for greater enforcement powers for the Police Service of Northern Ireland to deal with breaches of licensing law.

The consultation on proposed changes to the existing legislation was launched in November 2005. Since then I have had a number of discussions with political representatives and other interested parties. There has been support from both local political parties and the licensed trade for many of my proposals. Concerns have been expressed by politicians and parts of the licensed trade regarding two of the proposed changes. These are the transfer of responsibility for liquor licensing from courts to district councils and the abolition of the ‘surrender’ principle. I welcome the views that have been put and now confirm that my plans for the reform of the law on liquor licensing and registered clubs in Northern Ireland are as follows:

- The introduction of six new objectives to underpin licensing policy, legislation and regulation. These are - Promotion of public health; Promotion of public safety; Prevention of crime and disorder; Prevention of public nuisance; Protection of children from harm; Fair treatment of all stakeholders.
- New, more effective enforcement measures, including immediate temporary closure powers for the police, a penalty points system for licensees who break the law and new council liquor licensing officers.
- Moving responsibility for granting and renewing licences and certificates of registration from courts to district councils, leading to a more accountable, transparent system.
- Replacing the current twelve categories of licences in favour of a dual system of personal and premises licences.
- Abolishing the provision which requires an existing licence for a pub or off-licence to be “surrendered” to a court before a new one may be granted. This will be subject to an assessment of the business impact of my proposal which will help decide how this is addressed in the second stage of reforms. I hope it will be the Northern Ireland Assembly that will consider these matters.

- A voluntary proof-of-age scheme and more flexibility to allow under-18s in certified licensed premises and registered clubs when accompanied by responsible adults.
- A modest extension of current opening hours for licensed premises and registered clubs, creating scope for opening up to 2.00am Monday to Saturday. Sunday opening hours will remain unchanged as will opening hours for off-licences.
- Revoking the financial controls and accounts formats for registered clubs, prescribed in the Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997, in favour of best practice guidance.

The proposals will give police the powers they need to crack down on irresponsible drinkers and rogue traders and make the licensing system more transparent and accountable, giving communities more information and a louder voice in decision-making.

Allowing licensed premises and registered clubs to apply to the courts to extend their opening hours up to 2.00am is the result of careful consideration of the changes in people's social habits and the opportunities available for developing the night time economy. I have listened very carefully to the arguments made by the licensed trade, the police, health interests and others, and balanced the economic and social advantages of extending opening hours with the public interest and public safety. Accordingly, I have decided that opening to 2.00am will be available to those licensed premises entitled under existing law to apply for later opening but not to off-licensed premises.

Transferring responsibility for granting liquor licences and club certificates from a court-based system to district councils will create a more accountable system where pubs, off-licences, registered clubs and other licensees will have to explain in detail how their businesses will support the six licensing objectives. There have been concerns expressed about the ability of councils to administer a new liquor licensing system. However, councils already operate a number of regulatory systems including entertainments licensing and street trading, and their range of responsibilities will be greatly enhanced under the Review of Public Administration. The capacity of new councils to undertake these new responsibilities is an issue that is being addressed in the period leading up to the full implementation of the Review of Public Administration. I wish to reassure those concerned that responsibility for liquor licensing will only move to councils once they have built the capacity to administer the new system.

The new system will operate under clear guidelines that will be issued to councils. They will be required to produce a Statement of Licensing Policy that clearly articulates how they plan to control liquor licensing in line with the six licensing objectives. There will be further safeguards. Before councils reach a decision they will have to seek the views of responsible authorities and interested parties such as the Police Service of Northern Ireland, local residents and local businesses. All applications for a licence will be open to objection and a licence may be reviewed, revoked or suspended at any time if there is cause for concern. Those seeking a premises licence will be required to produce an operating plan setting out the nature of the business for approval by councils, and the need for any new licence will have to be clearly demonstrated.

I am replacing the current twelve categories of licence with a dual system of personal and premises licences. This will result in a more robust licensing regime. Personal licences

are being introduced for the first time to ensure that those managing licensed premises have accredited qualifications and demonstrate clean backgrounds. This will improve operating standards across the licensed trade and protect against infiltration by those involved in organised crime.

The surrender provision has created anomalies in the licensed trade. At present only pubs and off-licences are required to surrender a licence before being granted a new one. This has capped the overall number of such premises in Northern Ireland, but it has not prevented the growth of alcohol sales in other premises such as large hotels, nor the clustering of pubs and off-licences in particular areas. It is also an artificial barrier to entry to the market and its abolition will create a more equitable commercial environment.

I have listened to the views of local politicians and parts of the licensed trade about the implications of the abolition of surrender. In response to their concerns, I will commission an assessment of the business impact of abolition before making any further decision on the way forward.

I intend to implement some of the proposals as soon as possible. Those relating to enforcement, opening hours, children and registered clubs' accounts should come into effect by Christmas 2007, and draft legislation will be consulted on in Autumn 2006.

With regard to the move to councils, I intend to defer the consideration of this aspect of the legislation, along with some of the other proposals that depend on the new system being operational, to a second, later legislative vehicle. The Review of Public Administration is due for completion in 2009 and the target date for making legislation to transfer responsibility for licensing from courts to district councils and for the introduction of new licensing objectives will be linked to this. This tranche of legislation will also see the abolition of the existing categories of licence and, subject to an impact assessment, the surrender provision. The final decisions on this will hopefully be taken by a devolved Assembly, should it be successfully restored.

I believe this is a balanced package of measures that weighs up the rights, needs and demands of the various interested parties. They will bring licensing law in Northern Ireland up to date, both to deal more effectively with the alcohol-related problems we currently face and to meet modern day expectations. They will result in a more democratic approach that allows local people to have greater influence in how and where the licensed trade operates. They will promote a safe, welcoming environment in town and city centres where the evening and night-time economy can flourish and will encourage investment, variety and high standards of service in the hospitality, tourism and entertainment sectors.

Part 3

Pricing Schedule

Notes for Guidance (A1):

The Consultant must provide a brief resume of activities associated with the proposed methodology:

Activity Schedule	
Key Activities	Task Description

(A1) PROJECT PROGRAMME

Contract Title; DSD – Liquor Licensing Law: Assessment of Impact on Business of Abolishing
'Surrender' Contract Ref; 15270/06

(A2) SCHEDULE OF RATES AND INPUTS

Project Reference:

Project Title:

Consultant (Name)									
Grade (Specify eg Partner, Sen. Consultant)									
Rate/day in Sterling £ *									
Rate/hour in Sterling £ *									
Key Activities		Consultancy Days						Total Days	Total Activity Cost
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
TOTAL DAYS / CONSULTANT									
TOTAL COSTS/CONSULTANT								Total Inputs Cost =	

(A2) SCHEDULE OF RATES AND INPUTS

Project Reference:

Project Title:

* **Hourly / Daily Rates:** it is anticipated that daily rates will be used to price the delivery methodology whilst hourly rates will be used to price ad hoc work carried out under part 3.3 of the terms of reference.

(A3) EXPENSES

Notes for Guidance.

The Consultant shall provide details of expenses associated with the proposed methodology other than travel and subsistence within Northern Ireland which is included in the Daily rates as tendered (other direct expenses eg travel outside NI will be paid at cost).

<i>Details of Expense</i>	Price (£).
Total	

SUMMARY OF TOTAL COST

Total Inputs Cost (A2)	
Expenses Total (A3)	
Total Project Cost	

Signed for and on behalf of Consultant _____

Dated _____ Print Name _____

Name of Company_____.

Part 4

Forms and Certificates

Instructions

The following forms are contained in this section and must be completed in full to ensure your tender is valid;

- | | | |
|----|--|-------------------|
| a. | Form of Tender | (Sign and return) |
| b. | Certificate relating to Bonafide Tender | (Sign and return) |
| c. | VAT Registration | (Sign and return) |
| d. | Fair Employment and treatment
(Northern Ireland) Order 1998 | (Sign and return) |
| e. | Freedom of Information Statement | (Sign and return) |
| f. | Conflict of Interest Declaration | (Sign and return) |

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

A. FORM OF TENDER

**CONTRACT FOR: - DSD – Liquor Licensing Law: Assessment of Impact on
Business of Abolishing ‘Surrender’**

1. I/We the undersigned hereby tender for the above contract in accordance with the attached Conditions of Contract and Specification at the prices quoted in the Schedule forming part of my/our tender response.
2. I/We agree that this Tender together with your written acceptance thereof shall constitute a binding contract between the Department in relation to the whole or such part of the Tender as may be specified in your written acceptance.
3. I/We have read, accept and agree to abide by the attached Conditions of Contract which take precedence over any terms, conditions, stipulations or provisos which may appear on or be annexed to any correspondence submitted by me/us in connection with this Contract.
4. I/We understand that Central Procurement Directorate Supplies and Services Division does not bind itself to accept the lowest or any tender submitted in response to this enquiry and may accept the whole or part of any tender.
5. I/We understand Central Procurement Directorate Supplies and Services Division reserves the right to discontinue the award procedure in the event of irregular tenders or in the absence of appropriate tenders and in such circumstances may use the negotiated procedure without a further call for competition.
6. I/We warrant that I/we have all the requisite corporate authority to sign this tender.

Dated this _____ day of _____ 20____

Signed by or on behalf of the Tenderer: _____

Printed _____

*Name of Tenderer: _____

* Please insert here the FULL NAME of the Tenderer, or in the case of a partnership the FULL NAMES of ALL the partners.

(Block Capitals)

Registered Address:

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

B. CERTIFICATE RELATING TO BONA FIDE TENDER

1. The essence of tendering is that the client shall receive bona fide competitive tenders from all firms tendering. In recognition of this principle, we certify that this is a bona fide tender intended to be competitive and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangements with any other person.
2. We also certify that we have not:
 - a. communicated to a person other than the person calling for these tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of this tender;
 - b. entered into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
 - c. offered or paid or given or agreed to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.
3. We undertake that we will not do any of the acts mentioned in paragraphs 2a, 2b or 2c above at any time before the acceptance or rejection of this tender.
4. In this certificate the word "person" includes any persons and any body or association, corporate or unincorporate and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

Signed: _____

Block Capitals: _____

for and on behalf of: _____

Date: _____

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

C. VAT REGISTRATION

Part 1 or Part 2 **and Part 3** to be completed as appropriate by the Tenderer and returned with Tender Documents:-

1. My/Our VAT Registration Number is:_____

Signed by: _____

for and on behalf of:_____

Date: _____

2. I/We are “**EXEMPT**” from VAT under the terms of the Value Added Tax Act 1994.

Signed by:_____

for and on behalf of:_____

Date: _____

3. Please indicate which of the following best describes the economic status of your company/organisation:-

Small and Medium Sized Enterprise Y/N

Social Economy Enterprise Y/N

Voluntary and Community Organisation Y/N

If other please specify: _____

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

D. FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

1. Article 64 of the Fair Employment and Treatment (Northern Ireland) Order 1998 provides inter alia that a public authority shall not accept an offer to execute any work or supply any goods or services where the offer is made by an unqualified person in response to an invitation by the public authority to submit offers. Article 64(4) also provides that the public authority shall take all such steps as are reasonable to secure that no work is executed or supplies or services supplied for the purposes of such contracts as are mentioned above by an unqualified person.
2. For the purposes of Articles 64-66 of the Order, an unqualified person is a person on whom a notice has been served under Article 62(2) or Article 63(1) of the Order and which has not been cancelled.
3. Mindful of its obligations under the Order, Central Procurement Directorate, Supplies and Services Division has decided that it shall be a condition of tendering that a contractor shall not be an unqualified person for the purpose of Articles 64-66 of the Order.
4. Contractors are therefore asked to complete and return the form endorsed hereon, with their tender, to confirm that they are not unqualified persons and to undertake that no work shall be executed or supplies or services supplied by an unqualified person for the purposes of any contract with Central Procurement Directorate, Supplies and Services Division to which Article 64 of the Order applies.

FAIR EMPLOYMENT AND TREATMENT (NORTHERN IRELAND) ORDER 1998

I/We hereby declare that I am/we are not unqualified for the purposes of the Fair Employment and Treatment (Northern Ireland) Order 1998.

I/We undertake that no work shall be executed or supplies or services supplied by any unqualified person for the purposes of any contract with the Central Procurement Directorate, Supplies and Services Division, to which Article 64 of the Order applies.

Signed by _____

Duly authorised to sign for and on behalf of _____

Date _____

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

E. FREEDOM OF INFORMATION STATEMENT

With reference to Section 5 of the Instructions to Tenderers and Clause 24 of the Terms and Conditions of Contract, please complete where appropriate.

I/We consider that:-

1. The information in this tender is sensitive*.
2. The information in this tender is not sensitive*.

***Delete as Appropriate**

3. If the information supplied in this tender is considered sensitive, please state which information should not be disclosed and provide reasons.

4. Period for which information should remain commercially sensitive. Please state.

Signed: _____

Block Capitals: _____

for and on behalf of: _____

Date: _____

DEPARTMENT OF FINANCE AND PERSONNEL

CENTRAL PROCUREMENT DIRECTORATE

SUPPLIES AND SERVICES DIVISION

F CONFLICT OF INTEREST DECLARATION

With reference to section 12 Instructions to Tenderers and section 34 Terms & Conditions, please complete where appropriate.

I/We warrant that:-

1. There **would be no** conflict or perceived conflict of interest in relation to the personnel or type of work involved in this contract.*
2. There **could be** a possible conflict or perceived conflict of interest in relation to and their involvement in this contract.*
3. Please explain what the possible conflict or perceived conflict of interest may be and who it relates to and how it could have an adverse effect on this contract.

***Delete as Appropriate**

Signed: _____

Block Capitals: _____

for and on behalf of:

Date:

Part 5

Terms and Conditions of Contract

CONDITIONS OF CONTRACT

FOR

SERVICES

FOR

**Liquor Licensing Law: Assessment of Impact on Business of Abolishing
'Surrender'**

Department for Social Development (DSD),

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Appendix A Variation to Contract Form

Appendix B Authorised Representative

1. INTERPRETATION

1.1 In this Contract the following words shall have the following meanings except where the context otherwise requires:

- | | | |
|----|---------------------------|---|
| a. | Acceptance | Confirmation in writing by the Department that a Service has been accepted by the Department. |
| b. | Amendments | The amendments (if any) to the Contract which may be agreed by the Contractor and the Department. |
| c. | Authorised Representative | The nominated representative of the Department and the Contractor. |
| d. | Contract | The Tender completed by the accepted Tenderer, the Conditions of Contract; the Specification or Operational Requirement; the Drawings, if any, the Schedule of Prices or Rates or Lump Sum as submitted by the accepted Tenderer, the Letter of Acceptance issued by Central Procurement Directorate, Supplies and Services Division, to the accepted Tenderer together with such correspondence, if any, between the accepted Tenderer and Central Procurement Directorate, Supplies and Services Division, as may be agreed by both parties to form part of the Contract. |
| e. | Contractor | The person, firm or corporate body whose tender shall have been accepted by the Department and shall include the Contractor's personal representatives, successors, and permitted assigns. |
| f. | Contractors Staff | Employees, sub-contractors employees and agents or representatives of both contractor and sub-contractor. |
| g. | Department | Department for Social Development (DSD), |
| h. | Equipment | All materials, plant, equipment, and consumables other than the Department's property to be used by the Contractor in the provision of the Services. |

- | | | |
|----|----------|---|
| i. | Premises | Land or buildings where the services are performed. |
| j | Services | The provision of the Services defined herein. |
| k. | Site | The area within the Premises in which the Services are performed. |
| l. | Days | Calendar Days |
- 1.2 Words importing the singular shall also include the plural, and importing the masculine shall also include the feminine and vice versa where the context requires.
- 1.3 For the purpose of the Contract Central Procurement Directorate, Supplies and Services Division is authorised to act on behalf of the Department.
- 1.4 A reference to any statute, enactment, order, regulations or other similar instrument shall be construed as a reference to the statute, enactment, order, regulation or instrument as subsequently amended or re-enacted.

2. ENTIRE AGREEMENT

- 2.1 The Contract constitutes the entire agreement between the parties relating to the subject matter of the Contract. The Contract supersedes all prior negotiations, representations and undertakings, whether written or oral, except that this Condition shall not exclude liability in respect of any fraudulent misrepresentation.

3. PERIOD OF CONTRACT

- 3.1 This Contract shall take effect on the commencement date and shall remain in force for 8 weeks unless it is otherwise terminated in accordance with the provisions of these Conditions.

4. SERVICES

- 4.1 The Contract is for work to be undertaken by the Contractor in accordance with the provisions of the Contract.
- 4.2 Requests to provide the contracted service may be transmitted in writing by post, fax or other electronic means as may be agreed by both parties. In cases of urgency verbal instructions may be given pending written confirmation.

5. CONDITIONS AFFECTING PROVISION OF SERVICES

- 5.1 The Contractor shall be deemed to have satisfied himself as regards the nature and extent of the services, the means of communication with and access to the site, the supply of and conditions affecting labour, the suitability of the Department's property and the equipment necessary for the performance of the services, subject to all such matters being discoverable by the Contractor.

6. CONTRACTOR STATUS

- 6.1 Nothing in the Contract shall be construed as creating a partnership, a contract of employment or a relationship of principal and agent between the Department and the Contractor.

7. DEPARTMENT'S PROPERTY

- 7.1 All Department's property shall remain the property of the Department and shall be used in the performance of the Contract and for no other purpose without prior approval.
- 7.2 On receipt of Department's property the Contractor shall subject it to a visual inspection and such additional inspection and testing as may be necessary to check that it is not defective; within 14 days of receipt of any item of Department's property, or such other period as may be approved the Contractor shall notify the Department's in writing of any defects discovered; within 14 days after receiving such notification, the Department shall inform the Contractor of the action to be taken
- 7.3 The Department shall be responsible for the repair or replacement of Department's property unless the need for repair or replacement is caused by the Contractor's failure to comply with Condition 7.5, or by the negligence or default of the Contractor.
- 7.4 The Contractor shall be responsible for his own costs resulting from any failure of Department's property, unless he can demonstrate that the Department had caused undue delay in its replacement or repair.
- 7.5 The Contractor shall maintain all items of Department's property in good and serviceable condition, fair wear and tear excepted, and in accordance with the manufacturer's recommendations.
- 7.6 The Contractor shall be liable for any loss of or damage to any Department's property unless the Contractor is able to demonstrate that such loss or damage was caused or contributed to by the negligence or default of the Department.
- 7.7 The Contractor shall not in any circumstances have a lien on any

Department's property and shall take all steps necessary to ensure that the title of the Department and the exclusion of any lien are brought to the attention of any third party dealing with any Department's property.

- 7.8 The Contractor undertakes the due return of all re-useable property and will be responsible for all loss thereof or damage thereto from whatever cause. Deterioration in such property resulting from its normal and proper use in the execution of the Contract shall not be deemed to be loss or damage, except in so far as the deterioration is contributed to by any want of maintenance and repair by the Contractor.

8. EQUIPMENT

- 8.1 The Contractor shall provide all the equipment necessary for the provision of the Services.
- 8.2 The Contractor shall maintain all items of equipment in good and serviceable condition.
- 8.3 All equipment shall be at the risk of the Contractor and the Department shall have no liability for any loss of or damage to any equipment unless the Contractor is able to demonstrate that such loss or damage was caused or contributed to by the negligence or default of the Department.
- 8.4 The Contractor shall provide for the haulage or carriage of equipment to the premises and its off-loading and removal when no longer required.
- 8.5 The Department may at its option purchase any item of equipment from the Contractor at any time, if the Department considers that the item is likely to be required in the provision of the Services following the expiry or termination of the Contract. The purchase price to be paid by the Department shall be the fair market value.

9. STAFF

- 9.1 The Contractor warrants and represents that all staff assigned to the performance of the Contract shall possess such skill and experience as is necessary for the proper performance of the Contract.
- 9.2 Where the Contract provides that the work shall be done by named staff the Contractor undertakes to take all reasonable steps to ensure that his staff remain for the full period of this Contract. Unavoidable changes in the Contractor's staff proposed by the Contractor and agreed by the Authorised Representative shall be subject to not less than one month's written notice.

9.3 If for any other reasons changes in the Contractor's staff become necessary in the opinion of the Authorised Representative such changes shall be subject to 1 week's written notice by the Authorised Representative to the Contractor.

9.4 In the event that the Contractor is unable to provide replacement staff acceptable to the Authorised Representative within sufficient time to enable the Contractor to complete the work on time then the Department may obtain replacement staff from other sources or terminate the Contract at its discretion.

10. CO-ORDINATION

10.1 The Contractor shall co-ordinate his activities in the provision of the Services with those of Departmental personnel and other contractors engaged by the Department.

11. USE OF DEPARTMENT'S PREMISES

11.1 Where the Services are performed on the Department's premises the Contractor shall have use of the Department's premises without charge as a licensee and shall vacate those premises on completion or earlier termination of the Contract.

11.2 The Contractor shall not use the Department's premises for any purpose or activity other than the provision of the Services unless given prior approval.

11.3 Should the Contractor require modifications to the Department's premises, such modifications shall be subject to prior approval and shall be carried out by the Department at the Contractor's expense. The Department shall undertake approved modification work without undue delay. Ownership of such modifications shall rest with the Department.

11.4 The Contractor shall not deliver any equipment to the Department's premises outside normal working hours without prior approval.

11.5 The Contractor shall maintain all equipment and its place of storage within the Department's premises in a safe, serviceable and clean condition.

11.6 On the completion or earlier termination of the Contract, the Contractor shall, subject to the provisions of Condition 8.5 remove all equipment and shall clear away from the Department's premises all waste arising from the performance of the Services and shall leave the Department's premises in clean and tidy condition.

- 11.7 Whilst on the Department's premises, all staff shall comply with such rules, regulations and other requirements as may be in force in respect of the conduct of persons attending and working on the Department's premises.

12. RIGHT OF ACCESS

- 12.1 The Department reserves the right to refuse to admit to any premises occupied by or on behalf of the Crown any person employed by the Contractor, or by a sub-contractor, whose admission would be, in the opinion of the Department undesirable.
- 12.2 The Contractor shall comply with the requirements of the Department in regard to ensuring the identity and bonafides of all workers and other persons requiring to be admitted to any officially occupied premises in connection with the Contract.
- 12.3 If the Contractor shall fail to comply with paragraph 12.2 and if the Department shall decide that such failure is prejudicial to the interests of the State, then the Department may terminate the Contract if the Contractor does not comply with such provisions of paragraph 12.2 within a reasonable time of written notice to do so provided always that such termination shall not prejudice or affect any right of action or remedy which shall have accrued thereafter to the Department.
- 12.4 The decision of the Department as to whether any person is to be refused admission to any premises occupied by or on behalf of the Crown and as to whether the Contractor has failed to comply with paragraph 12.2 shall be final and conclusive.

12.5 ACCESS TO RECORDS HELD BY CONTRACTORS FOR AUDIT PURPOSES

"The training provider / contractor must ensure that all relevant records in respect of funding received and all expenses claimed relating to [insert name of relevant departmental programme] are stored in manner acceptable to the Department, which in the opinion of the Department, is methodical and easily retrievable. 'All relevant records' includes ledgers, vouchers, invoices, quotes, delivery notes, timesheets, wages records, attendance records, purchasing and payment records, whether held on hard copy or stored electronically [as referred to in the programme guidelines].

The training provider / contractor must store all relevant records in a secure controlled environment.

A secure environment means that records should be stored in a locked filing cabinet in a restricted area, not open to the public where access to that area is restricted to members of staff. The training provider / contractor will do this at its

own cost and provide the Department and its agents access to its premises or any other storage facility to inspect, copy or take away original records as may be required, whilst the contract is in operation and for a further period of 7 years after the contract has terminated.

In the event that the training provider / contractor ceases to trade, or in the event of an early termination of the contract, the training provider / contractor is required to keep all relevant records for a further period of 7 years, such period to commence on the actual date of termination of the contract.

13. MANNER OF PROVIDING THE SERVICES

13.1 The Contractor shall perform the Services with all due care, skill and diligence, and in accordance with good industry practice. Timely provision of the Services is of the essence of the Contract.

13.2 The Services shall be performed only on approved sites.

13.3 The Contractor shall, upon the instruction of the Authorised Representative:

- a. remove from the Department's premises any materials which are not in accordance with those contained in the Specification and substitute proper and suitable materials;
- b. remove and properly re-execute any work which is not in accordance with the Contract, irrespective of any previous testing or payment by the Department. The Contractor shall at his own expense complete the re-executed work correctly in accordance with the Contract within such reasonable time as the Department may specify.

13.4 The signing by the Authorised Representative of time sheets or other similar documents shall not be construed as implying the Contractor's compliance with the Contract.

14. STANDARDS

14.1 Materials and processes used in connection with the provision of the services shall be in accordance with the standards and quality specified.

14.2 At the request of the Authorised Representative, the Contractor shall provide proof to the Department's satisfaction that the materials and processes used or proposed to be used, conform to those standards.

14.3 The introduction of new methods or systems which impinge on the provision of the services shall be subject to prior approval.

15. OVERTIME WORKING

- 15.1 The Contractor shall not normally be prevented from working reasonable overtime hours on the Department's premises if he so desires, provided that he obtains prior approval and it is at no additional cost to the Department.

16. PROGRESS REPORTS

- 16.1 Where progress reports are required to be submitted under the Contract, the Contractor shall render those reports at such time and in such form as may be specified or otherwise agreed between the parties.
- 16.2 The submission and receipt of progress reports shall not prejudice the rights of either party under the Contract.

17. PAYMENT

- 17.1 The Department shall pay the Contractor for work completed at the rates or prices contained in the pricing schedule or other interest documentation. Where payment is based upon daily rates the Contractor and his staff will be expected to work 7½ hours per day, exclusive of meal breaks, unless alternative arrangements are agreed with the Department.
- 17.2 In cases where payment is via the Government Purchasing Card, all payments shall be made to Service Providers by the nominated Bank in accordance with the provisions of the scheme.
- 17.3 In all other cases payment shall be due within thirty (30) days of receipt by the Department of a correct application for payment or invoice or as otherwise specified in the Contract.
- 17.4 The Department reserves the right to withhold payment against any invoice which is not submitted in accordance with the Contract or which covers or purports to relate to services which have not been provided in accordance with the Contract and shall forthwith notify the Contractor accordingly in writing.

18. VALUE ADDED TAX

- 18.1 The Department shall pay to the Contractor, in addition to the charges due for the work performed under the Contract, a sum equal to the value added tax as may be properly chargeable on the value of the supply of goods and services provided in accordance with the contract.

- 18.2 Any invoice or other request for payment of monies due to the Contractor under the Contract shall, if he is a taxable person, be in the form and contain the same information as if the same were a tax invoice for the purposes of Regulations made under the Valued Added Tax Act 1994.
- 18.3 The Contractor shall, if so requested by the Department, furnish such information as may reasonably be required by the Department as to the amount of value added tax chargeable on the value of goods and services supplied in accordance with the Contract and payable by the Department to the Contractor in addition to the charges for work. Any over payment by the Department to the Contractor shall be a sum of money recoverable from the Contractor.
- 18.4 If the costs of the Contract are increased or decreased any monies thereby payable shall have added to them a sum equal to any appropriate adjustment in respect of value added tax due on the final value of the work.

19. RECOVERY OF SUMS DUE

- 19.1 Whenever under the Contract any sum of money is recoverable from or payable by the Contractor (including any sum which the Contractor is liable to pay to the Department in respect of any breach of this Contract), the Department may unilaterally deduct that sum from any sum then due or which at any later time becomes due to the Contractor under this Contract or under any other contract with the Department or with any other Department, office or agency of the Crown.
- 19.2 The Department shall give at least 21 days' notice to the Contractor of its intention to make a deduction under Condition 19.1 giving particulars of the sum to be recovered and the contract under which the payment arises from which the deduction is to be made.
- 19.3 Any overpayment by the Department to the Contractor, whether of the contract price or of value added tax, shall be a sum of money recoverable by the Department from the Contractor.

20. PRICE ADJUSTMENTS

- 20.1 Prices quoted shall remain firm for the initial contract period set out in Condition 3.1.
- 20.2 In the event that the contract period is extended a price review shall take place and any increases or decreases shall be agreed by both parties and recorded as a Variation in line with Condition 39.

21 INTELLECTUAL PROPERTY RIGHTS - ASSIGNMENT AND INDEMNITY

- 21.1 The Contractor hereby assigns to the Department all Intellectual Property Rights owned by the Contractor in any material which is generated by the Contractor and delivered to the Department in the performance of the Services and shall waive all moral rights relating to such material. The Contractor shall not reproduce, publish or supply any such material to any person other than the Department without prior approval.
- 21.2 In performing the Services the Contractor shall obtain approval before utilising any material which is or may be subject to any Intellectual Property Rights other than those referred to in Condition 21.1.
- 21.3 Subject to Condition 21.4, the Contractor shall indemnify the Department against all claims, proceedings, actions, damages, legal costs (including but not limited to legal costs and disbursements on a solicitor and client basis), expenses and any other liabilities arising from or incurred by the use by the Contractor, in the performance of the Services, or the use by the Department following delivery by the Contractor, of any material which involves any infringement or alleged infringement of the Intellectual Property Rights of any third party.
- 21.4 The provisions of Condition 21.3 shall not apply in respect of any material which the Department has supplied to the Contractor or which the Department has specified for use by the Contractor or for delivery to the Department.
- 21.5 The Department shall indemnify the Contractor against all claims, proceedings, actions, damages, legal costs (including but not limited to legal costs and disbursements on a solicitor and client basis), expenses and any other liabilities arising from or incurred by the use by the Contractor, in the performance of the Services, of any material referred to in Condition 21.4 which involves any infringement or alleged infringement of the Intellectual Property Rights of any third party.
- 21.6 Where any claim is made by a third party in respect of any material referred to in Condition 21.3 or 21.5, the party which is required to provide an indemnity under those provisions shall have the right to conduct, or take over the conduct of, the defence to the claim and to any proceedings or action brought by the third party.

22. SECURITY

- 22.1 The Contractor shall take all measures necessary to comply with the provisions of any enactment relating to security which may be applicable to the Contractor in the performance of the Services.
- 22.2 The Contractor shall take all reasonable measures, by the display of

notices or other appropriate means, to ensure that staff have notice that all provisions referred to in Condition 22.1 will apply to them and will continue to apply to them, if so applicable, after the expiry or earlier termination of the Contract.

- 22.3 Whilst on the Department's premises, staff shall comply with all security measures implemented by the Department in respect of personnel and other persons attending those premises. The Department shall provide copies of its written security procedures to the Contractor on request.
- 22.4 The Department shall have the right to carry out any search of staff or of vehicles used by the Contractor at the Department's premises.
- 22.5 The Contractor shall co-operate with any investigation relating to security which is carried out by the Department or by any person who is responsible to the Department for security matters and when required by the Authorised Representative:
- a. shall use his best endeavours to make any staff identified by the Authorised Representative available to be interviewed by the Authorised Representative, or by a person who is responsible to the Department for security matters, for the purposes of the investigation. Staff shall have the right to be accompanied by the Contractor's Representative and to be advised or represented by any other person whose attendance at the interview is acceptable to both the Authorised Representative and the Contractor's Representative; and
 - b. shall, subject to any legal restriction on their disclosure, provide all documents, records or other material of any kind which may reasonably be required by the Department or by a person who is responsible to the Department for security matters, for the purposes of the investigation, so long as the provision of that material does not prevent the Contractor from performing the Services. The Department shall have the right to retain any such material for use in connection with the investigation and, so far as possible, shall provide the Contractor with a copy of any material retained.

23. CONFIDENTIALITY

23.1 Each Party: -

- a. shall treat all Confidential Information belonging to the other Party as confidential and safeguard it accordingly; and

- b. shall not disclose any Confidential Information belonging to the other Party to any other person without the prior written consent of the other Party, except to such persons and to such extent as may be necessary for the performance of the Contract or except where disclosure is otherwise expressly permitted by the provisions of this Contract.
- 23.2 The Contractor shall take all necessary precautions to ensure that all Confidential Information obtained from the Department under or in connection with the Contract:-
 - a. is given only to such of the Staff and professional advisors or consultants engaged to advise it in connection with the Contract as is strictly necessary for the performance of the Contract and only to the extent necessary for the performance of the Contract;
 - b. is treated as confidential and not disclosed (without prior Approval) or used by any Staff or such professional advisors or consultants otherwise than for the purposes of the Contract.
- 23.3 The Contractor shall ensure that Staff or its professional advisors or consultants are aware of the Contractor's Confidentiality obligations under this Contract.
- 23.4 The Contractor shall not use any Confidential Information it receives from the Department otherwise than for the purposes of the Contract.
- 23.5 The provisions of Clauses 23.1 to 23.4 shall not apply to any Confidential Information received by one Party from the other:-
 - a. which is or becomes public knowledge (otherwise than by breach of this Condition);
 - b. which was in the possession of the receiving Party, without restriction as to its disclosure, before receiving it from the disclosing Party;
 - c. which is received from a third party who lawfully acquired it and who is under no obligation restricting its disclosure;
 - d. is independently developed without access to the Confidential Information; or
 - e. which must be disclosed pursuant to a statutory, legal or parliamentary obligation placed upon the Party making the disclosure, including any requirements for disclosure under the FOIA, or the Environmental Information Regulations pursuant to

Condition 24.3 (Freedom of Information).

23.6 Nothing in this Condition shall prevent the Department: -

- a. disclosing any Confidential Information for the purpose of:-
 - i. the examination and certification of the Client's accounts;
or
 - ii. any examination pursuant to Section 6(1) of the National Audit Act 1983 of the economy, efficiency and effectiveness with which the Department has used its resources; or
- b. disclosing any Confidential Information obtained from the Contractor:-
 - i. to any government department or any other Contracting Authority. All government departments or Contracting Authorities receiving such Confidential Information shall be entitled to further disclose the Confidential Information to other government departments or other Contracting Authorities on the basis that the information is confidential and is not to be disclosed to a third party which is not part of any government department or any Contracting Authority; or
 - ii. to any person engaged in providing any services to the Department for any purpose relating to or ancillary to the Contract;

provided that in disclosing information under sub-paragraph (b) the Department discloses only the information which is necessary for the purpose concerned and requires that the information is treated in confidence and that a confidentiality undertaking is given where appropriate.

23.7 Nothing in this Condition shall prevent either Party from using any techniques, ideas or know-how gained during the performance of the Contract in the course of its normal business, to the extent that this does not result in a disclosure of Confidential Information or an infringement of Intellectual Property Rights.

23.8 In the event that the Contractor fails to comply with this Condition 23, the Department reserves the right to terminate the Contract by notice in writing with immediate effect.

23.9 The provisions under this Condition are without prejudice to the

application of the Official Secrets Acts 1911 to 1989 to any Confidential Information.

24. FREEDOM OF INFORMATION

24.1 The Contractor acknowledges that the Department is subject to the requirements of the FOIA and the Environmental Information Regulations and shall assist and cooperate with the Department (at the Contractor's expense) to enable the Client to comply with these Information disclosure requirements.

24.2 The Contractor shall and shall procure that its sub-contractors shall:

- a. transfer the Request for Information to the Department as soon as practicable after receipt and in any event within [two] Working Days of receiving a Request for Information;
- b. provide the Department with a copy of all Information in its possession or power in the form that the Client requires within [five] Working Days (or such other period as the Department may specify) of the Department requesting that Information; and
- c. provide all necessary assistance as reasonably requested by the Department to enable the Department to respond to a Request for Information within the time for compliance set out in section 10 of the FOIA [or regulation 5 of the Environmental Information Regulations].

24.3 The Department shall be responsible for determining at its absolute discretion whether the Commercially Sensitive Information and/or any other Information: -

- a. is exempt from disclosure in accordance with the provisions of the FOIA or the Environmental Information Regulations;
- b. is to be disclosed in response to a Request for Information, and
in no event shall the Contractor respond directly to a Request for Information unless expressly authorised to do so by the

Department.

24.4 The Contractor acknowledges that the Department may, acting in accordance with the Department for Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000, be obliged under the FOIA, or the Environmental Information Regulations to disclose Information:-

- a. without consulting with the Contractor, or
- b. following consultation with the Contractor and having taken its views into account.

24.5 The Contractor shall ensure that all information produced in the course of the Contract or relating to the Contract is retained for disclosure and shall permit the Department to inspect such records as requested from time to time.

24.6 The Contractor acknowledges that any lists or schedules provided by it outlining Confidential Information are of indicative value only and that the Department may nevertheless be obliged to disclose Confidential Information in accordance with Clause 24.4.

25. PUBLICITY

25.1 The Contractor shall not make any public statement relating to the existence or performance of the Contract without prior approval, which shall not be unreasonably withheld.

26. RIGHT OF AUDIT

26.1 The Contractor shall keep secure and maintain until two years after the final payment of all sums due under the Contract, or such longer period as may be agreed between the parties, full and accurate records of the Services, all expenditure reimbursed by the Department and all payments made by the Department.

26.2 The Contractor shall grant to the Department or its authorised agents, such access to those records as they may reasonably require in compliance with the Contract.

27 DATA PROTECTION ACT 1998

27.1 The Contractor shall not disclose or allow access to any personal data

provided by the Department or acquired by the Contractor during the course of tendering for or executing the contract, other than to a person employed or engaged by the Contractor or any sub-contractor, agent or other person concerned with the same.

- 27.2 Any disclosure of or access to personal data allowed under Condition 26.1 shall be made in confidence and shall extend only so far as that which is specifically necessary for the purpose of the Contract.
- 27.3 The Contractor shall store or process such personal data only at sites specifically agreed in writing, in advance, with the Department.
- 27.4 If the Contractor fails to comply with any provision of this Condition then the Department may summarily determine the Contract by notice in writing to the Contractor provided always that such determination shall not prejudice or affect any right of action or remedy which shall have accrued or shall accrue thereafter to the Department.
- 27.5 If the Contractor or any employee, servant agent or sub contractor of the Contractor, having obtained without the consent of the Department personal data within the meaning of the Data Protection Act, directly or indirectly discloses or publishes the data to any other person or allows improper access to the data, or in any event directly or indirectly causes the loss, damage, or destruction of such data, he shall indemnify the Department against all claims, proceedings, costs and expenses in respect of any damage or distress suffered whereby by any person.
- 27.6 The decision of the Department upon matters arising under this clause shall be final and conclusive.

28. INDEMNITY AND INSURANCE

- 28.1 The Contractor shall indemnify the Department to a limit of £5,000,000 (five million pounds) in respect of any one incident or series of incidents arising out of his performance of the Contract against all claims, proceedings, actions, damages, legal costs, expenses and any other liabilities in respect of any loss of or damage to property which is caused directly or indirectly by any act or omission of the Contractor. Indemnity in respect of death or personal injury shall be unlimited. This condition 28.1 shall not apply to the extent that the Contractor is able to demonstrate that such death or personal injury, or loss or damage, was not caused or contributed to by his negligence or default, or the negligence or default of his Staff or sub-contractors, or by any circumstances within his or their control.
- 28.2 The Contractor shall effect and maintain with a reputable insurance company a policy or policies of insurance providing an adequate level of cover in respect of all risks which may be incurred by the Contractor,

arising out of the Contractor's performance of the Contract, in respect of death or personal injury, or loss of or damage to property. Such policies shall include cover in respect of any financial loss arising from any advice given or omitted to be given by the Contractor.

- 28.3 The Contractor shall hold employer's liability insurance in respect of Staff in accordance with any legal requirement for the time being in force.
- 28.4 The Contractor shall produce to the Authorised Representative, on request, copies of all insurance policies referred to in this Condition or other evidence confirming the existence and extent of the cover given by those policies, together with receipts or other evidence of payment of the latest premiums due under those policies.
- 28.5 The terms of any insurance or the amount of cover shall not relieve the Contractor of any liabilities under the Contract. It shall be the responsibility of the Contractor to determine the amount of insurance cover that will be adequate to enable the Contractor to satisfy any liability referred to in this Condition.

29. CORRUPT GIFTS AND PAYMENTS OF COMMISSION

- 29.1 The Contractor shall not:

29.1.1 offer or give or agree to give any person in Her Majesty's Service any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any act in relation to the obtaining or execution of this Contract or any other contract for Her Majesty's Service and/or for showing or forbearing to show favour or disfavour to any person in relation to this contract or any other contract for Her Majesty's Service;

29.1.2 enter into this Contract or any other contract with any Government Department in connection with which commission has been paid or agreed to be paid by him, or on his behalf, or to his knowledge, unless before the Contract is made particulars of any such commission and of the terms and conditions of any agreement for the payment thereof have been disclosed in writing to the Department.

- 29.2 Any breach of this Condition by the Contractor or by anyone employed by him or acting on his behalf (whether with or without the knowledge of the Contractor) or the commission of any offence by the Contractor or by anyone employed by him or acting on his behalf, (either with or without the knowledge of the Contractor) under the Prevention of Corruption Acts, 1889 to 1916, in relation to this Contract or any other

contracts for Her Majesty's Service, shall entitle the Department to determine the Contract and recover from the Contractor the amount of any loss resulting from such determination and/or to recover from the Contractor the amount or value of any such gift, consideration or commission.

- 29.3 Any dispute, difference or question arising in respect of either the effect or the interpretation of this clause or the amount recoverable hereunder by the Department from the Contractor or the right of the Department to determine the Contract, or the amount or value of any such gift, consideration or commission shall be decided by the Department whose decision shall be final and conclusive.

30. STATUTORY AND OTHER REGULATIONS

- 30.1 The Contractor shall be deemed to have acquainted himself with any and all Acts of Parliament, Statutory Regulations, or other such laws, recommendations, guidance or practices as may affect the provision of the service(s) specified under the Contract.
- 30.2 The Contractor shall be deemed to have acquainted himself with British/European Standards, Codes of Practice as may be relevant to this Contract.
- 30.3 The Contractor shall adequately train, instruct and supervise staff to ensure that so far as is reasonably practical the standards and codes of practice are observed.

31. EQUALITY OF OPPORTUNITY

- 31.1. The Contractor shall comply with all applicable fair employment, equality of treatment and anti-discrimination legislation, including, in particular, the Employment (Northern Ireland) Order 2002, the Fair Employment and Treatment (Northern Ireland) Order 1998, the Sex Discrimination (Northern Ireland) Order 1976 and 1988, the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, the Equal Pay Act (Northern Ireland) 1970, the Disability Discrimination Act 1995, the Race Relations (Northern Ireland) Order 1997, the Employment Relations (Northern Ireland) Order 1999 and the Employment Rights (Northern Ireland) Order 1996 and shall use his best endeavours to ensure that in his employment policies and practices and in the delivery of the services required of the Contractor under this agreement he has due regard to the need to promote equality of treatment and opportunity between:
- a. persons of different religious beliefs or political opinions;
 - b. men and women or married and unmarried persons;

- c. persons with and without dependants (including women who are pregnant or on maternity leave and men on paternity leave);
- d. persons of different racial groups (within the meaning of the Race Relations (Northern Ireland) Order 1997);
- e. persons with and without a disability (within the meaning of the Disability Discrimination Act 1995);
- f. persons of different ages; and
- g. persons of differing sexual orientation.

31.2. The Contractor shall take all reasonable steps to ensure the observance of the provisions of the above clause (31.1) by all servants, agents, employees, consultants and sub-contractors of the Contractor.

32. HEALTH AND SAFETY

- 32.1 The Contractor's attention is drawn to the provision of the Health and Safety at Work (Northern Ireland) Order 1978 and in particular to Article 4 "General Duties of Employers to their Employees".
- 32.2 The Contractor shall adequately train, instruct and supervise staff to ensure that so far as is reasonably practicable, the health and safety of all persons who may be affected by the services provided under the Contract. Before commencing work on the Contract the Contractor, shall prepare a written policy of the health and safety of staff employed in connection with the Contract together with written organisational arrangements for carrying out the policy.

33. SOCIAL SECURITY SYSTEM

- 33.1 The Contractor shall not employ any person whom he knows or ought to know is by reason of his employment engaged in any unlawful procurement of social security benefits or tax exemptions and the Contractor shall not make, facilitate or participate in the procurement of, any unlawful payments whatsoever, whether in the nature of social security fraud, or evasion of tax, or otherwise.
- 33.2 The Contractor shall prepare and maintain such records of his staff and all other persons engaged in the performance of this Contract by the Contractor as the Department may from time to time require.
- 33.3 Without prejudice to Condition 32.2 the Contractor shall forthwith on demand by the Department furnish the Department with the names, addresses and national insurance numbers of all persons employed by

him under the contracts of service and shall forthwith on demand furnish the Department with the names, addresses, periods of employment and exemption certificates of all persons employed by him under contracts for services.

- 33.4 The Contractor shall permit the Department, its servants or agents at all reasonable times to enter on any premises of the Contractor for the purpose of inspection and investigation of the employment, social security and tax records of any person employed by the Contractor or engaged by him to carry out any works under the contract.

34. CONFLICT OF INTEREST

- 34.1 Provided that there shall be no conflict of interest and the Contractor shall fulfil his obligations to the Department the Contractor shall be at liberty to enter into agreement with other public sector organisations elsewhere in the United Kingdom for the provision of services.
- 34.2 The Contractor warrants that he is not at the date hereof retained by any interest that could be in conflict with the work of the Department and that for the duration of this Contract he will not accept instructions from any such interest either directly or indirectly nor do any other act which may give rise to conflict of interest.

35. OFFICIAL SECRETS ACT

- 35.1 The provisions of the Official Secrets Act 1911 - 1989 in general and the provisions of the Official Secrets Act 1989 in particular shall apply to the Contractor, the staff and all persons engaged whether as agents or sub-contractors by the Contractor on any work under the Contract, and shall continue to apply without limitation of time after the expiry or termination of the Contract, and the Contractor shall bring to the notice of each and every such person the provisions of the said Acts.
- 35.2 If the Department shall at any time so direct, a declaration of knowledge of these provisions in such terms as the Department shall require shall be signed by every such person as the Department shall direct and be delivered to the Department by the Contractor.

36. TRANSFER, SUB-CONTRACTING AND ASSIGNMENT

- 36.1 The Contractor shall not transfer or assign this Contract or a part thereof and shall not sub-contract any part of the provision of the services without the prior written consent of the Department.
- 36.2 It is a condition of such consent that the sub-contractor must undertake directly to perform the terms of the Contract in respect of the sub-contracted services as if he were the contractor.

- 36.3 Any consent to sub-contract will not release the Contractor from any liability to the Department in respect of the sub-contracted section and the contractors shall be responsible for the acts, defaults or neglect of any sub-contractor or their agents or employees in all respects as they were the acts, defaults or neglect of the contractor or their agents, or employees.
- 36.4 Where the Contractor enters a sub-contract with a contractor for the purpose of performing the Contract, he shall cause a term to be included in such sub-contract which requires payment to be made to the contractor within a specified period not exceeding 30 days from receipt of a valid invoice as defined by the sub-contract requirements.
- 36.5 The Department may assign or in any other way dispose of its rights and obligations under this Contract or any part of it to any Department, Office or Agency of the Crown or any other body provided that any such assignment or other disposal shall not increase the burden of the Contractors obligations under this Contract.

37. SEVERABILITY

- 37.1 If any provision of the Contract is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Contract shall continue in full force and effect as if the Contract had been executed with the invalid, illegal or unenforceable provision eliminated. In the event of a holding of invalidity so fundamental as to prevent the accomplishment of the purpose of the Contract, the parties shall immediately commence negotiations in good faith to remedy the invalidity.

38. WAIVER

- 38.1 The failure of either party to exercise any right or remedy shall not constitute a waiver of that right or remedy.
- 38.2 No waiver shall be effective unless it is communicated to the other party in writing.
- 38.3 A waiver of any right or remedy arising from a breach of contract shall not constitute a waiver of any right or remedy arising from any other breach of the Contract.

39. VARIATIONS

- 39.1 The Contract shall not be varied unless such variation is made in writing by means of a Variation to Contract Form as set out at Appendix A.

- 39.2 In the event of an emergency the Department shall have the right to vary the Contract by oral instructions given by the Departments' Authorised Representative, which shall be confirmed by the issue of a Variation to Contract Form within 7 days.
- 39.3 The Department shall have the right to vary the Services at any time, subject to the Variation being related in nature to the Services being provided, and no such Variation shall vitiate the Contract.
- 39.4 The Contractor may request a Variation provided that:
- a. the Contractor shall notify the Department's Authorised Representative in writing of any additional or changed requirement which it considers should give rise to a Variation within 7 days of such occurrence first becoming known to the Contractor;
 - b. any proposed Variation shall be fully supported by a quotation as detailed in Condition 39.5
- 39.5 The Contractor, within 14 days of being requested by the Department's Authorised Representative or where requesting a Variation pursuant to Condition 39.4, shall submit a quotation to the Department, such quotation to contain at least the following information:
- a. a description of the work together with the reason for the propose Variation;
 - b. the price, where applicable;
 - c. details of the impact, if any, on other aspects of the Contract.
- 39.6 The price for any Variation shall, unless otherwise agreed between the Parties, be calculated in the following order of precedence:
- a. using the Prices or Rates;
 - b. prices pro-rata to the Prices or Rates;
 - c. prices based on the Prices or Rates.
- 39.7 The Department shall either approve or reject any Variation proposed by the Contractor.
- 39.8 In the event that the Contractor disputes any decision by the Department to reject a proposed Variation or contends that a proposed Variation is outstanding or continues to be required, the Contractor

shall update the information contained in his quotation for the proposed Variation every Month and shall send the updated information to the Department.

40. PERFORMANCE MONITORING

- 40.1 The performance of the Contractor will be subject to monitoring and review against agreed quality aspects.
- 40.2 Where applicable performance and or price indices may be applied by the Department to measure the performance of the Contractor.
- 40.3 The Contractor shall ensure that information, records, and documentation necessary to monitor effectively the performance of the Contract are maintained and are available at all times to the Authorised Representative.

41. FORCE MAJEURE

- 41.1 Neither party shall be liable to the other party by reason of any failure or delay in performing its obligations under the Contract which is due to Force Majeure, where there is no practicable means available to the party concerned to avoid such failure or delay.
- 41.2 If either party becomes aware of any circumstances of Force Majeure which give rise to any such failure or delay, or which appear likely to do so, that party shall promptly give notice of those circumstances as soon as practicable after becoming aware of them and shall inform the other party of the period for which it estimates that the failure or delay will continue.
- 41.3 For the purposes of this Condition, "Force Majeure" means any event or occurrence which is outside the control of the party concerned and which is not attributable to any act or failure to take preventive action by the party concerned, but shall not include any industrial action occurring within the Contractor's organisation or within any sub-contractor's organisation.
- 41.4 Any failure or delay by the Contractor in performing his obligations under the Contract which results from any failure or delay by an agent, sub-contractor or supplier shall be regarded as due to Force Majeure only if that agent, sub-contractor or supplier is itself impeded in complying with an obligation to the Contractor by Force Majeure.

42. BANKRUPTCY

- 42.1 In the event of the Contractor becoming bankrupt or making a composition or arrangement with his creditors or having a winding up

order made or (except for the purpose of reconstruction) a resolution for voluntary winding up passed or a receiver or manager of his business or undertaking duly appointed, or possession taken, by or on behalf of the holders or any debentures secured by a floating charge of any property comprised in or subject to the floating charge, the Department may at its discretion forthwith determine the employment of the Contractor under this Contract. The said employment may be reinstated and continued by the Department and the Contractor, if his trustee in bankruptcy, liquidator, receiver or manager, as the case may be, so agree.

43. TERMINATION ON DEFAULT

43.1 The Department may terminate the Contract, or terminate the provision of any part of the Services, by written notice to the Contractor with immediate effect if the Contractor is in default of any obligation under the Contract and:

- a. the Contractor has not remedied the default to the satisfaction of the Department within 30 days, or such other period as may be specified by the Department, after service of written notice specifying the default and requiring it to be remedied; or
- b. the default is not capable of remedy; or
- c. the default is a fundamental breach of the Contract.

44. BREAK

44.1 The Department shall have the right to terminate the Contract, or to terminate the provision of any part of the Services, at any time by giving 3 Months' written notice to the Contractor. The Department may extend the period of notice at any time before it expires, subject to agreement on the level of Services to be provided by the Contractor during the period of extension.

45. CONSEQUENCES OF TERMINATION

45.1 If the Department terminates the Contract under Condition 43, or terminates the provision of any part of the Services under that Condition, and then makes other arrangements for the provision of the Services, the Department shall be entitled to recover from the Contractor the cost of making those other arrangements and any additional expenditure incurred by the Department throughout the remainder of the Contract Period. Where the Contract is terminated under Condition 43, no further payments shall be payable by the Department until the Department has established the final cost of making those other arrangements.

- 45.2 If the Department terminates the Contract, or terminates the provision of any part of the Services, under Condition 44, the Department shall reimburse the Contractor in respect of any loss, not including loss of profit, actually and reasonably incurred by the Contractor as a result of the termination, provided that the Contractor takes immediate and reasonable steps, consistent with the obligation to provide the Services during the period of notice, to terminate all contracts with sub-contractors on the best available terms, to cancel all capital and recurring cost commitments, and to reduce equipment and labour costs as appropriate.
- 45.3 For the purposes of Condition 45.2 the Contractor shall submit to the Authorised Representative, within 14 working days after service of the notice, a fully itemised and costed list, with supporting evidence, of all losses incurred by the Contractor as a result of the termination of the Contract, or the termination of any part of the Services, to be updated only in respect of ongoing costs each week until the Contract is terminated.
- 45.4 The Department shall not be liable under Condition 45.2 to pay any sum which, when added to any sums paid or due to the Contractor under the Contract, exceeds the total sum that would have been payable to the Contractor if the provision of the Services had been completed in accordance with the Contract.

46. TRANSFER OF UNDERTAKING AND PROTECTION OF EMPLOYMENT (TUPE)

- 46.1 Tenderers are advised to seek their own legal advice with regard to the application of TUPE and state clearly when returning their tender documentation whether or not they have done so.

47. ARBITRATION

- 47.1 All disputes, differences or questions between the parties to the Contract with respect to any matter arising out of or relating to the Contract, other than a matter of things as to which the decision of the Department is under the Contract to be final and conclusive, shall after written notice by either party to the Contract to the other be referred to a single arbitrator agreed for that purpose or in default of such agreement within twenty-one (21) days, appointed at the request of either party by the President of the Law Society of Northern Ireland. The decision of such arbiter shall be final and binding on the parties of the Contract.
- 47.2 The provision of the Arbitration Act 1996 shall apply to any arbitration under this contract and such arbitration shall be conducted solely within

Northern Ireland.

48. LAW

- 48.1 This Contract shall in all respects be governed by and construed in accordance with the laws of Northern Ireland and the parties hereby agree that the Courts of Northern Ireland shall have exclusive jurisdiction to hear and determine any dispute arising out of or in connection with this Contract.

Appendix A

(see Condition 39.1)

VARIATION TO CONTRACT FORM

CONTRACT TITLE:

.....

FOR THE PROVISION OF:

.....

CONTRACT REF: VARIATION NO: DATE: / /

BETWEEN:

--

1. The Contract is varied as follows:

--

2. Words and expressions in this Variation shall have the meaning/s given to them in the Contract.
3. The Contract, including any previous Variation(s), shall remain effective and unaltered except as amended by this Variation.

SIGNED:

For: The Department

For: The Contractor

By:

By:

Full Name:

Full

Name:

Grade:

Title:

Date:

Date:

.....

Appendix B
(see Condition 1.1C)

AUTHORISED REPRESENTATIVES

The Authorised Representative of the Department for the purposes of the Contract is:

The Authorised Representative of the Contractor for the purpose of the Contract is:

APPENDIX B

LIQUOR LICENSING REVIEW - HEALTH AND SOCIAL IMPACT

BACKGROUND

1. The Liquor Review Team (LRT) was set up in May 2004 to “*consider Northern Ireland’s liquor licensing law and practice, with particular reference to the implications for health and public order, and to bring forward proposals aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.*” This paper outlines how those requirements were met in the review of liquor licensing.

HEALTH IMPACT ASSESSMENT

2. A short health screening exercise was conducted as part of the preparatory work for the review. This concluded that reform of the liquor licensing regime might give rise to indirect health impacts, inasmuch as licensing legislation can influence access to alcohol which may be consumed in ways affecting health. Age and gender were expected to be of particular interest in this context. The Terms of Reference and methodology for the review were therefore designed to provide for the assessment of health and social impacts as an integral part of the review and the development of proposals for reform. Details of the work involved in assessing the impacts are below. Officials are satisfied that the health impact assessment meets the criteria underpinning the Health Impact Assessment Guidance published in April 2006. The assessment will be reviewed and updated as necessary, depending on how the Minister decides to proceed.

METHODOLOGY

3. The commitment to address health and social issues was reflected in the partnership working arrangements which characterised the review methodology. Details are below. This partnership approach ensured

that LRT had access to relevant information on current legislation and best practice and that all key issues and proposals for developing licensing policy received detailed scrutiny and endorsement from those with lead responsibility for public health and safety.

Interdepartmental Review Steering Group

4. A Review Steering Group, chaired by the Director for the Urban Regeneration Strategy Directorate (URSD) was set up in May 2004 to oversee the review process and help LRT develop proposals. The Group comprised:

- . DSD – URSD; Liquor Review Team; Social Policy Unit; Statistics & Research Unit
- . DHSSPS - Drug & Alcohol Strategy Team; Drug & Alcohol Information & Research Unit
- . Northern Ireland Office - Community Safety Branch
- . Northern Ireland Court Service
- . Police Service of Northern Ireland - Operational Support Department.

5. The Group Terms of Reference included the requirements:-

- . To provide expert advice, guidance and support as appropriate in relation to relevant research.
- . To liaise as appropriate with other official groups, including the Drug & Alcohol Strategy and Joint Implementation Model Review Steering Group and the Social Legislation Working Group, in order to share information and promote coherent, effective and efficient working within government.

Liaison with alcohol-related public health and social policy & strategy interests

6. Among the stated drivers for the review, reflected in the Terms of Reference, was the DSD commitment under the *DHSSPS Drugs & Alcohol Regional Action Plan 2002* to examine licensing law with

reference to social, environmental and wider public health issues. The Action Plan was given effect through a *Joint Implementation Model*, comprising a Steering Group and six regional working groups. These included a *Social Legislation Group* (SLG) which aimed to increase understanding of licensing laws, make recommendations for legislative change and provide effective, enforceable bye-laws on drinking in public. The *Review of the Action Plan & Joint Implementation Model* concluded that the DSD liquor licensing review subsumed a good proportion of SLG's work.

7. To obtain information on the health and social implications of liquor licensing options LRT in 2004-2006 worked on six DHSSPS committees: *NI Drug & Alcohol Regional Action Plan 2002 Implementation Steering Group*; *Social Legislation Subgroup*; *Joint Implementation Model Review Steering Group*; *Binge Drinking Working Group*; *Nighttime Economy Working Group*; *Criminal Justice Working Group*. The team was also involved in developing the *DHSSPS New Strategic Direction for Alcohol and Drugs 2006-2011* (NSD). The pillars underpinning NSD are law and criminal justice, early intervention, treatment and support, harm reduction, monitoring, evaluation and research. NSD is implemented through a *Steering Group* and four *Advisory Groups* involving NICS departments, public sector organisations and community and voluntary groups. The URSD Director is a member of the *NSD Steering Group*. LRT has been involved with the *Children & Young Persons* and *Law & Criminal Justice Advisory Groups* and monitors the work of other groups as appropriate.

RESEARCH AND CONSULTATION

8. LRT commissioned research and undertook preconsultation with stakeholders to gather information on which to assess possible impacts and base policy options. A 12 week consultation took place on the eventual policy proposals.

9. **Desk research** - The programme of research, carried out by DSD in conjunction with DHSSPS Drug & Alcohol Information & Research Unit and NI Statistics & Research Agency (NISRA), looked at alcohol-related health and social issues at a local, national and international level. It included a literature review of over 150 source documents which analysed legislation, policy and practice, established Northern Ireland benchmarks, examined data on topics such as opening hours, enforcement, licensing in relation to children and young people, trends in alcohol consumption, underage and binge drinking, distribution of licensed premises, occurrence of anti-social behaviour and considered social and environmental issues. A copy of the *Report of the Literature Review* is attached.
10. **Surveys** - The following surveys were carried out:
- A NISRA *Omnibus Survey* questioned a controlled sample of 1000 households on access to alcohol, drinking patterns and the effects of drinking. The sample controlled for gender, age, ethnicity, disability, religion and other variables.
 - A *PSNI Survey* asked District Commanders, Regional Headquarters and the Criminal Justice Department's Community Safety Branch for their views on the policing implications of the proposed changes, in the context of public order and safety.
 - A *Survey of Court Records* for 2003 and 2004 in the Belfast county and magistrates' courts provided data on the award of licences and the extent to which applications are granted or rejected, at times in the face of objections on environmental and public order grounds.
 - An audit of *Initiatives to Address Alcohol Related Crime & Disorder in Northern Ireland* was also carried out. The objective was to gather information on the scope and extent of the initiatives by type, geographical spread, key players and targets to identify best practice as a basis for decisions on possible changes to the licensing laws

and future work to deal with alcohol-related problems.

11. **Stakeholder liaison** - Throughout the review LRT made clear that it welcomed views from as broad a range of interests as possible and was open to discussion on any, and all, aspects of its Terms of Reference. The team developed contacts with stakeholders, responded to approaches and met individuals and organisations in the public, private, community and voluntary sectors. Among these were health and community safety representatives, including DHSSPS Child Protection Unit, and district council officers responsible for entertainment licensing. The Team also met representatives of the tourism, leisure and town centre management sectors, various arms of the licensed trade and had regular contact with PSNI.
12. **Consultations** - The Review Steering Group agreed recommendations which went to Minister David Hanson MP in June 2005. The Direct Rule Ministers, including the DHSSPS Minister, jointly considered, discussed and endorsed Minister Hanson's proposals and these were published for consultation in November 2005 in "*Liquor Licensing - The Way Forward*". LRT considered over 960 responses, among them comments from health, social and public order interests as well as different sections of the licensed trade. There was almost universal support for introducing licensing objectives and for more effective enforcement (see paragraphs 14 & 15). There was also support for better partnership working, including at local level, to address health, social and public order issues. There was opposition, particularly from some sections of the licensed trade, to proposals to liberalise the licensing regime and major concern about perceived health and public order impacts.
13. In late 2006/early 2007 consultation took place on the *Draft Licensing and Registration of Clubs (Amendment) (Northern Ireland) Order 2007* which dealt with opening hours, enforcement, children and clubs'

accounts. Responses showed concern about health issues and strong support for enforcement measures. Health concerns related, by and large, to the potential impact of later opening on public health and associated health service costs.

POLICY PROPOSALS

14. Each policy option was considered in terms of its likely health and social impact. The package of proposals which resulted was designed to match increased flexibility in some areas with greater accountability, better controls and more effective enforcement in others; it aimed to strike the optimum balance among health, social, economic and environmental interests. It recognised that lessons from elsewhere needed to be considered in the context of Northern Ireland's characteristics. Overarching all the proposals was an emphasis on the need for rigorous monitoring, evaluation, review and reporting of the practical outworking over time of the measures which were to have been put in place.
15. **Licensing System** – David Hanson MP wished to see a system that was transparent, accountable and responsive to local communities, and which addressed wider health, public order and social issues. He therefore proposed a *district council* led system, based on six new *licensing objectives* which would underpin legislation and practice. The objectives included the promotion of public health and public safety and the prevention of crime, disorder and public nuisance. Licence holders and district councils, who would be charged with awarding licenses, were to be required to show how they would meet the objectives as they carried out their business. Councils would show this by publishing a *Statement of Licensing Policy*, drawn up in consultation with a forum consisting of local authorities and interested parties such as local police, health and safety and planning representatives, residents, businesses, licensees and others, and reviewed every three years. Applicants for

new licences or variations to their existing licences would have supplied the council with an *operating plan*, detailing how they would run their businesses and meet the objectives. The council could have reviewed, suspended or revoked a licence where the licensee failed to live up to his/her operating plan. It was proposed to help councils and police to meet their obligations by issuing them with Statutory Guidance, to be drawn up in consultation with key stakeholders.

16. **Enforcement** - The new system would have had stronger enforcement powers at its disposal, including a new penalty points system which could culminate in the suspension of a license, and immediate temporary closure powers to help the police clamp down on rogue traders and prevent noise nuisance and public disorder. New local civilian inspectors would have worked with licensees to help them meet the licensing objectives and reported to councils on how the new system was operating. There were also plans to promote a voluntary proof-of-age card and to introduce test purchasing powers to help licensees and police deal with the problem of underage access to alcohol with its associated adverse health effects and potential for anti-social behaviour. In a complementary move, new legislation was to be enacted to deal with the anti-social behaviour associated with drinking in designated public places. The Minister recently agreed that that legislation should be introduced.
17. **Categories of licences** - The current 12 categories of licences were to have been abolished in favour of a dual system of *personal and premises licences*. The new arrangements would have been less bureaucratic and would have required those holding licences and managing premises to demonstrate that they had clean backgrounds and the qualities, training and experience needed to run businesses which supported the licensing objectives.

18. **Need and surrender** - Under the current system, the courts should only grant a licence for a new pub or off-licence when they are convinced that there are insufficient businesses of the same type in a particular vicinity. The "*need*" criterion would have been retained under the new licensing system, with the new licensing authorities i.e. district councils in conjunction with local responsible authorities and interested parties, making decisions which reflected a wider spread of local experience and expertise and greater local accountability. This would have enabled district councils to refuse to grant licences where they felt numbers of existing outlets were adequate, avoiding environmental and public order issues which research shows can arise from over-provision in an area.
- .
19. The "*surrender*" provision requires a licence for a pub or off-licence to be handed into court before a licence for a new pub or off-licence can be granted. It was introduced in 1923 to combat the health and social problems caused at that time by the oversupply of spirit grocers - establishments where groceries and alcohol could be bought and consumed on the premises. It was proposed to abolish surrender for two main reasons. First, because it posed an unfair barrier to competition, by restricting access to the pub and off-licence trade to those who could afford the cost of a licence as well as normal business start-up costs and, reportedly, in some cases bribes to objectors. This barrier was felt to be hampering economic growth by limiting diversity and expansion in the leisure and hospitality industry. The second reason was because research showed that it had not been effective in achieving its original aim of preventing health and social problems by limiting access to alcohol.
20. Surrender first capped and then reduced the overall number of pubs and off-licences in Northern Ireland but has not prevented growth in sales and supply of alcohol in premises such as supermarket off-licences

(which reportedly account for 50% of beer and wine sales in Northern Ireland), hotels, restaurants and registered clubs. Nor has it prevented clustering of pubs in particular areas - the "honey pot" effect - leading to adverse social effects. There was also evidence that, because there are no geographical restrictions on the trade in licences, they can be transferred from rural areas to the possible detriment of small, rural communities. The Steering Group noted the very high profile campaign mounted by the Federation of the Retail Licensed Trade in opposition to removal of the surrender requirement. This majored on the perceived financial impact on pub and off-licence owners and the claim that the move would lead directly to an explosion in the number of liquor outlets, with "every corner shop" selling alcohol.

21. LRT has commissioned an independent assessment of the likely impact on business of the abolition of surrender and will report the findings to the Minister in August/September 2007. It has also drawn attention to the fact that the *Licensing (Conditions for Mixed Trading) Regulations (Northern Ireland) 1997* which are unique to Northern Ireland, place strict controls on the sale of alcohol alongside other goods in shops and supermarkets. Coupled with the "need" provision, as implemented by district councils from a position of greater local knowledge and accountability, these were intended to act as a counterbalance to prevent unlimited expansion in liquor outlets.
22. **Opening Hours** - The drive for longer, more flexible, opening hours (to 6.00am in some instances) came primarily from sections of the licensed trade. They cited changing drinking patterns, tourism, the promotion of the night time economy and public order to support their case. Research and consultation flagged up concerns about possible negative health impacts and increased anti-social behaviour. The resultant proposal, to allow opening to 2.00am in certain circumstances, recognised the legitimate expectations of modern society but also took account of public

concerns. In practice, greater flexibility in opening hours was to be balanced by stronger enforcement powers for police and greater powers of control for district councils, working in tandem with local responsible authorities and interested parties to promote the licensing objectives.

23. **Protection of children & young people from harm** - In addition to the new test purchasing and proof-of-age measures already mentioned it was planned to abolish Children's Certificates, which had been shown to be ineffective - few publicans had ever applied for them. The intention was to replace them with the licensing objective of protecting children from harm, which placed an obligation on councils and licensees to explain, in their licensing policy statements and operating plans respectively, how they would meet this objective. In addition, children and young people would have been permitted, with the licensee's approval, to be on licensed premises with a responsible adult for an additional hour i.e. until 10.00 pm to attend a family function, such as a wedding.
24. **Monitoring, evaluation and review** - Northern Ireland was fortunate in having available for scrutiny examples of recent change in licensing legislation in England & Wales, Scotland and the Republic of Ireland. The rationale behind those reforms, and the impact of the changes which have already come into effect, have informed policy development here. LRT continues to monitor progress in those jurisdictions. Having undertaken the health screening exercise, and the more integral assessment of health and social impacts, as part of the review process, the Department had intended to monitor the impact of the reforms on the wider public. It was hoped to secure a policy and legislative approach through which all relevant factors had been considered and reflected upon. The Department planned to take account of the extent of the impact and subsequently consider whether any further policy or legislative changes were needed to address this.



LIQUOR LICENSING REVIEW NORTHERN IRELAND:

REVIEW OF THE LITERATURE ON THE IMPACT OF LICENSING AND OTHER CONTROLS ON THE CONSUMPTION OF ALCOHOL

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EXECUTIVE SUMMARY

1. A review of liquor licensing in Northern Ireland is being carried out by, the Liquor Review Team (LRT), within the Department of Social Development (DSD). The team was set up in May 2004 to review key areas of Northern Ireland's liquor licensing law and to make recommendations to the Minister.

Terms of Reference

The review will consider key elements of Northern Ireland's liquor licensing law and practice, with particular reference to the implications for health and public order and bring forward recommendations aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.

It will refer in particular to the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996 and have regard to the following issues:

- opening hours;
 - enforcement;
 - surrender of a subsisting licence;
 - categories of licence
 - wider public health issues;
 - licensing laws regarding children;
 - social and environmental issues; and
 - equality and equity issues
2. As part of that process, the Committee is gathering evidence to inform its work. The purpose of this research was to review the existing literature in relation to initiatives that have been undertaken internationally, nationally and locally to regulate and control the availability of alcohol.
 3. The findings presented in the report focus on efforts to control the availability of alcohol or the context in which alcohol is consumed, rather than efforts to reduce the underlying causes of alcohol misuse.
 4. The literature review has concentrated on the types of work which are seen to be most relevant to the review of liquor licensing in Northern Ireland including :-
 - the imposition of conditions upon licenses,
 - work to address opening hours or

- other aspects of the sale of alcohol;
 - drinking in certain locations,
 - under age drinking,
 - drink driving;
 - staff training and registration,
 - use of toughened glass
5. The literature review found a wide range of studies of the effectiveness of measures designed to regulate and control alcohol sales and consumption. The evidence is not; however, always clear, and there is a need for some caution in applying the results directly to Northern Ireland. Despite this the literature review does provide an indication of measures that can be seen to have an impact. The report suggests that this can provide useful evidence to inform the work of the Committee.
 6. In terms of the general restriction of alcohol consumption, it is suggested that there is evidence to support the idea that longer hours of alcohol sales may be linked to increased problems with alcohol related crime and disorder, although the evidence is mixed on this issue. Studies have also suggested that staggered closing times may have an impact on disorder.
 7. There is also some evidence that the age at which young people can buy and consume alcohol on licensed premises has an impact on juvenile crime. It has been suggested that a reduction in the legal drinking age can raise the levels of male juvenile crime, and raising the age can reduce juvenile crime e.g. a reduction in alcohol related car crashes and fatalities. However, some studies also suggest, that lowering the age at which young people can buy and drink alcohol on licensed premises can reduce the likelihood of young people drinking in unsafe and unsupervised locations.
 8. There is evidence of a link between the number of outlets in an area and the levels of alcohol related problems. There is also some evidence that different types of outlet may experience different levels and types of alcohol related crime and disorder.
 9. The findings from the literature review suggested that high profile policing and enforcement of the law relating to under age drinking can be linked to a reduction in the number of crimes and arrests.
 10. High profile policing around licensed premises has also been associated with a reduction in arrests and crime rates. It has also been suggested that the enforcement of the law relating to serving alcohol to people who are intoxicated may also impact on crime and disorder.

11. There was also some evidence in the literature review to support the value of community enforcement programmes. However, it was suggested, that the effectiveness of these may not be sustained, and that there may be a need to combine them with more formal measures.
12. 'Pubwatch' schemes appear to have had some success in the reduction of alcohol related disorder.
13. Regarding where people can drink alcohol - some evidence was found that suggested that banning drinking in public places has had some success in addressing alcohol related crime and disorder, particularly when this was combined with other measures.
14. Work to address drink driving has generally been successful, particularly when enforced vigorously and had a high public profile.
15. The literature review found that aspects of the layout and operation of licensed premises could contribute to alcohol related aggression.
16. The evidence suggested that the provision of training to bar staff could help to prevent and deal with alcohol related disorder.
17. There was some evidence from the literature to suggest that the use of toughened glass can have an impact on the number of 'glassing' attacks and facial injuries.
18. Little evidence was found regarding the impact of health warning information on drinking behaviour.
19. There is currently a lack of evidence regarding the impact of alcohol advertising on alcohol related harm.
20. The implications of the findings presented in this report will require to be considered in terms of the ways in which future legislation can promote the type of work that will have an impact on the control of the consumption of alcohol in Northern Ireland.

INTRODUCTION AND BACKGROUND

CURRENT WORK IN NORTHERN IRELAND

Introduction

- 1.1.1 *This literature review was commissioned in order to support the work of the Committee and the Liquor Review Team through the provision of evidence to inform the review of liquor licensing in Northern Ireland.*

It was recognised that the review of liquor licensing in Northern Ireland was taking place in order to consider specific issues relating to licensing. The review will consider key elements of Northern Ireland's liquor licensing law and practice, with particular reference to the implications for health and public order; and bring forward recommendations aimed at striking a balance between facilitating the sale of alcohol, public safety and the public interest.

This research provides information to inform the work of the Committee in relation to initiatives that have been undertaken internationally, nationally and locally.

Background

- 1.1.2 The Minister, John Spellar MP, in March 2004 announced a review of liquor licensing legislation in Northern Ireland. The review began in May 2004 and is scheduled to take around 2 years to complete. The review will include a public consultation and will result in new primary legislation for Northern Ireland.

- 1.1.3 At present in Northern Ireland people can buy and/or consume alcohol from:

- premises which have a licence to sell alcohol to the public under the Licensing (Northern Ireland) Order 1996
- clubs which are registered to supply alcohol to its members as non- profit making organisations under the Registration of Clubs (Northern Ireland) Order 1996*

This legislation seeks to strike a balance between the need to control and regulate the sale of alcohol in a way, which is effective, enforceable and equitable, and the need to have full regard to the

wider public health issues.

*A club is not licensed to sell alcohol but is allowed to supply it to its members and guests under a certificate of registration. It is only a Members' club that can obtain a certificate of registration, i.e. a club that is owned by the members, and is not run as a profit making business. Any profits made from activities carried out by the club must be used for the benefit of the club membership as a whole.

1.1.4 There is a need to consider whether the current legislation remains appropriate given the changes that have taken place in Northern Ireland in the last twenty years. There have been many changes to the ways in which alcohol is perceived, sold, promoted and consumed. For example – changes in attitudes to drinking, the increased availability of alcohol and changes to patterns of drinking ('binge' drinking)

1.1.5 *The last general review of liquor licensing policy in NI took place in the early nineties and was conducted against a background of civil unrest and the absence of a nighttime economy in the two main cities. It led to a modest relaxation of the law governing both liquor licensing and registered clubs.*

1.1.6 Following change in the local security, social and economic situation as a result of the peace process the trade has been lobbying for longer and more flexible opening hours, stronger enforcement and, in the case of registered clubs, a relaxation of onerous accounting provisions. The current review addresses these issues primarily from the perspective of identifying where improvements may be made by amending the licensing legislation.

REVIEW OF THE LITERATURE

REGULATION AND CONTROL OF ALCOHOL

2.1 BACKGROUND

- 2.1.1 There are several issues related to licensing reform. Northern Ireland's licensing laws are more restrictive than most other European countries and there are growing demands for the laws to be relaxed, enabling pubs and bars to open for longer.
- 2.1.2 There is concern about the level of alcohol consumption in Britain, especially amongst under age drinkers. Alcohol Concern has put the price of alcohol abuse in Britain at £3.3 billion a year in sickness absence, unemployment and premature death. The cost to the NHS is estimated at £200 million. 27% of men and 15% of women drink more than the recommended safe levels of alcohol consumption.
- 2.1.3 There is particular concern about the level of alcohol consumption amongst young people. A survey by the Joseph Rowntree Foundation found that up to a quarter of 13 and 14 year olds have had drinking sessions involving at least five drinks in a single session. The Alcohol and Health Research Centre reported that a quarter of 15 and 16 year olds get drunk three or more times a month.
- 2.1.4 There are also concerns about problems caused in towns, cities and villages by people who have been drinking. Anecdotal evidence suggests that it is common for fights to break out on Friday and Saturday nights either inside or outside licensed premises. Local residents can also have concerns about the problems caused by alcohol consumption in their area, including noise levels, littering and vandalism.
- 2.1.5 The liquor licensing laws have changed very little since 1915 when they were tightened to stop factory workers arriving drunk and harming the war effort.
- 2.1.6 Prohibition in America was largely seen as an unsuccessful experiment. During the period of prohibition, between 1920 and 1933, alcohol consumption increased significantly. Statistics from Columbia University Press show that the average annual consumption of pure alcohol was 0.25 gallons per capita in 1921 and 1.3 gallons by 1929, an increase of more than 500%.

- 2.1.7 In Britain the Police supported a change to the liquor licensing laws because they believed it would reduce the amount of disturbances caused by groups of drinkers leaving pubs at the same time – ‘chucking out time’. In Northern Ireland the PSNI (Police Service of Northern Ireland) support legislative change aimed at modernising and simplifying the licensing laws. However the PSNI are concerned that further relaxation of the licensing laws could lead to increased burdens for the police and that any extension of licensing hours may lead to more anti-social behaviour, more arrests and put pressure on finite police resources.

Alcohol use in Northern Ireland – Background

- 2.1.8 Alcohol remains a key health issue in Northern Ireland. Although compared to Great Britain and most other countries in Western Europe Northern Ireland has a relatively high level of abstinence, research over the last ten years shows that the proportion of the population who choose not to drink has been getting smaller. This body of research also suggests that the pattern of drinking popularly described as 'binge drinking' (i.e. the consumption of 11 or more units in a session for males, 7 or more units in a session for females) is quite marked, especially among those aged 18-35, and is more pronounced in socio-economic groups D and E.
- 2.1.9 In addition there has been a greater increase in the proportion of women drinking in recent years, especially among young adults.
- 2.1.10 There is a clear cost to society attributable either directly or indirectly to alcohol misuse in Northern Ireland. There is a cost to the individual, the community and society in general, to health and social services, the employment sector and to the public service and safety sectors. One estimate of the total social cost of alcohol misuse in Northern Ireland is £770 million per annum.
- 2.1.11 However, despite the obvious and not-so-obvious negative consequences of alcohol misuse, it remains a significant feature of Northern Ireland culture. For the majority of the population alcohol is seen as a socially acceptable drug, one that enhances a range of social settings and situations. A major challenge for health promotion is addressing the public's dual perception of alcohol as, on the one hand something positive, and on the other hand something that has a clear cost to society.

Costs of drinking

- 2.1.12 The social cost of alcohol misuse is very high. It includes the cost to

industry arising from reduced productivity, sickness absence and unemployment and the costs from road traffic, domestic and other accidents and fire. There are also the costs of criminal activity and damage, including police involvement and court cases, and the cost to Social Services and other agencies of alcohol-related family disputes and child neglect.

Cost of drinking in the United Kingdom

2.1.13 The *State of the nation 2002* report produced by Alcohol Concern highlights some of the costs of alcohol misuse to individuals, families and society.

- Alcohol misuse is estimated to cost between 2% and 5% of a country's annual gross national product (GNP). Taking the lowest estimate of 2% and a GNP for England of £542,700 million for 1999, Alcohol Concern calculated that alcohol misuse cost England at least £10.8 billion that year.
- Alcohol misuse costs the NHS between 2% and 12% of total NHS expenditure on hospitals. This amounts to £3 billion a year on hospital services.
- Up to 14 million working days are lost each year as a result of alcohol use, which is estimated to cost employers £2 billion every year.

A study carried out in Scotland estimated that the total annual societal cost associated with alcohol misuse is £1,070.6 million. Of this, 9% was due to resource use by NHS Scotland, 8% by social work services, 25% by the criminal justice system, 38% due to wider economic costs and 20% due to human costs (i.e. premature mortality in the non-working population).

A study carried out in England and Wales estimated that in 1999, alcohol misuse cost society almost £2.3 billion, including the cost to industry in terms of sickness absence of about £1.4 billion and £207 million in costs to the NHS.

Costs of drinking in Northern Ireland

2.1.14 The estimated costs attributable to excess alcohol consumption in Northern Ireland are:

- over 730 deaths per annum;
- equivalent to over 12,000 expected years of life lost;
- approximately 400,000 working days lost each year;
- approximate cost to the economy of over £800 million.

In a report by the Department of Health, Social Services and Public Safety (DHSSPS) entitled *Reducing alcohol related harm in*

Northern Ireland, it is estimated that as a result of alcohol-related harm in Northern Ireland, some £34.3 million per year is incurred in costs that directly impact on government spending. For example, hospital costs, general practice costs and prison costs associated with alcohol-related crime.

In addition to these, it is estimated that £743.2 million per year are incurred in costs that impact on government spending less directly. For example, premature deaths, road traffic accidents and costs to industry due to sickness absences.

- 2.1.15 The DHSSPS also estimated that the alcohol industry provides some 32,000 jobs in Northern Ireland (about 5% of the Northern Ireland employed workforce) with combined estimated annual salaries of £298.3 million per year and a contribution to the arts, sports and charities of £2 million per year.

Alcohol use in Northern Ireland

Introduction

- 2.1.16 Alcohol consumption in Northern Ireland over the past 15 or so years has remained relatively constant, although there has been a gradual decline in the proportion of abstainers. To a certain extent this can be explained by the changing drinking patterns of female drinkers.
- 2.1.17 The table below reflects the reduction in the amount of abstainers from 1986 to 2002/03. The shift is clearly more evident among female drinkers.

Table 1 Male and female non-drinkers (Source CHS)

	1986	90/91	92/93	94/95	96/97	98/98	00/01	02/03
	%	%	%	%	%	%	%	%
Males	28	23	23	22	22	22	21	19
Females	43	35	33	33	30	31	33	27

Of those adults who do drink, a significant proportion of males drink over the recommended sensible level; a smaller proportion of women drink in a similar fashion, although this has increased more significantly over the last 10 years.

Table 2 Males and females who drink above the recommended weekly limits* (Source CHS)

	1986	90/91	92/93	94/95	96/97	98/98	00/01	02/03
	%	%	%	%	%	%	%	%
Males	10	17	18	21	23	22	28	33
Females	3	5	6	7	8	10	11	11

* Recommended sensible levels used are the previous sensible drinking message of 21 units of alcohol per week for men and 14 units per week for women. For the purposes of the Continuous Household Survey, dangerous levels were defined as 50 units per week for men and 35 units per week for women.

Binge drinking

2.1.18 One feature of drinking often ascribed to Northern Ireland drinking is that of 'binge drinking'. This is a colloquial expression describing the consumption of several drinks/units in a single or prolonged session. The Health Promotion Agency (HPA) conducted research in 2002 that confirmed this type of drinking, with 48% of male drinkers and 35% of female drinkers having been engaged in at least one binge drinking session during the previous week. It is also true that the bulk of drinking takes place on Fridays, Saturdays and Sundays.

Female drinking patterns

2.1.19 Another recent phenomenon has been the increase in the proportion of women, especially young adult females, who drink. The Northern Ireland Health and Activity Survey in 1994 showed that 15% of women aged 16-24, and 12% aged 25-34 drank above the old weekly sensible drinking level of 14 units. The HPA report on adult drinking patterns in Northern Ireland (2002) showed that 30% of female drinkers in the 18-29 age group could be classified as risk drinkers compared to 15% of those aged 45-59. The same research showed that single women are more likely to be risk drinkers than those in any other marital status group, with 34% of single women exceeding their weekly limit compared to 17% of married/cohabiting women.

2.1.20 Adult drinking patterns do appear to differ depending on gender, age and socio-economic background.

Young people and drinking

2.1.21 Young people's drinking again has remained relatively constant in recent years. The Health Behaviour of School Children (HBSC) survey (1997/98) reported that 74% of 11-16 year-

olds had tasted alcohol, with almost one in five (19.9%) drinking at least weekly. Over one third (35.5%) had reported being drunk. The Young People's Behaviour and Attitudes (YPBA) survey (2000) of 11-16 year-olds showed that 18.8% reported at least weekly use of alcohol, with almost one third reporting regular use.

- 2.1.22 In the same way as there were differences within the broad adult drinking pattern, there are differences among young people based on age and gender. The YPBA survey showed that the proportion of young people who have tried alcohol rose with age - 20.9% of those aged 12 or less compared to 79.2% of those aged 16 or older. The HBSC (1997/98) survey showed that 5.6% of boys and 2.5% of girls in Primary 7 were drinking weekly compared with 43.6% of boys and 39.9% of girls in Year 12.

2.2 REGULATION AND CONTROL

- 2.2.1 Licensing regulations affect when, where and to whom alcohol is available for sale or consumption.

- 2.2.2 Reasons for regulating availability include:

- (i) the protection of children and young people
- (ii) the prevention of crime, violence and public disorder
- (iii) the prevention of ill-health and premature mortality
- (iv) the maintenance of personal and social morality and standards of conduct
- (v) the prevention of accidents and injuries
- (vi) the protection of commercial interests from excessive competition
- (vii) the minimisation of costs to industry
- (viii) the minimisation of costs to health and social care systems
- (ix) the easement of tax collection

- 2.2.3 Economic as well as social reasons have been crucial to the development of alcohol regulation. Raistrick et al (1999) suggest that the current approach to licensing in the United Kingdom (UK) reflects the ambiguous position of alcohol, as a potential cause of harm, whilst also linked to pleasure and leisure activities. There has therefore been debate about the focus of action to address alcohol problems – should this be on the population as a whole or only those groups and individuals who have problems with alcohol ? This argument has been reflected in the discussion around regulation and control issues – with some arguing the measures should be used to reduce per head consumption, with others suggesting that measures should be targeted on specific drinking patterns or target groups.

Licensing Law Reform

- 2.2.4 There is disagreement about the purpose of licensing laws (Raistrick et al 1999) – some seeing licensing laws as a method of regulating overall consumption; others focussing on the role of licensing law in shaping the context in which drinking takes place.
- 2.2.5 This lack of a clear rationale has weakened the impact of the licensing laws and fuelled the case for relaxing the legislation.
- 2.2.6 The evidence regarding the impact of licensing law reform is difficult to interpret – the law on licensing is not a single measure but a collection of restrictions and regulations relating to the purchase, sale and consumption of alcohol by persons, from particular outlets, at certain times (Tether and Godfrey 1990). It is therefore possible to relax the law in one way – say by extending opening hours – while at the same time tightening it in another area – say by strengthening the provisions relating to under age drinking. This causes difficulties for evaluation.
- 2.2.7 The variation in drinking cultures between different countries creates problems for comparative studies of availability. Measures operating in one country may not have the same effect when applied to another country.
- 2.2.8 Another problem is that the strictness of enforcement of licensing laws varies from location to location.
- 2.2.9 Other factors – like price, income, unemployment levels and advertising – are likely to affect levels of alcohol consumption and problems. Licensing law can influence some of these factors – like price – while others may be independent. Gruenewald et al 1995 suggests that there is often an interplay between these factors, licensing and the drinking culture.

2.3 OPENING HOURS – THE REGULATION OF HOURS

Restrictions on Purchasing Times

- 2.3.1 Evidence from other countries on the effects of altering the hours during which alcohol can be sold show that longer hours lead to increased problems and shorter hours a reduction in problems (Edwards et al 1994).
- 2.3.2 Studies by Olsson and Wikstrom (1982) and Nordlund (1985) – cited by Raistrick et al (1999) – suggested that there is a direct link between licensing hours and problems.
- 2.3.3 Smith (1989) reported on the results of Australian studies. After the introduction of alcohol sales on Sunday in Perth there was a 64% increase in the number of people killed on Sundays. In Brisbane, where an 11.00 a.m. Sunday morning session was brought in, the number of property damage incidents between noon and 1.59 p.m. rose by 53%. There was also an annual increase of 85% in property damage incidents for the two hour period after a 4.00 p.m. to 6.00 p.m. session. Smith also reported evidence of increases in casualty admissions following the extension of hours.
- 2.3.4 A cost-effectiveness study for the Scottish Executive (2001) found that there was generally unclear evidence, especially in the UK, about licensing controls and relatively few studies of licensing interventions.
- 2.3.5 Regarding licensing hours the study reported that some studies, from countries outside the UK, suggested that longer licensing hours increased alcohol related problems, although having little effect on total consumption.
- 2.3.6 In the UK recent licensing reforms have extended permitted hours. These changes were brought in at different times in different parts of the country – Scottish licensing hours were increased in 1976; with a relaxation in the law for England and Wales being proposed in 1988.
- 2.3.7 When the Office of Population Censuses and Surveys (OPCS) evaluated the Scottish licensing changes – the primary focus was on the impact of increased licensing hours on overall consumption (OPCS 1986). There was a 13% increase in consumption reported although this was mainly attributed to a 35% increase in female drinking. In view of the differential impact on the sexes the report argued that it was unlikely that the change in the law was the crucial factor in the increase in consumption.
- 2.3.8 Raistrick et al (1999) reports that it is not easy to draw any firm

conclusions from the Scottish experience - as different studies have reached different conclusions. Tether and Godfrey (1990) commented that 'the link between permitted hours and alcohol related problems is ... unclear'.

- 2.3.9 The OPCS study of drinking in England and Wales in the late 1980's found that average reported alcohol consumption had fallen slightly following the reforms (OPCS 1991). However this may be influenced by the under reporting of consumption by respondents.
- 2.3.10 Official surveys into drinking habits before and after the reforms do not provide comparable data on the level of alcohol related problems (OPCS 1991).
- 2.3.11 Pinot de Moira and Duffy (1995) concluded that there was no clear evidence of an increase in alcohol related mortality since the 1998 changes in England and Wales.
- 2.3.12 Research undertaken on behalf of the Home Office (Hope 1986; Tuck 1989) found that violent incidents tended to cluster around closing time. It has been suggested that closing times might be staggered in order to minimise these problems.
- 2.3.13 An experiment in extended and staggered closing times in Manchester in 1993 found an association with a fall in city centre arrests and a 14% decline in alcohol related incidents. However a further experiment in Manchester in 1996 found that alcohol related incidents did increase when compared to the year before – criminal damage by 7%, assaults by 12%, street disturbances by 10% and disturbances on licensed premises by 13% (Lovatt 1996).
- 2.3.14 The impact of later closing times will be far greater on the living environment in residential areas than it will in city centres comprising largely commercial premises. The availability of transport and other facilities – and police officers – will also have a bearing on what happens when people leave pubs at a later time and after a longer period of access to alcohol.

2.4 ENFORCEMENT

Enforcement of the Law

- 2.4.1 Many laws and local by laws governing drinking practices are poorly enforced. When attempts have been made to ensure that laws concerning drinking are enforced, there has often been a reduction in the level of problems, particularly in relation to public order. For example, the introduction of random breath testing greatly increased the likelihood of detection and reduced the level of alcohol related road traffic accidents. When licensees were reminded of their legal responsibilities and then police checks on compliance were carried out – there was a 20% reduction in recorded offences (Jeffs and Saunders 1983). When the police checks stopped the levels of offending rose again.
- 2.4.2 It is clear that the effectiveness of licensing law depends greatly upon implementation and enforcement. Poor enforcement and inadequate implementation at local level is one reason why the prevention potential of licensing legislation has not been fulfilled (Tether and Robinson, 1986).
- 2.4.3 The presence of the police is associated with stricter enforcement of the law, as an experiment in Torquay illustrates. Here, high profile policing of licensed premises, particularly to enforce the laws relating to under age drinking and drunkenness, was associated with a decrease in the number of arrests and rates of crime (Jeffs and Saunders 1983). A police presence, whether undercover or overt, may itself influence the reporting of incidents and offences (Stockwell 1997).
- 2.4.4 The TASC Project in Cardiff City, Wales pioneered a partnership between police forces and licensed premises. In order to prevent crime where alcohol was present, police established a more prominent presence in city centres and trained bar and club staff how to deal better with potentially violent situations. They also launched an awareness media campaign. It is still too early to fully evaluate progress but there have been promising results in the number and severity of injuries at two big clubs in Cardiff (Maguire, Morgan and Nettleton 2001).
- 2.4.5 Effective implementation requires more than police enforcement – other interested agencies and individuals, for example publicans and magistrates – need to be involved (All Party Group on Alcohol Misuse, 1995).
- 2.4.6 The drinks industry via the Portman Group has established a number of programmes to look at aspects of alcohol misuse. There is concern about the prevalence of under age drinking in public

houses; and how easily alcohol can be purchased by minors from off licences and supermarkets (Sutherland and Willner, 1998). The Portman Group has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards. The Portman Group report 'Keeping the Peace' (1993) noted that identity card schemes can have a deterrent effect and assist licensees. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for licensees to identify the ages of potential customers.

2.5 SURRENDER OF A LICENCE

- 2.5.1 The current legislation in Ireland (both North and South) in effect limits the number of pubs and off-licences in Ireland. In order to open a new licensed premises a licence has to be acquired (bought) from an existing premises. This has to be surrendered before a new licence can be issued.
- 2.5.2 Obviously this means that liquor licences are a valuable trading commodity, and indeed can be viewed as a retirement fund for licensees. For example, licensed premises in a Belfast entertainment centre would have a considerable market value attached to them
- 2.5.3 It should be noted that new urban based premises in Northern Ireland can be opened upon surrender of a licence from a rural location. For example, to open new premises in Belfast prospective licensees surrendered licences from Aghalee and Ballycarry. It can be assumed that the square footage of the new premises would be considerably in excess of those they replaced.

Northern Ireland

Obtaining a licence to sell alcohol

- 2.5.4 The situation in Northern Ireland is that, in effect, there are a set number of licences. This means that if someone wants to open a new outlet for the sale of alcohol they have to acquire a licence already in existence, i.e. from an off-licence or a club/pub, which is prepared to give up its licence. For this reason, the value of each licence lies in market forces.
- 2.5.5 A licence is granted through the courts if the following three criteria are met:
- hand in an old licence to receive a new licence;
 - prove that you are a fit person or have fit premises;
 - prove the need for licensed premises in the area.

A person must prove that they are a fit person to hold a liquor licence before a licence is issued.

Obtaining a licence to sell alcohol for the first time

- 2.5.6 An application for the grant of a licence must be made to a county court. The court will turn down the application if it considers that:
- the correct application procedures have not been followed, although it should be noted that the court has some flexibility

- here;
- the applicant is not fit to hold a licence or the premises are not suitable (the necessary planning permission is essential). However, the court may grant the licence on the basis that the premises will be made suitable;
- there are already an adequate number of such premises in the area. This only applies to pubs and off-licences;
- a current pub or off-licence licence has not been handed in to the court.

In effect, this limits the total number of pubs and off-licences in Northern Ireland.

Providing licensed premises to serve greenfield residential developments is thus solely dependent on the freeing of licences through natural wastage of businesses across Northern Ireland.

If the application relates to a guesthouse, the court will attach a condition to the licence to ensure that the premises have adequate seated accommodation away from any bedroom, dining area or area where alcohol is sold or consumed.

If the application relates to a place of public entertainment, the court may, if it wishes, attach conditions to the licence. The conditions imposed are likely to depend on the type of entertainment being provided in the premises.

Ireland

- 2.5.7 Under the current system in Ireland to open a new licensed premises, a prospective publican has to buy a licence from an existing pub and 'extinguish' it. The same also applies for hotels and off-licences, which has limited the number of licensed premises in Ireland.

In Ireland up to the passing of the 2000 Act, in order to obtain a new licence for a previously unlicensed premises in an urban area one had to extinguish a licence in the immediate vicinity of the proposed new licensed premises. As the population in certain areas increased, demand increased and the publicans responded to that by increasing the size of their public houses to cope. These restrictive laws contributed to the creation of 'super pubs'.

- 2.5.8 Super pubs create noise and nuisance for local residents and make compliance with, and enforcement of the law, more difficult for licensees and the Gardai. Also, when large numbers emerge from these super pubs at closing there is an increased risk of public disorder (CLL 2003).

- 2.5.9 The planned codification of the licensing laws in Ireland includes proposals to cap the size allowed for licensed premises in an effort to stem the rise of the super pub phenomenon. There are also measures to issue new licences for small pubs and cafes under 1,500 square feet in size. (Irish Times, 14 Sept. 2004).

2.6 CATEGORIES OF LICENCE – THE REGULATION OF WHERE ALCOHOL CAN BE SOLD

2.6.1 In Northern Ireland a court can grant a licence for alcohol to be sold in the following type of premises:

- public houses;
- off-sales attached to public houses;
- off-licences;
- hotels;
- guesthouses;
- restaurants;
- conference centres;
- higher education institutions (university or other educational establishments providing higher education courses and designated as such);
- places of public entertainment - currently a theatre, ballroom or registered race track;
- refreshment rooms in public transport premises (railway, airport, harbour terminal or bus station);
- seamen's canteens.

Types of outlet

2.6.2 It has been suggested that the type of outlet may be an important factor in consideration of alcohol problems. Wolfson et al (1996) suggested that in the USA there are variations in how different types of outlet observe under age drinking laws with grocery stores more prepared to sell to minors than other types of outlet. Factors associated with lower sales to minors included being part of a chain, membership of a trade association and deriving a high proportion of income from alcohol sales.

2.6.3 Raistrick et al (1999) suggested that there is evidence that nightclubs and bars have a higher level of risk for assault than restaurants or social clubs (Stockwell et al 1992).

2.7 WIDER PUBLIC HEALTH ISSUES

- 2.7.1 The state likes to receive tax revenue from alcohol but also recognises the adverse effects of alcohol on health and social well being; the drinks industry is criticised for putting profit first but praised for its employment record; at the individual level there is some wish to view the problems related to drinking as belonging to 'them' not 'us'.
- 2.7.2 The consumption of alcohol is, for the majority of the adult population, a normal part of their lives. Self-report data (HEA 1997) show that 93% of men and 86% of women aged sixteen or over claim to drink alcohol. However consumption levels and alcohol related problems are not spread evenly throughout the population.
- 2.7.3 Goddard (1991) looked at alcohol consumption in the late 1980s – examining the changes in alcohol consumption around the time the licensing laws in England and Wales were relaxed. Despite the increase in hours for licensed premises there was no significant increase in alcohol consumption at the population level.
- 2.7.4 A study for the Scottish Executive (2001) reported, after reviewing the literature, that
- Reducing alcohol consumption in the general population or in high risk populations are equally effective in preventing alcohol related problems
 - Internationally there is a trend away from efforts aimed solely at decreasing total population alcohol consumption, coupled with concentration on policies aimed at combating use among specific groups and in specific settings
- 2.7.5 Raistrick et al (1999) reported that the literature shows that
- by the age of 13 most young people have tasted alcohol, and
 - that boys drink more than girls, and
 - older adolescents drink more than younger.
- 2.7.6 Newcombe et al (1995) has reported that young people are drinking considerably more alcohol on one occasion – this may be due to the availability of the high strength drinks now being promoted.
- 2.7.7 In recent years the alcohol industry has introduced and promoted new fortified wines, spirit mixers and strong ciders. Concern has grown that such drinks may particularly appeal to adolescent drinkers, due to their sweet taste and stylish packaging (McKeganey et al 1996; Hughes et al 1997).
- 2.7.8 Although the producers of alcopops argue that they

are aiming for the 18 to 25 year old market there is little doubt that alcopops appeal to the under 18s. The peak age for drinking alcopops is 13 to 16. It should be noted that in 1996, 17% of alcohol consumed by young people were alcopops but this had fallen to 10% in 1998 (Goddard and Higgins 1999).

See also 2.8.6

- 2.7.9 Research has also shown that designer drinks tend to be consumed in less controlled circumstances and can lead to a greater loss of control and an increase in aggressiveness and antisocial behaviour (Hughes et al 1997).
- 2.7.10 Research carried out by the Health Education Authority (HEA) has shown that teenagers viewed alcopops as more appealing than traditional drinks – more refreshing, better tasting, less likely to taste of alcohol and trendier (HEA 1997).
- 2.7.11 Before alcopops were launched government research had shown that young people were starting to drink at an earlier age and that they were drinking more heavily (Goddard 1996). It has not been established if the new drinks encourage more young people to start to drink or existing drinkers to drink more, rather than simply influencing the beverage preferences of existing drinkers (Wright 1999).

Safe Limits and Labelling

- 2.7.12 In the UK public information on alcohol has focussed on identifying safe, or sensible, levels for individual consumption in terms of units of alcohol. Individuals can set their own drinking against this to determine their level of risk and regulate their intake. However as this relies on an understanding of the alcohol content of drinks as measured in units – this calculation is increasingly complicated by the proliferation of different drinks available and the range and variety of their strengths. Stockwell (1993) reported that the introduction of voluntary unit labelling by the alcohol industry in Australia gained public and political support.

2.8 PROVISIONS FOR THE PROTECTION OF CHILDREN – THE AGE AT WHICH ALCOHOL CAN BE SOLD

Children and Young Persons

- 2.8.1 Licensing law contains several provisions relating to the protection of children and young people. These take the form of age restrictions with regard to the sale, purchase and consumption of alcohol and the presence of children on licensed premises.
- 2.8.2 Evidence from other countries suggests that age restrictions on consumption play an important role in the prevention of alcohol related problems (Lister-Sharp, 1994).
- 2.8.3 An Australian study (Smith and Burvill 1987) found that male juvenile crime rose by between a fifth and a quarter after the legal drinking age was lowered to eighteen. In the USA a reduction in the legal drinking age was linked to an increase in alcohol consumption and alcohol related road accidents involving young people (Wagenaar 1993).
- 2.8.4 A problem with measuring the impact of the age limits is that numerous studies report that the rules are not being adhered to (Hawker 1978; OPCS 1986). A Scottish survey (Bradshaw 2003) found that the most common source of alcohol for young people who purchased alcohol illegally was a small licensed grocer or corner shop.
- 2.8.5 One way of discouraging under age drinking on licensed premises and illegal purchase of alcohol from all types of licensed premises is to enforce the law more robustly (Standing Conference on Crime Prevention 1987; British Paediatric Association and the Royal College of Physicians 1995).
- 2.8.6 In recent years concerns have grown about the appeal of sweet tasting alcoholic designer drinks known as 'alcopops' to children and teenagers. These products have been associated with drunkenness among children of secondary school age (Health Education Authority 1996; McKeganey et al 1996; Hughes et al 1997).
See also 2.7.8
- 2.8.7 The Portman Group has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards. The Portman Group report 'Keeping the Peace' (1993) noted that identity card schemes can have a deterrent effect and assist licensees. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for

licensees to identify the ages of potential customers.

- 2.8.8 In Ireland the Intoxicating Liquor Bill 2003 introduces an entirely new provision requiring that persons under 21 (apart from those in the company of a parent or guardian) carry an “age document” in order to enter and remain in the bar of licensed premises.

An age document may be one of the following:

- a Garda age card;
- passport;
- identity card of a member state of the European Communities;
- driver’s licence;
- a document prescribed in regulations to be made by the Minister.

This new obligation to produce an age document in order to gain admission to bars is intended to assist licensees in complying with provisions relating to underage consumption of alcohol and to assist the Gardai in enforcing the law.

2.9 CRIME AND DISORDER

- 2.9.1 While it is not suggested that there is a deterministic link between alcohol and crime and disorder it has been suggested that a large amount of crime is committed while the individual is under the influence of alcohol (Home Office 2000).
- 2.9.2 Drinking is associated with many types of crime, including drink specific crimes e.g. underage drinking, drunkenness, driving whilst under the influence, property damage and fire setting, and aggression and violence.
- 2.9.3 Surveys of offenders show that they are very heavy drinkers in comparison with non-offenders, particularly 16 to 24 year olds. In the UK around 60% of male prisoners and almost 40% of female prisoners are hazardous drinkers, as measured by the Alcohol Use Disorders Identification Test (AUDIT), compared with around 30% male and at most 10% female general hospital patients (Singleton et al 1999). Offending is most prevalent in heavy drinkers (Fergusson 1996), and population studies show that as alcohol consumption increases, so does violent offending (Norstrom 1998). Many arrestees are drunk (Bennett 1998), and a proportion of offenders admit to a relationship between their drinking and offending (McMurran and Hollin 1989).
- 2.9.4 Evidence supports the view that alcohol plays a role in the commission of offences, however there are a number of types of relationship (Collins 1982; Roberts et al 1999)
- Alcohol may cause crime directly (e.g. disinhibition, cognitive impairment);
 - Alcohol and crime may be linked through a shared third factor (e.g. personality, social disadvantage);
 - Alcohol and crime may be in a conjunctive relationship, connected by social and contextual factors (e.g. being in a pub with other drinkers);
 - Crime may lead to drinking (e.g. having the money; to assuage guilt);
 - The relationship may be spurious (e.g. lying about drinking to mitigate crime).
- 2.9.5 There is a body of evidence showing a link between alcohol intoxication and aggressive and violent behaviour (Hoaken and Pihl 2000). Violence is more likely to happen where people are grouped together, particularly if others are also drunk and aggressive. Violence most commonly occurs in and around city centre licensed premises and entertainment venues, especially where young men gather and drink heavily on weekend nights (Hope 1985; Lang et al 1995; Ramsay 1982). Not only is the assailant likely

to be intoxicated, but so is the victim of violence (Lindqvist 1991). As intoxicated people are less able to ignore threats or prevent escalation of conflict, this effect may be multiplicative in a group of drinkers (Graham et al 1998).

2.9.6 The Home Office looked at the relationship between alcohol consumption and offending among eighteen to twenty four year olds (Richardson et al 2003). From the 1989/1999 Youth Lifestyles Survey (YLS) it was found that 39% of 18 – 24 year olds were classified as ‘binge drinkers’. Binge drinkers were more likely to offend (39%) than other young adults (14%), with young male binge drinkers particularly likely to offend (49%). The link between drinking and offending was particularly strong for violent crime (Richardson and Budd 2003). Qualitative research, involving focus groups, (Engineer et al 2003) found that most of the young adults had experienced or witnessed assaults or fighting while out drinking. The four broad groups that they felt contributed to crime and disorder were – effects of binge drinking, attitudes and motivations, social and peer group norms and the drinking environment.

2.9.7 The Home Office Alcohol and Crime Toolkit (2001) notes that:

- Alcohol is a factor in 40% of recorded domestic violence incidents
- Victims of violence judged offenders to be under the influence of alcohol in 40% of incidents and in 53% of stranger violence
- 19% of all violent incidents occur in and around pubs or clubs, rising to a third of violent incidents where the offender is a stranger
- Drinking in bars is associated with greater violence or aggressive behaviour than in other drinking settings, such as private clubs or restaurants
- Alcohol consumption increases the vulnerability of an individual to assault
- Young males aged 16-24 are much more likely to be the perpetrators of alcohol related violence than any other group

2.9.8 It is important to prevent alcohol related violence by addressing the broad context in which drinking occurs (Shepherd and Lisle 1998).

- National and local legislative controls on the availability of alcohol e.g. banning the sale of alcohol at sports grounds and prohibiting drinking in certain public places
- Targeted policing e.g. weekend night time police presence in city centres
- Altering drinking venues e.g. seating, noise levels and décor in pubs and clubs, use of toughened glass
- Training bar staff e.g. de-escalation skills

- Staggering closing times

- 2.9.9 The size of a venue, as well as its design, contributes to its atmosphere. A small venue with an enclosed design can produce problems such as overcrowding and inefficient service. This may result in an atmosphere conducive to aggressive behaviour (Macintyre and Homel 1997).
- 2.9.10 One way of reducing the damage caused by violence in and around licensed premises involves the removal of possible harm causing objects, such as broken bottles or glasses. A more durable (toughened) glass has been developed, six times stronger than a conventional beer glass. When this glass does break it breaks into small pieces and is less likely to cause injury (Mihill 1993; Burrell 1997; Shepherd et al 1993).
- 2.9.11 The availability of food has been associated with a reduced risk of aggression (Graham 1985). Additionally eating while drinking slows the biological process of intoxication (Wedel et al 1991).
- 2.9.12 There exists a substantial body of research that shows enforcement strategies to be a highly effective means of reducing problems in and around licensed premises (Jeffs and Saunders, 1983; McKnight and Streff, 1992; Single and Tocher, 1992; Levy and Miller, 1995; Lang and Rumbold, 1997). The TASC Project in Cardiff City, Wales pioneered one such partnership between police forces and licensed premises. In order to prevent crime where alcohol was present, police established a more prominent presence in city centres and trained bar and club staff how to deal better with potentially violent situations. They also launched an awareness media campaign. So far there have been promising results in the number and severity of injuries at two big clubs in Cardiff (Maguire, Morgan and Nettleton, 2001).
- 2.9.13 Elsewhere in the UK, however, a police intervention that attempted to reduce underage consumption and consisted of warning letters and visits to vendors known to sell alcohol to underage patrons proved unsuccessful. The threat of legal action, in the form of police cautions, did not influence these vendors' actions, largely because of a lack of legislative support (Wilner *et al.*, 2000).
- 2.9.14 A study of the Geelong Accord (a community intervention programme) in Australia reported the successful application of a strategy whereby police were engaged in more than mere enforcement activities (Rumbold *et al.*, 1998). Police sergeants were allocated a specific 'cluster' of licensed premises to visit on a monthly basis. Their duties included facilitating communication within and between the licensees in order to eliminate practices that appeared to encourage over-consumption, such as certain

discounts on alcohol. In addition, the police officers served as advisors to licensees on harm reduction strategies. This form of assisted self-regulation both increased profitability and decreased violence involving alcohol (Rydon and Stockwell, 1997).

- 2.9.15 However community intervention programmes require a high level of commitment to be successful - as illustrated by two Australian accords. Within the first year of one programme's operation at Surfers' Paradise, a popular tourist destination, levels of violence decreased significantly (Homel *et al.*, 1997). However, this early success was not sustained after the intensive intervention ceased. The main reason identified for this decline was licensee disregard for the accord in favour of commercial competition with one another (Indermauer, 1999). A similar accord in Freemantle, another popular beach area, was highly promoted in the press and seen as a successful innovation at the time of its launch. However, the results of an independent evaluation two years after its implementation found little evidence of a reduction in the number of assaults around bars (Hawks *et al.*, 1998). It has been suggested that both accords suffered from the same problems: lack of committed personnel and vendors over the longer term (Indermauer, 1999).

- 2.9.16 In New Zealand the Host Responsibility Programme required establishments to offer food service, stock low-alcohol or alcohol-free beverages, and uphold strict policies on age identification. In addition, participating establishments had to provide transportation options to intoxicated patrons. These requirements were fulfilled under the supervision of an on-site, host-responsibility manager, and the result of negligence was a revoked license. To raise public awareness about these consequences, a mass media campaign was launched. An evaluation of the programme found that the loss of license and other penalties were the main motivation for licensed premises to adopt host responsibility practices (Wyllie, 1997).

- 2.9.17 It has been suggested that CCTV can have a deterrent effect on alcohol related crime and disorder, although it is more effective when used alongside other measures, such as, Pubwatch schemes (St John-Brookes 1998). In Burnley CCTV was used as part of an overall strategy to tackle alcohol related disorder, along with Pubwatch, a registration scheme and work with young people. It was noted that crime in the town centre (excluding shoplifting) fell by 48% between April 1995 and February 1996 (St John-Brookes 1998).

- 2.9.18 In Northern Ireland the Get Home Safe campaign was developed in Belfast from October to December 2002, with the objectives of reducing the recorded assault crime rate, reducing South Belfast residents perceived fear of crime and increasing their confidence in

the general safety of the area. Partnership initiatives included the introduction of an evening radio link; training for bar staff and door supervisors; strict enforcement of City byelaws; the introduction of toughened glasses; the introduction of a free night time bus service for students; distribution of personal attack alarms; additional CCTV cameras and an alcohol referral scheme.

Increased policing at selected locations (‘ hot spots ’) supported partner initiatives on Thursday, Friday and Saturday nights.

Evaluation of the campaign showed that by the end of the three month period the overall assault rate had fallen by 19% and the feeling that nothing was being done about alcohol related violence reduced significantly from 55% pre to 33% post campaign.

Drink Driving legislation

- 2.9.19 It is widely accepted that the consumption of alcohol prior to driving increases the risk of accident for both drivers and pedestrians (Mayou and Bryant 1995; Deery and Love 1996; Kennedy et al 1996). Estimates of intoxication as a cause of road injury vary from 20% (Mayou and Bryant 1995) and 33% (Hansen et al 1996). Green et al (1993) studied the role of alcohol in road traffic accidents which resulted in accident and emergency admissions. The study concluded that 10% of all road accidents causing injury result from drivers with excess blood alcohol concentration and that 25% of all road accident fatalities have blood alcohol levels greater than 80mg/%.
- 2.9.20 A Scottish study (Bradbury 1991) found that young males (aged 20 to 29) were the highest risk group of intoxicated pedestrians sustaining traffic injuries as a result of the impairment of judgement and reaction time needed to cross roads. Irwin et al (1983) concluded that there is a strong positive correlation between blood alcohol levels and road accidents to pedestrians.
- 2.9.21 A review for the Scottish Executive (Scottish Executive 2001) reported that in the USA, legislation and enforcement have been used in a number of ways to try to reduce drink driving and that the actions taken had been generally successful.
- An overall reduction in permissible blood alcohol levels
 - Lower blood alcohol levels for young people and for people with previous convictions for drunk driving
 - Random breath testing
 - The use of specific sanctions such as ignition interlock devices and mandatory license suspension

- 2.9.22 Drink driving measures can be effective, where these are enforced vigorously, and where there is a high public profile for these measures (Edwards 1994).
- 2.9.23 Prevention is prominent in relation to drink driving, for example, targeting young people's access to alcohol (Wagenaar et al 2000), promoting designated driver schemes (Meier et al 1998) and random breath testing (Baum 1999).
- 2.9.24 The EU has adopted a programme of priority measures for road safety, including a recommendation to ratify blood alcohol limits of 0.5% or less. While many European countries are in line with this (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Netherlands, Portugal and Spain), the UK limit is higher at 0.8%. Sewel (2001) points out that many countries have reduced their limits in the past five years. Some countries have lower limits for young drivers or professional drivers.
- 2.9.25 An international literature review (Sewell 2001) found some evidence of an increase in recent years in the number of countries having random breath testing.
- 2.9.26 Evidence from the USA and Australia illustrates the effectiveness of random breath testing with reductions shown in fatalities, injuries and crashes (Scottish Executive 2001). Additionally the studies show that if there is a high likelihood that a drink driver will be caught and that if caught the punishment is severe and applied quickly, the driver is more likely to avoid drink driving.
- 2.9.27 The evidence relating to the effectiveness of mandatory license suspension (immediately on failing a test) is mixed (McArthur and Krauss 1999).
- 2.9.28 Cobin and Larkin (1999) suggest that the findings indicate that ignition interlock devices can be effective in preventing drivers re-offending. With these devices, a driver must provide a sample of breath before starting the engine, and if the sample is above the permissible level, the ignition is locked and the vehicle immobilised. However Sewel (2001) has suggested that studies have shown low levels of compliance with some sanctions e.g. suspended drivers continuing to drive; drivers continuing to drive in other people's vehicles.

2.10 SOCIAL AND ENVIRONMENTAL ISSUES

Public drinking

- 2.10.1 Sewel (2001) reported that in the USA alcohol consumption is often prohibited in public places – e.g. recreational locations like parks and beaches; at workplaces and in cars. Rehn et al (2001) found that in 1994/1995 60% of the countries they looked at had legislation to provide alcohol free environments.
- 2.10.2 Raistrick et al (1999) noted that the availability of alcohol at, or on the way to, sporting events in the UK is controlled by legislation. Sewel (2001) also reported recent attempts to control alcohol availability at some sporting events, but there have been problems with these measures, relating to the level of revenue generated for the events through the sale of alcohol. Sewel concludes that as yet there is no controlled evaluation of the effects of alcohol restrictions at public locations.
- 2.10.3 An Australian study (Tuncks 1999) examined the use of dry areas to control the consumption and possession of alcohol in public places. The study found that in one area that had previously been a 'drinking place', this had now stopped and it was being used as a tourist area.
- 2.10.4 In the USA Hoffman (1998) reported that a ban in alcohol consumption in Washington DC parks on the 4th July 1997 had seen both police and park officials claiming a reduction in serious incidents, arrests and trash (rubbish). Serious assaults during the 1996 and 1997 celebrations fell from 11 to 0; arrests from 40 to 7, and the clean up time was halved.
- 2.10.5 In the UK, some local authorities have byelaws that prohibit drinking in public places. An evaluation of the experience in Coventry (which was the first city to introduce a byelaw ban on alcohol consumption in certain public areas) suggested that the use of such measures should be extended. Ramsay (1989) explored perceptions in Coventry city centre prior to the introduction of the byelaw (which made it illegal to consume alcohol in public except in licensed premises). In a follow up study, Ramsay (1990) found that the scheme was successful in reducing the fear of crime and disorder related to alcohol. However police statistics suggested that assaults; robberies and thefts from the person; and criminal damage seemed to be unaffected by the byelaw.
- 2.10.6 The Spotlight initiative in Glasgow included the enforcement of a byelaw prohibiting public consumption of alcohol in the city. Positive results were suggested (St John-Brookes 1998) with a general

- reduction in disorderly behaviour being seen.
- 2.10.7 Raistrick et al (1999) notes that these schemes are heavily dependent on the enforcement of the byelaw and, even if successful, may simply push the problems of crime and disorder to other unregulated areas. The Portman Group study (St John-Brookes 1998) noted that the operation of the byelaw was enhanced where it was part of wider work to tackle alcohol related disorder.
- 2.10.8 However despite the fact that, as yet, there is no systematic evidence regarding their effectiveness, local authorities and police seem satisfied with the experience so far, as reflected in the spread of such measures (Raistrick et al 1999).

Community Action

- 2.10.9 Problems associated with the use of alcohol show themselves in many different areas of community life. Raistrick et al (1999) suggest that community action has the advantage of being based on local evidence and experience but is often most effective when linked with a national or regional alcohol strategy.
- 2.10.10 Programmes of this kind have been evaluated in Europe (Holmila 1997; Hannibal et al 1995). This sort of approach is sensitive to local alcohol problem 'hot spots' – for example, order offences related to drunkenness and under age drinking. The police could monitor the percentage of their work time that is devoted to alcohol related problems; and A&E departments could monitor alcohol related attendances.

2.11 EQUITY AND EQUALITY ISSUES

Identity cards

- 2.11.1 In the UK the Portman Group (representing the alcohol trade) has had a Proof of Age scheme since 1990 through which people over the age of 18 can get identity cards – although this is not comprehensive. The Portman Group report ‘Keeping the Peace’ (1993) noted that identity card schemes can have a deterrent effect and assist licensees in identifying those customers who were under 18. Raistrick et al (1999) suggested that a national proof of age scheme could assist law enforcement by making it easier for licensees to identify the ages of potential customers.

However it should be noted that the validation of applications for identity cards may not always conform to the desired standard.

- 2.11.2 In Northern Ireland the police would welcome the introduction of a compulsory ID scheme for all places of entertainment. This approach has been piloted, for example, as part of the Coleraine ‘Safer Dancing’ initiative. Licensees are required to ask for approved ID (i.e. passport, driving licence, NI electoral card).

However it should be noted that Northern Ireland teenagers (in Antrim) below the age of 18 are obtaining professionally made fake IDs via the internet – in order to purchase alcohol from off licences (Belfast Telegraph 2 December 2004).

- 2.11.3 In Ireland the Intoxicating Liquor Bill 2003 introduces an entirely new provision requiring that persons under 21 (apart from those in the company of a parent or guardian) carry an “age document” in order to enter and remain in the bar of licensed premises.

- 2.11.4 Equality and freedom of the individual issues (ICCL 2003; EC 2003) have been raised by proposals under the Intoxicating Liquor Bill 2003 (OASIS 2003) for changes to the law in Ireland (Eire) relating to

- the right of licensees to refuse service; and
- the use of identity cards to prove age

2.12 CONCENTRATION OF PREMISES

Number and Type of Outlets Selling Alcohol

- 2.12.1 In the UK the number of outlets selling alcohol has been accompanied by a growth in alcohol consumption. The number of outlets rose from 129,367 to 201,148 between 1960 and 1995, an increase of 55%.
- 2.12.2 A saturation of outlets can reduce the costs of obtaining alcohol by reducing travel time and associated transaction costs. It can also produce competitive pressures that lead to falling prices and increased consumption (Home Office 1993: Wagenaar and Langley 1995). 'Happy hours' – times at which drinks are sold at low prices – are a prime example of this.
- 2.12.3 In Ireland over the last decade alcohol consumption has risen rapidly with Irish adults currently among the highest consumers of alcohol in Europe (Strategic Task Force on Alcohol 2002). Increasing alcohol consumption among women and young people are associated with this development (Simpura and Karlsson 2001), as well as an increase in adult binge drinking (SLAN 2003). Another characteristic of the Irish drinking culture is that many people do not drink alcohol at all. The SLAN survey in 1998 estimated the proportion of non drinkers to be 14% for men and 19% for women.
- 2.12.4 Ramstedt and Hope (2003) reported that the prevalence of binge drinking at least once a week is 48% for men and 16% for women. The equivalent figures for the UK are 38% for men and 12% for women. When the number of binge drinking occasions over 12 months are calculated Ireland and the UK have very similar results – which are 3-4 times higher than what is found in other countries. Of 100 drinking events, 58 end up in binge drinking for men and in 30 cases for women. From this it appears that among those consuming alcohol in Ireland, binge drinking is the norm among men and occurs in about a third of drinking occasions for women.
- 2.12.5 In Ireland Section 20 of the Intoxicating Liquor Bill 2003 prohibits the supply of intoxicating liquor at a reduced price during a limited period during any day, e.g. 'happy hours'. This is intended to discourage practices, which may lead to excessive consumption of intoxicating liquor.
- 2.12.6 A concentration of outlets within a small area is often linked with disorder. Researchers in Texas have shown a clear link between alcohol outlet density and violent crime. The results showed a clear association between alcohol outlet density and violent crime. Incidents of violence were more prevalent in areas with greater alcohol availability (Zhu et al 2004).

- 2.12.7 Australian evidence suggests that different licences are associated with different levels of risks for assaults and road accidents. Nightclubs and bars have a higher level of risk than social clubs and restaurants (Stockwell et al 1992). Wolfson et al (1996) found that grocery stores were more prepared to sell to under age buyers than other outlets, whilst on-licence outlets (who derived a larger proportion of their income from alcohol) were less likely to do so.
- 2.12.8 An Irish study in 1999 reported that one of the major concerns for off licence premises is underage attempts to purchase drink and that, for more than half the premises such attempts have increased in the last five years (PTAA 2002).
- 2.12.9 UK research from the 1970's provided circumstantial evidence of a link between off licence growth and alcohol problems (Williams 1975). The All Party Group on Alcohol Misuse (1995) quoted circumstantial evidence that certain outlets, off license premises and clubs, are more difficult to police than others, such as pubs.

2.13 OTHER ISSUES

Taxation

- 2.13.1 UK taxes are levied at different rates and in different forms for different beverages, but the specific element of the tax is in the form of a monetary amount for a given quantity. With inflation the real value of these specific duties falls over time and, in consequence, consumption and problems increase.
- 2.13.2 Raistrick et al (1999) have suggested that changes to pricing have an impact on the level of alcohol consumption

Price Controls

- 2.13.3 Taxes are only one component of price – tax levels are low enough for manufacturers and retailers to have considerable influence on the prices paid by consumers. The industry has increased the price of beer well above those required by any tax change. Whilst these price increases were designed to maximise profit – they will also have the effect of limiting consumption. However some trade practices like ‘happy hour’ reductions may encourage binge drinking.

The elasticity of consumption with price is by no means constant throughout the market, varying with both product and consumer.

- 2.13.4 Manufacturers and retailers are competing for business and price is one way of attracting customers. However there is a need for responsibility amongst retailers in marketing what is a potentially dangerous product.

Media

- 2.13.5 Belief in the power of the mass media to influence drinking practices has a long history. The Temperance movement produced many magic lantern slides in the late nineteenth and early twentieth centuries. Between 1908 and 1989 over six hundred Hollywood films were made that had an explicit focus on problem drinking (Denzin 1991). The cinema, together with tabloid newspapers, has helped to form the popular understanding of alcohol and drug problems (Denzin 1991; Lagerspetz 1994).
- 2.13.6 Public health campaigners have been concerned, for many years, about the way in which alcohol is portrayed in the mass media, particularly on television – feeling that drinking is shown too often

and that the negative consequences of drinking are seldom portrayed. Hansen (1986) found that visual and verbal references to alcohol occurred in approximately two thirds of all prime time programmes.

Advertising Regulation

- 2.13.7 In the UK there are currently voluntary controls on alcohol advertising and marketing through the Advertising Standards Authority (ASA) and Independent Television Commission (ITC). The Portman Group also has a voluntary code.
- 2.13.8 The international literature review carried out by Sewell (2001) reported that the Nordic countries have complete bans on alcohol advertising and France has a ban on TV advertising and restrictions on other media. Rehn et al (2001) found that only 5 out of 39 countries require health warnings on advertisements. Evidence relating to the effectiveness of this approach is not well developed.
- 2.13.9 A report for the Scottish Executive (2001) concluded that studies of advertising and alcohol consumption over time have failed to find a significant association. However for young people there was a small but significant association between exposure to and awareness of advertising and drinking beliefs and behaviours.
- 2.13.10 Alcohol advertising could predispose young people to drinking, or lead to earlier experimentation, it is argued, because it produces positive expectancies of drinking (Grube 1993; Grube and Wallack 1994). An Irish study (Dring and Hope 2001) recommends that the exposure of children and adolescents to alcohol advertising must be significantly reduced.

Server Training

- 2.13.11 Raistrick et al (1999) suggested that there was considerable variation in the quality of management and supervision of outlets. There is a burden of responsibility on those whose job it is to serve drinks in bars and off-licences. Skills are required in order to preserve a peaceful and safe environment when –
- refusing service;
 - defusing situations or
 - pre-empting situations which could lead to aggression
- 2.13.12 Sewel (2001) notes that responsible server programmes are popular in the USA , Australia and Europe. These programmes have four purposes :-

- to reduce drunkenness in on site alcohol outlets
 - to reduce alcohol sales to minors
 - to reduce drink driving
 - to reduce alcohol related injury and violence
- 2.13.13 Holder and Wagenaar (1994) found that server training can reduce alcohol problems, especially under age drinking. Hauritz et al (1998) suggested that server programmes are valuable if combined with enforcement but there need to be other measures as well. Stockwell (2001) suggested that server interventions work well when there is strong back up from management, but pointed out that this was not always the case. Stockwell (2001) suggested the need for a law enforcement approach, with penalties for licensees breaking the law, rather than relying upon server training alone.
- 2.13.14 In Ireland government and industry (the Health Promotion Unit and trade organisations) have worked together to develop a training programme for bar staff on the responsible serving of alcohol. The course, launched in 2001, trains bar staff to better recognise and deal with problems such as drunkenness, underage drinking and drink driving. It provides bar staff with the skills needed to handle difficult situations and leads to a safer and more comfortable environment for customers and staff.
- 2.13.15 There is no tradition in the UK of placing a legal liability on those who have contributed, through the service of alcoholic drinks, to the behaviour and actions of a third party who has gone on to inflict harm on themselves or others. However the principle of server liability has been established in other countries (particularly the USA and Canada) where it has included specific statute law. Ireland (1995) suggested that, in the USA and Canada, considerable damages have been awarded to those suffering injury or damage.

Safer Pubs

- 2.13.16 Concerns about pub safety have a long history (Greenaway, 1998). Several studies have concluded that preventing alcohol related harm requires measures to reduce intoxication on licensed premises (Casswell et al, 1993; Stockwell et al 1993; Lang et al 1995). These measures would include server training, stricter enforcement of existing law on serving intoxicated patrons, and attention to the design of bar areas.
- 2.13.17 Violence in and around licensed premises often involves the use of glass. Surveys of assault victims found bar glasses to be the most commonly used sharp weapon (Shepherd 1994). Aside from violence two thirds of injuries to bar staff are the result of glasses being broken while collecting, stacking and washing.

SUMMARY OF ISSUES RAISED

3.1 THE EVIDENCE PRESENTED

- 3.1.1 The information presented in the literature review comprised of evidence from studies in the UK and Ireland as well as international studies. This work is intended to help inform the debate in relation to the development of appropriate measures for the control and regulation of alcohol within the Northern Irish context.
- 3.1.2 The literature review showed that there has been a range of studies of the effectiveness of measures to regulate and control alcohol sales and consumption. However the evidence is not always clear, and there is sometimes a need for caution in applying the results directly to Northern Ireland.
- 3.1.3 The key points from the literature review regarding measures to regulate and restrict the consumption of alcohol are summarised below:-
- Longer hours of alcohol sales may be linked to increased problems with alcohol related crime and disorder but the evidence is mixed
 - Staggered closing times may have an impact on disorder by reducing the number of people on the streets at the same time, and may help with the management of disorder where this occurs
 - Some studies suggest that lowering the age at which people can drink alcohol on licensed premises can reduce the likelihood of young people drinking in unsafe and unsupervised locations. However, there is also evidence that lowering the age can raise the levels of male juvenile crime, and raising the age can reduce alcohol related car crashes and fatalities.
 - There is evidence of a link between the number of outlets selling alcohol and levels of alcohol related problems, and limitation of the numbers may have an effect on alleviating problems
 - Some evidence that different types of outlet may experience different levels and types of alcohol related crime and disorder
 - There is a general lack of evidence of the impact of alcohol advertising on alcohol related harm, although there may be some effect of advertising on young people
 - There is a link between alcohol price and consumption, but little direct evidence of the impact of this on alcohol related crime and disorder

- High profile policing and enforcement of the law relating to under age drinking has been found to be linked to a reduction in the number of crimes and arrests
- High profile policing around licensed premises can be associated with a reduction in arrests and crime rates
- There is some evidence to support community enforcement programmes, although the effect may not be sustained in the longer term, and some suggest a need for these measures to be combined with formal measures
- There is a perception that proof of age schemes are valuable
- Pubwatch schemes have had some success in the reduction of alcohol related disorder
- There is some evidence to suggest that the prohibition of drinking in public places has had some success in addressing alcohol related crime and disorder
- Measures to address drink driving have generally been found to have been successful, especially when they are vigorously enforced and have a high public profile
- Young people were identified frequently as a target, as were specific geographical areas identified as hotspots

3.1.4 The findings from the literature review suggest that changing the drinking environment can have an impact on drinking behaviour: -

- Overcrowding, poor bar layout, inconvenient access, a permissive environment, bar workers who do not practice responsible serving and promotions that encourage heavy ('binge') drinking have been found to contribute to alcohol related aggression
- Staff / server training, particularly where this is backed by management, used to enforce legislation and reinforced, is seen as a way of helping to prevent and deal with alcohol related crime and disorder, including under age drinking and drink driving
- The physical design of the premises can reduce alcohol related crime and disorder, for example, attractive outlets; outlets serving food
- There is little evidence of the impact of health warning information
- It has been suggested that inappropriate promotions can contribute to alcohol related disorder
- The use of toughened glass can have an impact on the number of 'glassing' attacks and facial injuries

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ANNEX 1 MATRIX**Opening hours – the regulation of hours.**

	England and Wales	Scotland	Ireland
Background to the Review	<p>A study in Manchester found a fall in arrests in the city centre and in alcohol related incidents during an experimental period of staggered closing times. (L1)</p> <p>Violent incidents tend to cluster around closing time – staggered closing times might minimise these problems (H1; T1)</p> <p>Evidence from other countries show that longer hours lead to increased problems and shorter hours a reduction in problems (E1)</p> <p>Australian studies show an increase in deaths; property damage and casualty admissions after an extension of hours (S1)</p>	<p>There has been a trend since the 1960s towards relaxing the licensing laws. The 1976 reform included the introduction of extended opening hours, and the permission of all day opening. (HO3)</p> <p>Evidence that longer hours of sales may be linked to increased problems with alcohol-related crime and disorder. (SE1)</p> <p>Evidence that staggered closing times may have an impact on disorder, by disaggregating the problems associated with normal closing time, however the police may find it easier to deal with. (SE1)</p> <p>Some evidence of existing measures in parts of Scotland to tackle general availability of alcohol by imposing conditions and local guidelines on the extension of opening hours. (SE1)</p> <p>One report drew on international evidence that showed that longer opening hours and Sunday opening was linked with increases in certain types of crime and disorder. (SE1)</p> <p>A Glasgow study found that by imposing a curfew on entries to clubs after midnight, there was a reduction in some types of violence and disorder in the city centre area. (PG1)</p>	

Expected outcome	<p>To address the general sale and consumption of alcohol through licensing restrictions and initiatives, and by particular groups in particular locations, and to change the drinking environment.</p> <p>The Home Office expected “a more relaxed drinking culture, by avoiding the perceived necessity to binge drink in advance of closing time, and to avoid the potential problems that can arise when a number of licensed premises send all their patrons onto the streets at the same time”. (HO4)</p> <p>Fewer people on the streets at one time seeking food and transport. (HO1)</p> <p>Decline in rate of drinking and people leaving the licensed premises in smaller groups. (MFK 1)</p>	Issues to control the availability of alcohol through licensing - Work to address opening hours or other aspects of the sale of alcohol. (SE1)	
Changes made			
Current Situation			

	England and Wales	Scotland	Ireland
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<p>Background to the Review</p>	<p>A study in Manchester found a fall in arrests in the city centre and in alcohol related incidents during an experimental period of staggered closing times. (L1)</p>	<p>There has been a trend since the 1960s towards relaxing the licensing laws. The 1976 reform included the introduction of extended opening hours, and the permission of all day opening. (HO3)</p> <p>Evidence that longer hours of sales may be linked to increased problems with alcohol-related crime and disorder. (SE1)</p> <p>Evidence that staggered closing times may have an impact on disorder, by disaggregating the problems associated with normal closing time, however the police may find it easier to deal with. (SE1)</p> <p>Some evidence of existing measures in parts of Scotland to tackle general availability of alcohol by imposing conditions and local guidelines on the extension of opening hours. (SE1)</p> <p>One report drew on international evidence that showed that longer opening hours and Sunday opening was linked with increases in certain types of crime and disorder. (SE1)</p> <p>A Glasgow study found that by imposing a curfew on entries to clubs after midnight, there was a reduction in some types of violence and disorder in the city centre area. (PG1)</p>	
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Changes made			
Current Situation			

Enforcement

	England and Wales	Scotland	Ireland
Background to the Review	Sales to, or serving underage drinkers. (AC1) Serving people who are intoxicated. (AC1) Presence of the police is associated with stricter enforcement of the law (JS1; ST1) Ease of which alcohol can be purchased by minors (SW1)	Initiative – high profile policing and enforcement of law relating to some licensed premises; Intoxicated persons on licensed premises; and also in relation to under-age drinking, can be linked to a reduction in the number of crimes and arrests. (SE1) In many areas, proof of age schemes operated. (SE1) Hotspot initiatives targeted law enforcement in certain areas. (SE1) Action to combat drink driving found to be successful when enforced vigorously and when given a high profile. (SE1)	
Expected outcome	Partnership between police and licensed premises – reduction in number and severity of injuries (MMN1) Proof of age/identity card schemes have a deterrent effect on underage drinkers (SB1; HO3)	Regulation of aspects of consumption, initiatives to tackle specific groups or crimes and the enforcement of existing law including, for example, drinking in certain locations, under age drinking, drink driving etc. (SE1) Link evidenced between legal drinking age and juvenile crime. Lowering the age limit may increase juvenile crime (and may force underage drinkers to drink in unsafe unsupervised locations) however raising the age limit can reduce alcohol-related car crashes and fatalities. (SE1)	
Changes made			
Current Situation			

Raistrick et al (1999) found through their review that one of the problems

regarding measuring the impact of licensing law reform was where changes are made to legislation, enforcement varies. (HO3)

Surrender of a ... licence

	England and Wales	Scotland	Ireland
Background to the Review			Under the current system in Ireland to open a new licensed premises, a prospective publican has to buy a licence from an existing pub and 'extinguish' it. This has contributed to the rise of super-pubs. (The same also applies for hotels and off-licences, which has limited the number of licensed premises in Ireland.)
Expected outcome			Super pubs create noise and nuisance for local residents and make compliance with, and enforcement of the law, more difficult for licensees and the Gardai. Also, when large numbers emerge from these super pubs at closing there is an increased risk of public disorder (CLL1).
Changes made			The planned codification of the licensing laws in Ireland includes proposals to cap the size allowed for licensed premises in an effort to stem the rise of the super pub phenomenon. Also measures to issue new licences for small pubs and cafes under 1,500 square feet in size – return to local pubs.
Current Situation			

Categories of Licence – the regulation of where alcohol can be sold.

	England and Wales	Scotland	Ireland
Background to the Review	Studies suggest nightclubs and bars higher risk for assault than restaurants or social clubs e.g. in Australia (ST2; HO3)	Evidence considered from US studies. This indicates that different types of outlet vary in how they observe the law as regards under-age drinkers. Grocery stores were more lax than other licensed premises. (W1)	
Expected outcome			
Changes made			
Current Situation			

Scotland:**Licensing (Scotland) Act 1976**

This Act covers the sale and supply of alcohol, and allows Licensing Boards (with responsibility for licensing in their local area) to make local byelaws.

Many changes in how alcohol is perceived, sold, promoted and consumed. Change in attitudes to drinking, the increased availability of alcohol (growth in number of licenses), the increased use of 'promotions', and changes to patterns of drinking (such as binge-drinking).

Nicholson Committee considered the implications of all these issues and more, in order to produce recommendations

Wider public health issues

	England and Wales	Scotland	Ireland
Background to the Review	93% of men and 86% of women drink alcohol (HE1) Relaxation in the law did not lead to rise in alcohol consumption (GO1) Young people are drinking more on one occasion (NC1) Growth of 'alcopops' appealing to the under 18's (GH1; HE1) Voluntary unit labelling by the alcohol industry gained public and political support in Australia (ST3)		Irish study recommends that exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1)
Expected outcome			
Changes made			
Current Situation			

There has been a mass of research in this area, too extensive to summarise. It is recognised that excessive or inappropriate consumption of alcohol has harmful effects on health. To the extent that licensing regimes promote excessive or inappropriate consumption, health issues are affected.

Provisions for the protection of Children – The age at which alcohol can be bought.

	England and Wales	Scotland	Ireland
Background to the Review	Being drunk in charge of a child recognised as a problem. (AC1) Sales of alcohol to under-age persons. (AC1)	Initiative – high profile policing and enforcement of law relating to under-age drinking can be linked to a reduction in the number of crimes and arrests. (SE1) In many areas, proof of age schemes operated. (SE1). An Australian study found that lowering the age limit led to an increase in particular crimes such as burglary, larceny of motor vehicles and drunkenness; therefore concluding the age limit should be raised in order to reduce this. (S1) Some US evidence considered that raising the age limit to 21 has reduced alcohol related crashes and injuries and probably reduced that homicide (Murder) rate as well. (SE1)	Irish study recommends that exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1)
Expected outcome			
Changes made			
Current Situation			

Crime & Disorder

	England and Wales	Scotland	Ireland
Background to the Review	<p>More than 13,000 violent incidents occur in and around pubs in England and Wales every week. (HO1)</p> <p>A substantial amount of crime is committed by individuals who were 'under the influence' (HO1)</p> <p>Strong correlation evidenced between alcohol and aggression. Alcohol can exacerbate violence or abuse. (HO2)</p> <p>Reports of crimes committed because of alcohol problems, and crimes committed whilst using alcohol as a disinhibitor. (AC1)</p> <p>Offenders stated that alcohol was acting as a trigger, or used it as an excuse for offending behaviour. (AC1)</p> <p>A high proportion of violent crime (50 to 80 per cent), including assault, rape, and homicide, is committed by an intoxicated person. (AC1)</p>	<p>Aspects of the layout and operation of licensed premises found to be able to contribute to alcohol-related aggression. Some initiatives taken in Scotland to try to address these. (SE1)</p> <p>Use of toughened glass can have an impact on the number of 'glassing' attacks, and of facial injuries – evidence of initiatives re this in parts of Scotland. (SE1)</p> <p>Some evidence that training licensees, servers and door stewards (particularly when backed by management) could help to prevent and deal with alcohol-related crime and disorder. One such initiative was Serve-wise. (SE1)</p> <p>Widely accepted that consuming alcohol prior to driving increases the risk of accident for both driver and pedestrian (SE2)</p>	

Expected outcome	<p>Greater use of pub bouncers, tougher glass to reduce injuries, more food provision to soak up alcohol, and better public transport to cut down on drinking and driving.</p> <p>Greater use of treatment programmes for those convicted of alcohol-related crimes.</p> <p>Working together across government, law enforcement, voluntary agencies, and the licensed trade to reduce crime linked to alcohol abuse.</p> <p>Better training of police officers dealing with the problem.</p> <p>More partnerships between police and other agencies, which include publicans and other in the alcohol industry. (AC1)</p>	<p>Community intervention programmes – partnership between police, licensees and local community (RU1; SE1)</p> <p>Drink driving – focus on prevention e.g. restricting young people's access to alcohol (SE2)</p>	
Changes made			
Current Situation			

Social and environmental issues

	England and Wales	Scotland	Ireland
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Background to the Review	Local authority byelaws to prohibit drinking in public places. Evaluation in Coventry found reduced fear of alcohol related crime/disorder (R1)	In the USA alcohol consumption often prohibited in public places (SEW1) 60% of countries examined in Europe had legislation to provide alcohol free environments (RE1) Spotlight initiative in Glasgow included the enforcement of a byelaw prohibiting public consumption of alcohol – general reduction in disorderly behaviour (SB1) Community action programmes – sensitive to local area ‘hot spots’	
Expected outcome	Reduction in perceived fear of crime and disorder related to alcohol (R1)	General reduction in disorderly behaviour	
Changes made			
Current Situation			

Public drinking

Noise

Litter

Fear

Crime is dealt with separately [See Crime and Disorder table]

Equity and Equality issues

	England and Wales	Scotland	Ireland
Background to the Review	Portman Group (representing the alcohol trade) has had a Proof of Age scheme since 1990 (PG1) National proof of age scheme could make it easier for licensees to identify ages of potential customers (HO3)		Right to refuse service – this could have equality implications Identity cards to prove age – implications for freedom of the individual (IC1)
Expected outcome			
Changes made			
Current Situation			

Concentration of premises

	England and Wales	Scotland	Ireland
Background to the Review	<p>Too many licences in one area leads to more competition such as cheap drinks promotions to attract customers, reduced costs, and tolerance of law breaking such as under-age drinking and drunkenness. (HO3)</p> <p>Evidence of the proliferation of licenses, new pubs, theme bars and 'super-pubs'. (HO2)</p> <p>Suggested that there should be consideration of population size and number of pubs in an area when considering granting a licence. (HO2)</p> <p>"A concentration of outlets within a small area is often linked with disorder" (HO3)</p>	<p>Link between number of premises/outlets in an area and levels of alcohol-related problems. Limiting the number of premise/outlets may impact on alleviating these problems. (SE1)</p> <p>Some evidence that different types of outlet experience different levels and types of alcohol related crime & disorder. (SE1)</p> <p>Some areas of Scotland consider the density of outlets in an area when considering whether to grant a new licence. (SE1)</p>	
Expected outcome		Control of outlet density. (SE1)	
Changes made			
Current Situation			

Miscellaneous/Other Issues.

	England and Wales	Scotland	Ireland
Background to the Review	Alcohol linked to pleasure and leisure (Raistrick et al 1999 in SE1). Plan for Action wished to raise general awareness of alcohol, to offer protection to try to help those who were experiencing alcohol misuse problems, and those who suffer the consequences of this misuse. (HO2)	Lack of evidence regarding the impact of alcohol advertising on the levels of alcohol related harm. (SE1) Some evidence of link between price of alcohol and consumption. (SE1) Little evidence to suggest that health warning information has an impact on alcohol related crime & disorder. Few examples of provision of this material. (SE1) Some evidence that inappropriate advertising of alcohol contributes to alcohol related disorder. (SE1) Some evidence that training licensees, servers and door stewards (particularly when backed by management) could help to prevent and deal with alcohol-related crime and disorder. One such initiative was Serve-wise. (SE1)	Irish study recommends that the exposure of children and adolescents to alcohol advertising must be significantly reduced (DH1) Government backed training programme for bar staff on the responsible serving of alcohol launched in 2001. Happy hours banned – effort to discourage binge drinking Government plans to encourage small bars and cafes
Expected outcome	Media campaign to promote "sensible drinking" (AC1)	Proper training for licensees.	Training – to aid responsible serving practices
Changes made			
Current Situation			

Sources

AC1	Alcohol & Crime: Taking Stock. 1999. Bulletin available on the Alcohol Concern Website
CLL1	CLL (2003) Commission on Liquor Licensing Final Report April 2003 Dublin
DH1	Dring C. and Hope A. (2001) The Impact of Alcohol Advertising on Teenagers in Ireland. Health Promotion Unit, Department of Health and Children
E1	Edwards, G., Anderson A., Babor, T.F., Casswell, S., Ferrence, R., Giebrect, N., Godfrey, C., Holder, H.D., Lemmens, P., Makela, K., Midanik, L. T., Norstrom, T., Osterberg, E., Romelsjo, A., Room, R., Simpura, J., and Skog, O. (1994) Alcohol policy and the Public Good. Oxford: Oxford University Press.
GH1	Goddard, E. and Higgins V. (1999) Smoking, Drinking and Drug Use among young teenagers in 1998 London: Office of National Statistics
GO1	Goddard, E. (1991) Drinking in England and Wales in the Late 1980s. London: The Stationery Office Books
H1	Hope, T. (1986) Liquor Licensing and Crime Prevention , Home Office Research and Planning Unit Research Bulletin 20 5-8
HE1	Health Education Authority (1997) Health Update: alcohol London HEA
HO1	Deehan, (1999) Alcohol & Crime: Taking Stock. London HMSO
HO2	Towards a Plan For Action on Alcohol Misuse. (2001) London HMSO. Referred to as the Plan for Action.
HO3	Raistrick, D., Hodgson, R. and Ritson, B. (eds). (1999) Tackling Alcohol Together: The Evidence Base for a UK Alcohol Policy.
HO4	Tackling Alcohol Related Crime, Disorder and Nuisance. (2000) London HMSO.
IC1	Irish Council for Civil Liberties Submission to Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights Tuesday 6 th May 2003
JS1	Jeffer, B. and Saunders, W. (1983) Minimising alcohol-related offences by enforcement of the existing licensing legislation. British Journal of Addiction 78 67-77
L1	Lovatt, A. (1996) Soft City, Hard City?: The Flexibility of Permitted Hours for UK Cities. 24 Hour City Conference. Leeds (cited in HO3, above)
MFK1	Marsh, P. and Fox Kibby, K. (1992) Drinking and Public Disorder Oxford. Alden Press (for the Portman Group)
MMN1	Maguire, M., Morgan, R., & Nettleton, H. (2001) Early Lessons From the Crime Reduction Programme: Tackling Alcohol-Related Street Crime in Cardiff (TASC Project) Home Office Briefing Note. London: Home Office Research.
NC1	Newcombe, R., Measham, F. and Parker, H. (1995) A survey of drinking and deviant behaviour among 14-15 year olds in North West England Addiction Research 2 319-341
PG1	St John-Brookes, K. (1998) Keeping the Peace: A guide to the prevention of alcohol related disorder. London. Produced by Working Solutions for the Portman Group.
R1	Ramsay, M. (1990). Lagerland Lost? An Experiment in Keeping Drinkers off the Streets in Central Coventry and Elsewhere London Home Office
RE1	Rehn, N., Room, R., and Edwards, G. (2001) Alcohol in the European Region – Consumption, Harm and Policies WHO Regional Office for Europe
RU1	Rumbold, G., Malpass, A., Lang, E., Cvetkovski, S., and Kelly, W. (1998) An Evaluation of the Geelong Local Industry Accord Fitzroy, Vic: Turning Point Alcohol and Drug Centre and the Victorian Police.

S1	Smith, I. (1989) <i>Effectiveness of legislative and fiscal restrictions in reducing alcohol-related crime and traffic accidents.</i> Alcohol Conference Proceedings 223–240.
SB1	(St John-Brookes 1998). Tether, P. and Godfrey, C. (1990) <i>Liquor Licensing</i> in Godfrey C. and Robinson D. (eds) Preventing Alcohol and Tobacco Problems Vol. 2 Manipulating Consumption: information, Law and voluntary controls pp. 116-138. Aldershot, Avery
SE1	Scottish Executive (2003) <i>Liquor Licensing and Public Disorder: Review of Literature on the Impact of licensing and Other Controls/Audit of Local initiatives.</i> Reid Howie Associates for Scottish Executive Social Research.
SE2	Scottish Executive (2001) <i>Cost Effective Measures to Reduce Alcohol Misuse in Scotland: A Literature Review</i> University of Aberdeen, HEBS and University of York for Scottish Executive
ST1	Stockwell, T. (1997) <i>Liquor outlets and prevention policy: the need for light in dark corners</i> Addiction Research 92 925-930
ST2	Stockwell, T., Somerford, P. and Lang, E. (1992) <i>The relationship between licence type and alcohol-related problems attributed to licensed premises in Perth, Western Australia</i> Journal of Studies on Alcohol 53 495-498
ST3	Stockwell, T. (1993) <i>Influencing the labelling of alcoholic beverage containers: informing the public</i> Addiction 88 S53-60.
SW1	Sutherland, I. and Willner, P. (1998) <i>Patterns of alcohol, cigarette and illicit drug use in English adolescents</i> Addiction 93 1199-208
SEW1	Sewel K. (2001) <i>International Alcohol Policies: A Literature Review</i> Scottish Executive Edinburgh
T1	Tuck, M. (1989) <i>Drinking and Disorder: a study of Non-Metropolitan Violence,</i> Home Office Research Study 108. London, HMSO.
W1	Wolfson, M., Toomey, T., Murray, D., Forster, J., Short, B., and Wagenaar, A. (1996) <i>Alcohol Outlet Policies and Practices Concerning Sales to Underage People.</i> Addiction 91, 589-602.

ANNEX 2 LEGISLATION

Legislation on alcohol use in Northern Ireland

There is a wide range of legislation that relates to the regulation, sale, purchase and consumption of alcohol in Northern Ireland. Legislation on alcohol use in Northern Ireland falls distinctly into two groups: licensing laws and laws that include alcohol as a main feature.

The law on alcohol in licensed and club premises

In Northern Ireland people can buy and/or consume alcohol from:

- premises which have a licence to sell alcohol to the public under the Licensing (Northern Ireland) Order 1996
- clubs which are registered to supply alcohol to its members as non- profit making organisations under the Registration of Clubs (Northern Ireland) Order 1996

A club is not licensed to sell alcohol but is allowed to supply it to its members and guests under a certificate of registration. It is only a Members' club that can obtain a certificate of registration, i.e. a club that is owned by the members, and is not run as a profit making business. Any profits made from activities carried out by the club must be used for the benefit of the club membership as a whole.

The above legislation seeks to strike a balance between the need to control and regulate the sale of alcohol in a way, which is effective, enforceable and equitable, and the need to have full regard to the wider public health issues.

Obtaining a licence to sell alcohol

The situation in Northern Ireland is that, in effect, there are a set number of licences. This means that if someone wants to open a new outlet for the sale of alcohol they have to acquire a licence already in existence, i.e. from an off-licence or a club/pub, which is prepared to give up its licence. For this reason, the value of each licence lies in market forces.

A licence is granted through the courts if the following three criteria are met:

- hand in an old licence to receive a new licence;
- prove that you are a decent person or have decent premises;
- prove the need for licensed premises in the area.

A person must prove that they are a fit person to hold a liquor licence before a licence is issued.

Granting a licence

A court can grant a licence for alcohol to be sold in the following type of premises:

- public houses;
- off-sales attached to public houses;
- off-licences;
- hotels;
- guesthouses;
- restaurants;
- conference centres;
- higher education institutions (university or other educational establishments providing higher education courses and designated as such);
- places of public entertainment - currently a theatre, ballroom or registered race track;
- refreshment rooms in public transport premises (railway, airport, harbour terminal or bus station);
- seamen's canteens.

Obtaining a licence to sell alcohol for the first time

An application for the grant of a licence must be made to a county court. The court will turn down the application if it considers that:

- the correct application procedures have not been followed, although it should be noted that the court has some flexibility here;
- the applicant is not fit to hold a licence or the premises are not suitable (the necessary planning permission is essential). However, the court may grant the licence on the basis that the premises will be made suitable;
- there are already an adequate number of such premises in the area. This only applies to pubs and off-licences;
- a current pub or off-licence licence has not been handed in to the court.

In effect, this limits the total number of pubs and off-licences in Northern Ireland.

If the application relates to a guesthouse, the court will attach a condition to the licence to ensure that the premises have adequate seated accommodation away from any bedroom, dining area or area where alcohol is sold or consumed.

If the application relates to a place of public entertainment, the court may, if it wishes, attach conditions to the licence. The conditions imposed are likely to depend on the type of entertainment being provided in the premises.

Granting a certificate of registration

A court can grant a certificate of registration if it is satisfied that a club complies with the requirements laid down in the Clubs Order and shows that it is a bona fide club run by the members for the members and not as a profit making business, or purely for the supply of alcohol.

In general, only a club member, their guest(s), club staff or someone legitimately in the club on business should ever be in the bar area or any part of club premises where alcohol is supplied. It follows that clubs should not engage in commercial activities by allowing the public the use of its premises.

Objections to the granting of a licence/certificate of registration

The following may object:

- the police;
- the relevant district council;
- any person who owns, or conducts a business, or resides in the vicinity of the premises for which the licence/certificate is being sought.

Renewal of a licence/certificate of registration

A licence/certificate has to be renewed at the end of a licensing/registration period, which lasts for five years.

Suspension of a licence/cancellation of a certificate of registration

A court will suspend a licence/cancel a certificate of registration where it considers that the premises are no longer a suitable venue for the sale/supply of alcohol, e.g. the premises are causing disturbance or inconvenience to the general public.

A court may also suspend a licence/cancel a certificate of registration as a penalty for certain breaches of the licensing legislation, e.g. selling alcohol outside the permitted opening hours.

Opening hours

Table 1 Public houses, hotels, guesthouses, restaurants, conference centres, higher education establishments, refreshment rooms in public transport premises and seamen's canteens

	Open	Close
Weekdays	11.30 a.m.	11.00 p.m.
Good Friday	5.00 p.m.	11.00 p.m.
Sunday or Christmas Day	12.30 p.m.	10.00 p.m.

30 minutes drinking-up time is permitted at the end of each of these periods.

Table 2 Places of public entertainment - currently theatres and certain horseracing tracks

Weekdays (including Good Friday but not Christmas Day)	During the period of entertainment and up to 30 minutes before and after the entertainment as long as the entertainment takes place within the opening hours of the licensed premises under the above opening hours.
Sunday and Christmas Day where it falls on a Sunday (Theatres only)	

Table 3 Off-licences and off-sales areas attached to public houses where the licence holder has applied for off-licence opening hours

	Open	Close
Weekdays (including Good Friday)	8.00 a.m.	11.00 p.m.
Sundays	10.00 a.m.	10.00 p.m.

Off-licences and off-sales areas are not permitted to open on either Christmas Day or Easter Sunday.

Table 4 Members' clubs

	Open	Close
Weekdays	11.30 a.m.	11.00 p.m.
Good Friday	5.00 p.m.	11.00 p.m.
Sunday or Christmas Day	12.30 p.m.	10.00 p.m.

30 minutes drinking-up time is permitted at the end of each of these periods.

Additional opening hours

It is possible for a court to grant additional opening hours to public houses, hotels, restaurants, conference centres and higher education establishments where:

- it is satisfied that the granting of additional hours will not cause undue inconvenience to the people living in the vicinity of the premises either during the additional hours or following the end of such hours when persons are leaving the premises; and
- the above premises provide food or entertainment for a substantial period during normal opening hours on a regular basis and continue to provide food or entertainment during the additional opening hours.

Note: food is something more than just a simple snack; Person(s) actually present on the premises must provide the entertainment. This rules out, for example, pre-recorded music, videos and films but not music provided by disc jockeys.

Table 5 Additional opening hours

	Extended from	Close
Weekdays except Good Friday or Christmas Day	11.00 p.m.	1.00 a.m. the following day
Sundays (except 31 December)	10.00 p.m.	12 midnight
Sunday 31 December	10.00 p.m.	1.00 a.m. the following day
Good Friday, Easter Day or Christmas Day	No additional opening hours	

30 minutes drinking up time is allowed at the end of these periods.

The police can grant small pubs, which are not in a position to provide food or entertainment on a regular basis, the above additional hours on 20 occasions in a year and can grant clubs the additional hours on 52 occasions in a year.

Extension of opening hours

A court or a clerk of petty sessions can grant extensions to the opening hours to public houses, hotels, restaurants, conference centres and higher education establishments to enable them to hold functions organised by charities or bodies with a common interest, e.g. trades, professions, sports. The sale of alcohol must be ancillary to the function.

Where the licence holder organises the function, the number of extensions is limited to six in a year.

Young people and the legal drinking age

A young person between the age of 14 and 18 is allowed to consume alcohol only in a private residence. Under the Children and Young Persons Act (Northern Ireland) 1968, a person under the age of 14 is allowed to consume alcohol in a private residence for medical purposes only.

In general, during opening hours a young person under the age of 18 is not allowed in any area of licensed premises or club premises that contains a bar, or that is used mainly or exclusively for the sale or consumption of alcohol.

It is, however, possible for a minor to be present in the above areas under certain circumstances:

- if they are with an adult who is responsible for them or if they are a child of the licensee;
- if they are 16 years old and have a written contract of employment to work there, are receiving training under an approved scheme, or are on a scheme as part of a further education course;

and

the Court has granted a Children's Certificate, which allows children to be present until 9.00pm (or 9.30pm when they or the adult are consuming a meal purchased before 9.00pm). The certificate has to be displayed in a prominent place by the licence holder.

and

they sit at a table away from the bar.

In addition, a young person is allowed into:

- an off-licence or an off sales attached to a public house if they are with an adult;
- a refreshment room of public transport premises (railway, airport, harbour terminal or bus station);
- any room in a sporting club, but they must not be on the premises after 9.00pm.

Offences under the Licensing Order and the Clubs Order

General

It is an offence for any person to buy or consume alcohol in licensed premises outside the permitted opening hours. Likewise, it is an offence for a licence holder, a club or their employees to sell or supply alcohol outside the permitted opening hours.

In relation to young persons under the age of 18

It is an offence for a young person to represent himself or herself to be 18 or over so that they can be present or consume alcohol in licensed or club premises.

Likewise, it is an offence for a licence holder, a club, and their employees, or any adult to allow a young person whom they know to be under 18 to be present or to consume alcohol in licensed or club premises.

In relation to the behaviour in licensed or club premises

It is an offence for any person to be drunk in licensed or club premises or to use behaviour that is riotous, indecent or likely to lead to a breach of the peace.

Likewise, it is an offence for a licence holder, a club, and their employees, or any person to allow a person whom they know to be drunk to be present in, or to buy or to consume alcohol in, licensed or club premises.

The penalty, if found guilty, of an offence under the Licensing Order or Clubs Order is, depending on its seriousness, a fine, a term of imprisonment not exceeding six months, or both.

Other relevant legislation

Confiscation of Alcohol (Young Persons) Act 1997

This Act gives police authority to ask the young person to surrender their alcoholic drink and to state their name and address - if they fail to comply then police have powers of arrest.

Where an officer reasonably suspects that a person in a relevant place* is in possession of intoxicating liquor and that either:

- (a) he is under the age of 18; or
- (b) he intends that any of the liquor should be consumed by a person under the age of 18 in that or any other relevant place; or
- (c) a person under the age of 18 who is, or has recently been, with him has recently consumed intoxicating liquor in that or any other place,

* any public place other than licensed premises or any public place to which the person has gained unlawful access.

Public Processions (Northern Ireland) Act 1998

Section 13 (1): Consuming intoxicating liquor at parades

Parts 13 (1) - 13 (10) apply to alcohol by-laws

This Act states that where an officer in uniform reasonably suspects that a person to whom this subsection applies is consuming intoxicating liquor; the officer may require that person:

- a. to surrender anything in his possession which is, or which the officer reasonably believes to be, intoxicating liquor; and

- b. to state his name and address.

Section 13 (2): The above applies to a person who

- a. is taking part in a public procession; or
- b. is among those who have assembled with a view to taking part in a public procession; or
- c.
 - i. is otherwise present at, or is in the vicinity of, a place on the route or proposed route of a public procession; and
 - ii. is in a public place, other than licensed premises.

Section 13 (3): Possession of intoxicating liquor at parades

Where an officer in uniform reasonably suspects that a person to whom this subsection applies is in possession of intoxicating liquor, the officer may require that person:

- a. to surrender anything in his possession which is, or which the officer reasonably believes to be, intoxicating liquor; and
- b. to state his name and address.

The powers of the officer under this section may only be exercised in relation to a particular public procession in the period six hours before the proposed starting time of the procession and ending at midnight on the day of the dispersal.

Riotous and disorderly behaviour

Riotous and disorderly behaviour is often linked to excessive use of alcohol or drugs. If people are behaving in a disorderly manner police have the power to arrest for 'disorderly behaviour'.

This can be affected by the time of day, the area, and how the general public view the behaviour.

Article

A person who in any public place displays:

18

- disorderly behaviour, or
- riotous behaviour, or
- behaviour whereby a Breach Of Peace is likely to be occasioned

shall be guilty of an offence (this gives police automatic power of arrest).

Power of arrest for riotous and disorderly behaviour - the behaviour must occur in a public place, although there is a power of arrest under common law for riot.

Power of arrest for breach of the peace can occur anywhere.

Riotous and disorderly behaviour is included within The Public Order (Northern Ireland) Order 1987.

Antisocial

behaviour

In addition to the law that controls the availability of alcohol in licensed and club premises, another law is used to penalise antisocial behaviour in public places resulting from the misuse of alcohol.

Drunkenness

There is no 'drunk and disorderly' offence in Northern Ireland. The offence is 'disorderly behaviour' in which the person may or may not have taken alcohol. The charge of 'simple drunk' has been more often used as a protection for the drinker than as a punitive measure against disruptive drunkenness.

The Road Traffic (Northern Ireland) Order 1995

Under this Order a person who drives a vehicle over the legal limit is guilty of an offence. The person who is suspected of being under the influence of drink or drugs has to provide either a breath, urine or blood sample (as a last resort) to prove whether or not they are over the legal limit to drive.

Articles 11-21 relate to driving while under the influence of alcohol or drugs.

Motor vehicles: drink and drugs

13 (2) Roadside breath tests are taken to indicate whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit:

The law states that the prescribed limit is:

- 35 micrograms of alcohol in 100 millilitres of breath or
- 80 milligrams of alcohol in 100 millilitres of blood, or
- 107 milligrams of alcohol in 100 millilitres of urine.

There are two distinct offences here:

1. Unfit - no need for preliminary breath test - need to prove impairment.
2. Excess alcohol - preliminary breath test required at roadside

Unfit

Police have an immediate power of arrest if, as a consequence of their observations, they have reasonable cause to suspect that a driver is impaired through drink or drugs.

Driving, or being in charge, when under influence of drink or drugs

15 (1) A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence.

15 (6) An officer may arrest a person without warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this Article.

A person is liable for prosecution even if they are sitting or sleeping in a car, i.e. being in charge of the mechanically propelled vehicle.

Excess

alcohol

If a police officer witnesses the driver committing a moving traffic offence or the driver is involved in a collision, no

matter how slight, or the officer suspects the driver to have consumed alcohol, he or she may be required to provide a roadside screen breath test. Depending upon the result of the roadside test, the driver may be arrested and then required, at a selected police station, to provide breath samples for evidential purposes.

Driving, or being in charge of a motor vehicle with alcohol concentration above prescription limit.

16 (1) A person is guilty of an offence if he:

- drives or attempts to drive a motor vehicle on a road or public place, or is in charge of a motor vehicle on a road or other public place
- after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit.

Breath	tests	(preliminary	breath	test*)
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17 (1) Where an officer in uniform has reasonable cause to suspect -

- a. that a person driving or attempting to drive or in charge of a motor vehicle on a road or other public place has alcohol in his body or has committed a traffic offence while the vehicle was in motion; or
- b. that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with alcohol in his body and that that person still has alcohol in his body; or
- c. that a person has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed a traffic offence while the vehicle was in motion;

he may require him to provide a specimen of breath for a preliminary breath test.

*A preliminary breath test is a way to obtain by means of a device of a type approved by the Head of Department to give an indication whether the proportion of alcohol in the previous breath or blood is likely to exceed the prescribed limit.

Provisions of specimens for analysis

18 (4) A requirement under paragraph (1) (b) to provide a specimen of blood or urine can only be made at a police station or a hospital; and it cannot be made at a police station unless:

- a. the officer making the requirement has reasonable cause to believe that a specimen of breath cannot be provided or should not be required, or
- b. at the time the requirement is made, a device or a reliable device of the type mentioned in paragraph (1) (a) is not available at the police station or it is then for any other reason not practicable to use such a device there, or (b) A police officer may require the provision of blood/urine at a police station when he has cause to believe that a breath test device did not produce a reliable indication of the proportion of alcohol. Whoever is making the requirement for blood/urine should inform why breath cannot be provided;
- c. the suspected offence is one under Article 14 or 15, and a medical practitioner has advised the officer making the requirement that the condition of the person required to provide the specimen might be due to some drug.

The requirement to provide a blood or urine sample may then be made notwithstanding that the person required providing the specimen has already provided or been required to provide two specimens of breath.

18 (8) An officer must, on requiring any person to provide a specimen in pursuance of this Article, warn him that a failure to provide it may render him liable to prosecution.

NB: All drivers involved in a road traffic collision are automatically screened with a preliminary breath test. Where a road traffic collision occurs and injury is sustained police have power of entry to any place - by force if need be - where police reasonably suspect the driver(s) to be intoxicated.

Further offences

- a. Causing death/grievous bodily injury by careless driving through drink or drugs (Article 14).
- b. Cycling when under the influence of drink or drugs (Article 44).

Other offences

Being drunk in certain circumstances can be an arrestable offence.

- Drunkenness on licensed premises
- The offence 'drunkenness on licensed premises' comes under Article 61-62 Licensing (Northern Ireland) Order 1996, which states that it is an offence for the holder of a licence, servant or agent to:
 - permit drunkenness or disorderly conduct on licensed premises and/or
 - sell intoxicating liquor to a drunken person knowing him to be such.
- Drunk in any road or other public place
- The offence 'drunk in any road or other public place' comes under the Criminal Justice (Northern Ireland) Order 1980 Article 10.

Alcohol bye-laws

The nuisance caused by people drinking in public areas, e.g. in town and city centres, has led to local councils introducing by-laws that make it an offence to consume alcohol in designated areas.

Enforcement is at the discretion of the council who decide whether or not to prosecute offenders. If they decide to do so, police merely provide a statement of evidence to support the case. The penalty, if found guilty of an offence, is a fine.

Police must witness consumption of the alcohol; merely having an opened bottle will not constitute an offence. Police have no power of seizure; they can however arrest any person who fails to provide their name and address (Art 27 PACE).

Legal definitions

'Drug' includes any intoxicant other than alcohol.

'Drunk' refers to intoxication by any alcoholic drink.

Appendix Sources

Alcohol Concern 'Alcohol and Crime.'

January 2003.

Outlines the risk factors in relation to alcohol related violence and possible interventions.

Alcohol Concern '*The licensed trade.*'

January 2001.

Factsheet with statistics on the licensed trade in the UK.

Alcohol Concern '*Methodology in alcohol research.*'

January 2003.

A short paper on methodology in alcohol research with an emphasis on treatment research.

Alcohol Concern / National Addiction Centre

'Teenage Drinkers: A follow-up study of alcohol use among 15-17 year olds in England: Summary of main results.'

January 2003.

Presents the key findings from a study of alcohol consumption, attitudes and related behaviour among 15-16 year old students recruited from Southern England.

Alcohol Research and Health '*Alcohol and Violence.*'

January 2001.

Special issue of journal devoted to Alcohol and Violence.

ARP and the NSPCC '*Evaluation report on the Family Alcohol Service.*'

February 2004.

The Family Alcohol Service is a project run by ARP and the NSPCC.

This report is a detailed and interesting evaluation conducted by Bath University.

Australian Commonwealth Department of Health and Ageing Australia '*The treatment of alcohol problems.*'

January 2003.

A review of the evidence A description of the prevalence and patterns of, and the harms associated with drinking in Australia and a review of the evidence for the effectiveness of the main treatments available for alcohol use disorders.

Australian Commonwealth Department of Health and Ageing Australia *'Guidelines for the treatment of alcohol problems.'*
January 2003.

These guidelines are based on a review of the evidence about the effectiveness of treatments, and on the clinical experience of an expert panel.

Australian Commonwealth Department of Health and Aged Care Australia *'Alcohol in Australia: Issues and Strategies.'*
January 2001.

A background paper to the National Alcohol Strategy.

Australian Commonwealth Department of Health and Aged Care Australia *'National Alcohol Strategy A Plan for Action 2001 to 2003-04.'*

January 2001.

Sets out a broad coordinated strategic approach to the reduction of alcohol-related harm in Australia.

Australian Government *'Foetal Alcohol Syndrome: A Literature Review.'*

January 2002.

This paper provides a review of the published scientific literature on Foetal Alcohol Syndrome (FAS) and Alcohol Related Neuro-developmental Disorder (ARND).

Australian Government *'Australian Alcohol Guidelines : Health Risks and Benefits.'*

January 2001.

Australian drinking guidelines and the evidence base.

Australian Government *'National Alcohol Research Agenda.'*

January 2002.

Australian Institute of Criminology *'Alcohol, young persons and violence.'*

January 2001.

A collection of 9 papers from a 1999 round-table on alcohol, young persons and violence.

British Crime Survey (BCS)

The British Crime Survey (BCS) is one of the largest social surveys conducted in Britain. The BCS is primarily a 'victimisation' survey, in which respondents are asked about the experiences of property crimes of the household and personal crimes which they themselves have experienced. The reference period and the wording of the series of questions, which are asked to elicit victimisation experiences, have been held constant throughout the series of BCS surveys. Because members of the public are asked directly about victimisation, the BCS provides a record of the experience of crime which is unaffected by variations in the behaviour of victims about reporting the incident to the police and variations over time and between places in the police practices about recording crime. Until 2001, eight waves of the BCS had been carried out in England and Wales: 1982, 1984, 1988, 1992, 1994, 1996, 1998 and 2000. From 2001, the series became annual instead of biennial. The Survey covers England And Wales, however prior to 1989 it also included Scotland. Detailed information listed below from the National Statistics web site can be viewed at www.esds.ac.uk/government/bcs.

British Medical Association (BMA) '*Tackling Under Age Drinking.*'

January 2003.

Briefing paper by the BMA on under age drinking.

Cabinet Office Strategy Unit '*Interim Analytical Report for the National Alcohol Harm Reduction Strategy.*'

January 2003.

This paper sets out the evidence on which the national harm reduction strategy in England and Wales will be based. It is not the final report and therefore does not contain any policy recommendations.

Cabinet Office Strategy Unit '*Alcohol Misuse: How much does it cost?*'

January 2003.

Provides the Government's National Alcohol Harm Reduction Strategy with new detailed estimates of the costs associated with alcohol misuse.

Centre for Health Service Studies '*The effectiveness of treatment for substance dependence within the prison system in England: a Review.*'

January 2003.

The aims of this review were to identify treatments that are used for those with substance dependence, describe the current regimes available in prison, and to evaluate the effectiveness of the treatments.

**Canadian Centre on Substance Abuse ‘Proportions of crimes associated with alcohol and other drugs in Canada.’
January 2002.**

Reports on research aimed at estimating associations between psychoactive substances and crime and the proportions of crime that can be attributed to alcohol and illicit drugs.

Community Attitudes Survey (CAS)

The CAS is a continuously run survey which provides an objective assessment of public perceptions and views on crime, law and order and policing issues over time. The survey was first commissioned in 1992 by the Criminal Justice Departments and Agencies and the Central Community Relations Unit, following an independent review of crime survey needs undertaken by the Northern Ireland Office.

The survey includes questions relating to perceptions of whether drunks are a problem on the streets (although this question is worded as ‘drunks or tramps’ grouping both together rather than separating them out), and it also asks questions relating to perceptions or views of policing priorities in relation to drinking and driving, and also in relation to drunk and disorderly people. The data is routinely analysed and reported by religion, with the publications containing results for Catholic and Protestant respondents.

Results for selected questions from the survey have been produced for each twelve month fieldwork period, for November to October 1992/93 to 1997/98 and then for January to December for the years 1999 to 2002. The questionnaires used for each year of the survey can be accessed on the questionnaire section of CSU website. These documents indicate those questions for which results are currently available.

Bulletins summarising the results for 2000, 2001 and 2002 can be accessed in the publications section of this website, along with the detailed tables for these years. In November 2003 the CAS results were extended to include analysis by religion, age and gender for each question that has ever been asked in the Community Attitudes Survey. These trend tables are available in the results section. Tables for 2003 entitled ‘**Community Attitudes Survey Rapid Results Tables 2003**’ can be accessed at <http://www.csu.nisra.gov.uk/archive/Surveys/CAS/Publications/Rapid%20results%202003.pdf>.

Continuous Household Survey (CHS)

The CHS is one of the largest continuous surveys carried out in Northern Ireland. It is designed, conducted and analysed by the Central Survey Unit of the Northern Ireland Statistics and Research Agency (NISRA), and has been running since

1983. It is based on a sample of the general population resident in private households and is designed to provide a regular source of information on a wide range of social and economic issues relevant to Northern Ireland. Regularly produced data includes information such as drinking trends.

The section on drinking appears in the CHS every other year, and was last used in the 2002/03 questionnaire. It addresses the type and amount of alcohol consumed by individuals within a household and includes a section on drink-driving. The data once analysed is presented online in four sets of tables (both in word and excel format) for prevalence of drinking by sex and age; and for level of alcohol consumption by sex, by sex and age, and by sex and religion. All of these tables cover the years 1986 to 2002-03. These can be found online at www.csu.nisra.gov.uk/surveys/survey.asp?id=1&details=3&topicId=39.

The most recent publication produced from the CHS is the '**Continuous Household Survey Bulletin 2002/03**', published in February 2004, which can be found online at <http://www.csu.nisra.gov.uk/archive/Surveys/CHS/Publications/CHS%20Bulletin%20200203.pdf>. This Bulletin presents a selection of tables from the 2002/03 CHS including drinking patterns and, where appropriate, indicates some of the changes that have taken place since 1983.

Crime and Justice Survey

The Crime and Justice Survey (CJS) is a new large-scale survey commissioned by the Northern Ireland Office (NIO) and Queen's University Belfast (QUB) to provide measures on experiences of crime, safety from crime and self-reported offending among the general population. It is intended as a one-off Survey, and the analysis is being conducted by QUB on behalf of the NIO, thus the actual publication details and contents of the tables will be decided between Queens and the NIO.

The survey includes questions on individual and household demographics; attitudes towards crime; and drinking and any consequences. There are separate questionnaires used for juveniles (aged 11-17) and adults (aged 18 and over). The questions tackle the frequency of drinking, type of alcohol consumed, location of alcohol consumption, any episodes of being drunk, and who drink is consumed with. The questionnaire also asks a number of questions regarding any consequences of getting drunk including assaulting someone, being assaulted by someone, and getting into trouble with the police. The juvenile questionnaire asks additional questions about parents' knowledge of their child's drinking habits, about family drinking habits, and about where they buy alcohol (if appropriate).

Due to the sensitive nature of some topics, the CJS interview uses a combination of conventional face-to-face interviewing (CAPI) and computerised assisted self-interviewing (CASI). Fieldwork took place from June to November 2003 however the

results have not yet been published

Department for Culture, Media and Sport ‘Draft Guidance Issued Under Section 182 of the Licensing Act 2003.’

March 2004.

Draft guidance related to the Licensing Act 2003.

Department of Health ‘Drinking: Adults Behaviour & Knowledge.’

January 2002.

Reports survey findings about drinking behaviour, awareness of units and alcohol consumption.

Department of Health ‘Smoking, Drinking and Drug Use Among Young People in England in 2002.’

January 2002.

Survey to monitor smoking, drinking and drug use among secondary school children aged 11-15 in England.

Department of Health ‘Smoking, Drinking and Drugs Survey 2003.’

April 2004.

Drug use, smoking and drinking among young people in England in 2003.

Department of Health and Children, Health Promotion Unit Ireland

‘The Irish drinking culture – Drinking and drinking-related harm, a European comparison.’

January 2003.

Examines Irish drinking habits and experiences of adverse consequences.

Department of Health and Children, Health Promotion Unit Ireland

‘The Impact of Alcohol Advertising on Teenagers in Ireland.’

January 2001.

Report on research to examine the impact of alcohol advertising on teenagers in Ireland.

Department of Health, Social Services and Public Safety (DHSSPS) - Drug and Alcohol Information and Research Unit (DAIRU)

DAIRU has been carrying out work on replicating an ONS statistical bulletin entitled **‘Statistics on Alcohol; England,**

2003' which was produced in conjunction the Department of Health (in the UK) and published in October 2003. The UK bulletin reports on drinking among adults aged 16 and over; drinking among young people aged 11-15; alcohol releases for home consumption; alcohol-related ill health; and other indicators of alcohol-related harm. It also details expenditure on alcohol from 1980 to 2002, and provides indices of alcohol price. These tables include a break down by types of crime whereby offender(s) were under the influence of alcohol in violent incidents for the years 1998, 2000 and 2001/02; the number of persons cautioned, proceeded against, and those found guilty of drunkenness by gender, for 1998, 2000 and 2001/02; the number of proceedings at magistrates' courts from 1990 to 2001 for driving after consuming alcohol or taking drugs; and breath test results and convictions relating to these from 1980 to 2001. The NI tables produced by DAIRU, which have not been published as yet, replicate the tables from the ONS bulletin for NI, where these statistics were readily available. Work on these tables is ongoing. Whilst the Northern Ireland Court Service (NICtS) was able to provide DAIRU with figures to replicate two of the alcohol-related crime tables from the ONS bulletin, the offences in Northern Ireland are not exactly the same as those in England and Wales therefore NICtS provided footnotes to the tables in order to highlight these differences. The corresponding Northern Ireland figures have not been used in any NICtS publications, although they may be used in the near future by DAIRU.

Department of Health, Social Services and Public Safety (DHSSPS)

DHSSPS are able to collate figures for Alcohol related diagnosis from their Hospital Inpatients System. These include figures for admissions to hospital with different alcohol related diagnoses (for both primary and all stages of diagnosis) selected by sex and particular diagnosis. Examples of alcohol related diagnoses are acute intoxication, harmful use, dependence syndrome, withdrawal state, or psychotic disorder. Separate results are available for diagnosis of alcoholic liver disease.

'Drinking Habits in Northern Ireland 1987-1989 Occasional Paper 22'

K Sweeney, J Gillan and J Orr. Published 1990.

This Report addresses characteristics of drinkers, frequency, type of drink chosen, amount consumed, location of drinking and days of occurrence. It provides tables broken down by sex, age, marital status, area of residence, religion, employment status and socio-economic class in the late 1980's. It is of particular interest in that it compares figures prior to and after the introduction of the changes in Sunday drinking laws in Northern Ireland.

'Drinking Practices in Northern Ireland'

J J Harbison and T Haire. Published 1982.

This Report addresses weekly alcohol consumption; patterns of consumption; demographic and occupational variation in drinking patterns; leisure and drinking; the influence of drinking on the respondents' work; the development of drinking patterns; opinion on drinking problems and a brief overview of drinking habits in the UK in the early 1980's.

'Drinking, Smoking and Illicit Drug Use Amongst 15 and 16 year old School Students in Northern Ireland.'

Patrick Millar PhD and Martin Plant PhD (Alcohol and Health Research Centre). Published May 2001.

This study formed a part of a UK wide Survey funded by the Alcohol Education & Research Council and the Health Education Authority. The Survey includes figures for self-reported alcohol use amongst a representative sample of 723 secondary school children from 71 schools across Northern Ireland, with data collection having taken place in March and June of 1999.

The Report contains tables for the following, all of which included a breakdown by sex: some demographic and other characteristics of the children in the sample; alcohol consumption; detail about the last drinking occasion; positive and negative perceptions of drinking alcohol; number of problems experienced due to alcohol consumption; ease of obtaining alcohol; perceptions (disapproval of others and risks); usage of friends and elder siblings; and knowledge of the effects. There were also reported associations between aspects of alcohol consumption and some other key variables such as school management type; playing truant; family structure; self-esteem; depressed mood; extroversion and constraint; and friends.

Approximately 90% of these children indicated that they had at some time consumed alcohol. The report also contained comparisons to girls and boys in England Scotland and Wales, and compared results with the European School Survey Project on Alcohol and Drugs (ESPAD) 1995 study.

European School Survey Project on Alcohol and Drugs (ESPAD)

ESPAD is a Survey carried out by The Swedish Council for Information on Alcohol and Other Drugs, CAN Council for Europe, and the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group). Following an ESPAD carried out in 1995 in 26 countries across Europe, the Survey was repeated in 1999 and a Report entitled '*The 1999 ESPAD Report – Alcohol and Other Drug Use Among Students in 30 European Countries*' was produced. The ESPAD collected data from 15 to 16 year olds by using group-administered questionnaires under the supervision of a research assistant or teacher, with anonymity having been assured. The students were asked about their last drinking occasion; and about their alcohol consumption over the last 30 days,

the last year, and over their lifetime. They were also asked about the types of alcohol they had consumed (beer, wine, spirits and alcopops); and about binge drinking and drunkenness. The published Report provides a breakdown of key results by country, including results for the United Kingdom, and results for Ireland. A 2003 study was planned, however no report –has yet been produced from it.

Expenditure and Food Survey (EFS)

This UK survey has included Northern Ireland since April 2001. For Northern Ireland, participation in the EFS replaces the need to carry out two separate surveys; the Family Expenditure Survey (FES) and the National Food Survey (NFS). The Northern Ireland FES had been carried out annually since 1967 whilst the NFS only commenced here in 1996. There had been considerable overlap between the two surveys, with both surveys having asked respondents to keep a diary of expenditure, including the amount spent on alcohol. The amalgamation of the two surveys to form the EFS provided improvements in data scope and quality and has proven to be more cost effective than having two separate studies.

‘National Food Survey Northern Ireland 2000 – Annual Report on food Expenditure, Consumption and Nutrient Intakes.’

This publication was the fifth and final one based solely in Northern Ireland, and is taken from the EFS. It covers the period of January to December 2000, and was published by the Department of Agriculture and Rural Development (DARD). The Report provides tables of expenditure and consumption of alcohol for Northern Ireland from 1996 to 2000, with comparisons to Great Britain for 2000. (See page 17, table 2.12.) There are also comparisons made for consumption of and expenditure on alcoholic drinks by geographic area - for Belfast, and for rural and urban areas, plus the total for Northern Ireland (see tables 3.1 and 3.2). Comparisons are also made by income level; household composition; and by age of the diary keeper. There are also results from nutritional analysis available within this Report.

The **‘Family Expenditure Report 1998/99’** also provides tables for average expenditure on various items, including alcohol and can be found online at www.csu.nisra.gov.uk/archive/Surveys/EFS/FES%20Monitor%209899.pdf.

Geographic Information System (GIS) and Neighbourhood Statistics

Using GIS, DMB can provide figures for deaths by age and sex by administrative area (either health board or District Council). These figures for deaths from selected causes linked to alcohol consumption, by gender are classified using the International Classification of Diseases (ICD) and are broken down into subcategories by disease type. These figures are available for 1990 to 2000 using ICD 9 codes and for 2001 and 2002 using ICD 10 codes.

DMB also map crime figures as provided by NIO, however NIO does not provide DMB with a breakdown of crimes against the person, which would identify those crimes committed by persons under the influence of alcohol. It would be possible to map alcohol-related crime if NICtS are to provide the figures for the 52 alcohol-related offences, with corresponding postcodes of the location of the offence.

DMB would also be able to map licensed premises across Northern Ireland if they are provided with a list of licensed premises postcodes. (Please see section on Northern Ireland Court Service.)

GSS Methodology Series ‘Obtaining information about drinking through surveys of the general population.’

January 2001.

Research methodology on alcohol consumption surveys.

Health Promotion Agency` (HPA) ‘The health behaviour of school children in Northern Ireland. A report on the 1997/98 survey. A World Health Organization collaborative study.’

Published March, 2000.

In 1997/1998 the Health Promotion Agency for Northern Ireland administered the health behaviour of school children (HBSC) survey, which was being carried out in 26 European countries, as well as the USA and Canada. The survey is a unique cross-national research study conducted in collaboration with the European Region of the World Health Organization (WHO), in order to gain new insight into, and to increase the understanding of, the health behaviours and lifestyle of young people. The resulting NI Report presents the results of the Survey. It can be accessed online at www.healthpromotionagency.org.uk/Resources/mental/pdfs/HBSCsurvey.pdf.

Health Promotion Agency ‘Adult Drinking Patterns in Northern Ireland’

Published December 2002.

This very comprehensive report is based on a quantitative study, with research having been carried out in October and November of 1999. It reports on who drinks; how often they drink; the days when they drink; what they drink; where they drink; who they drink with; how much they drink; and binge drinking. In total 1,752 participants took part in the survey. The Report includes the use of drink diaries and the CAGE questionnaire. It details perceptions of drinking and presents 52 tables with breakdowns available for most of these by demographics such as age and gender; and by socio-economic, educational, and other factors. In addition to these 52 tables there are a further 21 figures, most of which are broken down by gender and/or age. The Report also includes a

discussion section that draws out implications for individuals' health; societal health; public health approaches; and policy development. It also provides 5 recommendations to tackle the problem of excess or binge drinking. It can be accessed online at www.healthpromotionagency.org.uk/Resources/alcohol/pdfs/adult%20drinkers.pdf.

Health Promotion Agency '*Attitudes and behaviour of young adult drinkers in Northern Ireland: a qualitative study*'

Published January 2003.

This research report, which was commissioned by the HPA in 2001, is based on qualitative research into the drinking habits of young adults (aged 18-35) in Northern Ireland. Based on semi-structured interviews and focus group discussions, the research explored young people's experiences, views and perceptions of the benefits and the negative effects of drinking; their knowledge of and attitudes towards safe drinking; and the drinking context, including where, when, how often, how much and with whom they drink.

The research provides a greater understanding of the local drinking culture among young adults, in order to target future health promotion initiatives on alcohol appropriately. It can be accessed online at www.healthpromotionagency.org.uk/Resources/alcohol/pdfs/young%20drink.pdf.

Health Development Agency '*Prevention and reduction of alcohol misuse: Evidence briefing.*'

January 2002.

This evidence briefing is a review of reviews about the prevention and reduction of alcohol misuse.

The Health and Social Well-being Survey

The Northern Ireland Health and Social Well-being Survey was commissioned by the Department of Health, Social Services and Public Safety to periodically monitor the health and well-being of the Northern Ireland population. The fieldwork for the survey is carried out by CSU and has been conducted on two occasions to date, in 1997 and 2001, with the next survey due to take place in 2004.

The survey, which is designed to yield a representative sample of all adults aged 16 and over living in Northern Ireland, focuses on a range of different health issues including drinking. A section on cigarette smoking and drinking was covered in 1997 and a subset of questions was used in 2001. The questions covered current drinkers, non-drinkers and ex-drinkers, health and drinking, levels of alcohol consumption and the type of alcoholic drink consumed. This section was completed by adults aged 16 to 17 using a self-completion method.

Summary tables of results from the 2001 survey, including alcohol consumption levels can be accessed at

www.csu.nisra.gov.uk/surveys/survey.asp?id=5&details=3&topicId=52. There are a number of tables available from the 2001 Survey including drinking by age and sex, socio-economic group, employment status, religion, marital status and highest educational qualifications.

Details of publications from both the 2001 and 1997 can be accessed in the publications section of the same CSU site at the following page: www.csu.nisra.gov.uk/surveys/survey.asp?id=5&details=5. These include The Cigarette Smoking and Drinking Bulletin 2001 (see below) and the Health and Social Well-being Survey - Top-line Results 2001, the latter of which provides summary information on results by age and sex.

The '**Cigarette Smoking and Drinking bulletin 2001**' which was published in July 2002 is available online at <http://www.csu.nisra.gov.uk/archive/Surveys/HWB/publications/2001/Cigarette%20smoking%20and%20drinking%20bulletin%202001.PDF>.

The '**Health and Social Well-being Survey - Top-line Results 2001**' which was published in December 2001 is available online at <http://www.csu.nisra.gov.uk/archive/Surveys/HWB/publications/2001/Health%20&%20Wellbeing%20Topline%20bulletin%202001.pdf>.

The datasets for the Health and Social Well-being Surveys are archived in the UK Data Archive, where they can be accessed for secondary analysis.

Home Office 'Alcohol and Crime: Taking Stock.'

January 1999.

This Report came out prior to the Government's alcohol strategy being announced. It explored the impact of alcohol on crime by gathering together information from the academic, health and policing fields. It emphasised the importance of proper training for licensees and control of the drinking environment. "Maintaining premises, training staff to deal with intoxicated customers, promoting alcohol in a sensible manner, filtering patrons from licensed premises by using staggered closing times can all be elements in an overall strategy." The report concludes that there is a need for a co-ordinated approach. It quotes Alcohol Concern's recent proposals for a national alcohol strategy in stating that the problem should be tackled by "focusing not only on the individual but on society as a whole".

Home Office 'Reducing alcohol-related violence and disorder: an evaluation of the 'TASC' project.'

Mike Maguire and Hilary Nettleton (with the assistance of Andrew Rix and Stephen Raybould) . January 2003.

An evaluation of the Tackling Alcohol-Related Street Crime (TASC) project, whose objective was to reduce the level of alcohol-related violence and disorder in central Cardiff and Cardiff Bay. The project was a police-led multi-agency scheme launched in July 2000 under the Home Office in the Cardiff area. The detailed evaluation of the initiative looks at the implementations of the

scheme, and local data mapping. It examined costs and cost-effectiveness, before drawing conclusions on the success of the project and giving examples of key good practice.

The Targeted Policing Initiative interventions included:

- focused dialogue between the police and members of the licensed trade, mainly through an active Licensees Forum;
- measures aimed at improving the quality and behaviour of door staff;
- attempts to influence licensing policy and practice;
- measures aimed at publicising the problem of alcohol-related violent crime;
- targeted policing operations directed at crime and disorder 'hot spots';
- a cognitive behavioural programme for repeat offenders ('COV-AID');
- a training programme for bar staff ('Servewise');
- a programme of education about alcohol for school age children; and
- support for victims of alcohol-related assaults attending hospital.

The project data analyst created and maintained a database combining information from police sources and the local hospital. This revealed that:

- alcohol related incidents were heavily concentrated on Friday and Saturday nights. Sixty-one per cent involved physical violence, the remainder 'disorder';
- over half (most of them violent) occurred in or just outside licensed premises. Incidents of disorder were more likely to occur elsewhere on the streets;
- most of those involved as offenders or victims were young white males. Forty-two per cent of arrestees had previous arrests for violence or public order offences;
- 'door staff' were involved as victims or alleged assailants in 16 per cent of all violent incidents. Sixty-one were arrested over the 30 month period monitored;
- the most common form of assault was punching or kicking, but at least 10 per cent of cases involved bottles or glasses; the use of knives was rare; and
- most injuries were minor, but 15 per cent of assault victims suffered broken bones and 12 per cent major cuts.

A comparison of the first 12 months after the launch of the project with the previous 12 months indicated an overall decrease of four per cent in incidents involving alcohol-related assaults, despite a ten percent increase in licensed premise capacity in central Cardiff whilst incidents of violence against the person rose elsewhere in South Wales. The researchers estimated that the project helped to reduce the expected level of violent incidents by eight percent during its first year, thus representing 'value for money'. By contrast, there was a 49 per cent increase in incidents of alcohol-related disorder, however these figures were also susceptible to changes in police recording practices.

Even if the figures are accepted at face value, two important qualifications should be noted:

1. The rise slowed markedly during the evaluation period: the increases for the first three six-month periods after launch, compared to the equivalent period of the year before, were 75 per cent, 29 per cent and 3 per cent.
2. Virtually all the rise in disorder was accounted for by one street in Cardiff, which had the densest concentration of pubs and clubs and several newly opened premises.

There were significant reductions in violent and disorderly incidents occurring in or just outside individual pubs and clubs which were the subject of carefully targeted policing operations, and these were sustained over time. Operations targeted at whole streets, rather than individual premises, were less successful.

Overall, the TASC project was most successful in terms of its targeted work with individual premises. Its most fruitful partnership arrangements were with the Licensees Forum. Joint attempts were made to improve security arrangements (including staff training) and particularly in premises where the database indicated that the numbers of incidents were high or rising. In contrast the project was less successful in persuading 'key players' in the County Council, breweries or other relevant companies to adopt broader strategic approaches to prevent late night violence and disorder. Its best achievements here were improved registration, training and disciplinary systems for door staff.

The project was not successful in changing planning policy or in slowing the expansion of licensed premises in 'saturated' areas of Cardiff. It also failed to get general agreement to changes in alcohol marketing strategies. The report argued that, while better management of individual premises is necessary to reduce alcohol-related violence and disorder, attention to wider issues arising from the growth of the 'night time economy' is vital to the long term success of crime prevention in this field.

Key examples of good practice set out by TASC were as follows:

- The creation of effective links with managers of licensed premises (through an active Licensees Forum).
- A well resourced project team, including a manager of sufficient rank and experience and an analyst with good access to police data systems, combined with full integration of the project into police objectives and priorities.
- The maintenance of an accurate and up-to-date dedicated database, drawing on both police and hospital sources, used not only to identify emerging problems, but to guide remedial visits to licensed premises.
- The development of standard training, registration and disciplinary systems for door staff in the city.
- Wide promotion of the project's objectives using a range of innovative sources eg bus campaigns, websites and electronic public information display screens.
- Attempts to engage major players in both the public and private sectors in broader dialogue about the strategic management of the 'late night economy'.

Home Office *'Drunk and disorderly: a qualitative study of binge drinking among 18 to 24-year-olds.'*

January 2003.

Qualitative research explores this issue, particularly young adults' perceptions, experiences of, and motivations for, binge drinking.

Home Office *'Drinking, Crime and Disorder.'*

January 2003.

Presents findings from two Home Office studies that explored the relationship between alcohol consumption and offending among 18 to 24 year-olds.

Home Office *'Alcohol, crime and disorder: a study of young adults.'*

January 2003.

Reports on research examining binge drinking and the links with criminal and disorderly behaviour in young adults.

Home Office *'Drug use and offending: summary results of the first two years of the NEW-ADAM programme.'*

May 2004.

Report on NEW-ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office *'Trends in drug use and offending: the results of the NEW-ADAM Programme 1999-2002.'*

May 2004.

Report on NEW ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office ‘*The results of the first two years of the NEW-ADAM programme.*’

May 2004.

Report on NEW ADAM programme which reports on link between crime and use of drugs, including alcohol.

Home Office ‘*Motoring Offences and Breath Test Statistics, England and Wales 2002.*’ May 2004.

Information on breath tests in England and Wales.

Home Office ‘*Violent crime in England and Wales.*’

May 2004.

Report on violent crime including a small section on alcohol.

Home Office ‘*Alcohol audits, strategies and initiatives: lessons from Crime and Disorder Reduction Partnerships.*’

May 2004.

Report on alcohol audits from crime disorder partnerships.

Home Office ‘*Drunks and Disorder: Processing intoxicated arrestees in two city-centre custody suites.*’

January 2002.

Reports on a study exploring the problems encountered in policing city-centre entertainment districts and in dealing with intoxicated arrestees.

Home Office ‘*The Role of the Forensic Medical Examiner with "Drunken Detainees" in Police Custody.*’

January 2001.

Explores the current role of the Forensic Medical Examiner with 'drunken detainees'.

Home Office ‘*Alcohol-related assault: findings from the British Crime Survey.*’ January 2003.

Reports on analysis of alcohol related assaults in England and Wales.

Home Office ‘*Alcohol and Sexual Violence: Key Findings From the Research.*’ February 2004.

Summary of research on alcohol and sexual violence.

Home Office '*Alcohol and Intimate Partner Violence: Key Findings From the Research.*'

March 2004.

Summary of research on alcohol and intimate partner violence.

Home Office '*Violence in the Night-Time Economy: Key Findings From the Research.*' March 2004.

Summary of research on violence in the night-time economy.

Home Office '*Alcohol Audits, Strategies and Initiatives: Lessons From Crime and Disorder Reduction Partnerships.*'

March 2004.

Information on how alcohol related crime is being tackled locally.

Home Office '*Penalty Notices for Disorder: Early Results.*'

March 2004.

From the Pilot Report on research into penalty notices for disorder (PNDs).

Home Office '*Alcohol-related crime and disorder data: guidance for local partnerships.*'

January 2003.

This report is intended to provide guidance for local Crime and Disorder Reduction Partnerships (CDRPs) on the collection and analysis of alcohol-related crime and disorder data.

Home Office '*Evaluation of various data sources on drug use, smoking and drinking by children of secondary school age.*'

January 2003.

Paper that compares data from various sources on secondary school children.

Home Office '*The social contexts of underage drinking.*'

January 2000.

Research to aid the understanding of the meaning of alcohol in the lives of 12- to 17-year-old young people.

Home Office '*Underage Drinking: Findings from the 1998-99 Youth Lifestyles Survey.*'

January 2000.

A survey of young people living in private households in England and Wales who were asked about their drinking behaviour.

HTBS 'Prevention of relapse in alcohol dependence: Health Technology Assessment Report 3. NHS Quality Improvement Scotland.'

January 2002.

Assessment of interventions to prevent relapse in people with alcohol -dependence.

Household Surveys (SHS)

The nature and aims of Continuous Household Survey (CHS) in Northern Ireland are similar to those of the General Household Survey (GHS), which is carried out by the ONS in Great Britain. A parallel household survey, the Scottish Household Survey (SHS) is also conducted for Scotland. Data from the CHS, the GHS and the SHS are archived every year in the [UK Data Archive](http://www.data-archive.ac.uk/findingData/niData.asp) at www.data-archive.ac.uk/findingData/niData.asp and this site can provide access to the databases for secondary analysis.

Institute of Alcohol Studies (IAS) 'Crime and Disorder, Binge Drinking and the Licensing Bill.'

January 2003.

This report discusses the evidence base for changes to licensing legislation in England and Wales. It summarises the Government claims that the licensing reforms would have positive outcomes by staggering closing times of licensed premises; to try to put an end to binge drinking; and to encourage diversity of provision leading to a less youth-dominated drinking culture. It draws on evidence from objective, scientific studies based in the UK and Europe which suggest that such the reform would not achieve its expected outcomes. Later opening hours may encourage rather than discourage the binge drinking culture. Scotland is now experiencing the backlash of their reform with a situation of 'drunken anarchy' on the streets of the urban centres. Mediterranean countries have differing regulatory styles from the UK as their drinking cultures are very different from the UK and therefore their different closing times work well there, but would not work as well here. The report points out that there needs to be extra policing and transport resources, as well as more fast food outlets operating later at night, if closing times are extended. It also points out that neighbourhood disturbance would be staggered rather than eradicated by simply staggering closing times. It points out that economic viability will determine how late each premises would stay open, whilst in the interests of a business being competitive the idea of closing premises at staggered times would be appealed by those who are forced to close their doors earlier than the others. Such factors have been largely ignored by the Government reform. A growth in the number of premises, combined with longer opening hours, has been shown to have resulted in a major growth in crime, disorder and public nuisance in urban centres in the UK, and internationally. Late night drinking appeals primarily to the younger generation, and binge-drinkers, with extended hours appealing to a relatively small segment of

the UK population (estimated in this report as 20 percent). In contrast to what the Government had claimed in their reform, International studies have shown that whilst increased hours of trading may not increase the overall level of alcohol consumption, they increase the problems associated with consumption such as the following: alcohol-related harm; traffic injury; street disorder and violence: heavier drinking; and drunken behaviour.

Institute of Alcohol Studies (IAS) '*Alcohol and Crime.*'

January 2003.

Summarises research findings on alcohol and crime and outlines government initiatives.

This document can be found at: www.ias.org.uk/publications/alert/99issue3/alert9903_p12.html

This publication reviews the content of the Home Office publication '*Alcohol and Crime: Taking Stock*'. It notes that whilst the Home Office report stressed the need for greater use of pub exclusions, laws on anti-social behaviour, and alcohol by-laws, it avoided reference to known links between violent crime and the overall level of alcohol consumption. This was stressed despite the Home Office having drawn particular attention in previous research which had concluded that the growth in beer consumption was the most important single factor explaining growth in violent crime. It also sidesteps most of the issues concerned with liquor licensing.

Institute of Alcohol Studies (IAS) '*Alcohol Policy - What the UK public thinks.*'

This bulletin from the IAS online publication 'The Globe' detailed the results of an opinion poll on possible changes in alcohol policy, conducted by NOP on behalf of the Institute. NOP Solutions surveyed more than 1800 adults aged 15 years and over, using a random location sample. The sample was designed to be representative of all adults in Great Britain. Interviewing took place between the 6th and 11th of January, 2000. Results were broken down by sex and region. This poll was carried out at a time when ministers were believed to have been contemplating the liberalisation of the present laws to introduce "continental-style" drinking. There was an attitude of almost disbelief amongst the media and industry to the publication of the results of the poll, which found that the majority of British people said that it would be a bad thing to extend pub opening times at night and rejected the concept of continental drinking.

The poll asked whether it would be a good thing or a bad thing to extend drinking hours at night. Those who thought it would be a good thing to extend drinking hours at night were also asked about the days on which there should be later opening times. All of the sample were then asked as to which time they thought closing time should be in residential areas. They were then asked whether, in the case of drinking hours being extended beyond 11 pm, they would take advantage of the later opening hours.

Local choice: There had been some discussion as to where the power to grant licences should lie. The choice was

between a continuation of the present system in operation in England and Wales where it is in the hands of licensing magistrates or some form of local accountability. The latter could either be a committee of the council or a licensing authority which would consist representatives of local interests. Whilst most of the of the questions in the poll had some implication for any community-based approach to licensing, two had specific relevance. Those questioned were asked, "Do you think that people who live in an area should have the right to object to late night opening by pubs and clubs or not?" An overwhelming 92 per cent wanted the right to object. There was no great variation in class, sex, age, or region.

Similarly, 90 per cent of the population believed that people should have the right to object if they think that too many pubs and clubs are being opened in the area in which they live. There is even less variation according to class, age, sex, or region for this question. The results provided a very strong message to Government that people wanted to have a greater say in how licences are granted in their own communities.

Café society: The sample was also asked whether they thought that the present law restricting the entry of children under 14 into bars should be kept or that they should be allowed legally into all bars and pubs when accompanied by an adult. The majority believed that the present law should be retained, with very little variation across the categories mentioned.

Age limits: There had been no suggestion that the liberalisation of the licensing laws proposed by ministers should include any change to the legal age for buying alcohol but some time ago the drink industry did begin to make some moves towards a lowering of that age. The controversy over alco-pops put a temporary halt to this.

In representations to Her Majesty's Government, the IAS explained that it accepted the need to modernise the licensing law and believed that a key element of reform should be to make the licensing system more responsive to the needs of local residents. This was necessary to prevent the licensing system coming to serve the interests of the alcohol industry and a minority of drinkers at the expense of the wider community.

Institute of Alcohol Studies (IAS) '*Alcohol-Related Crime and Disorder.*'

January 2003.

Summarises research and statistics on alcohol related crime.

Institute of Alcohol Studies (IAS) '*Young People and Alcohol.*'

January 2003.

Summary of statistics and research on young people and alcohol.

Institute of Alcohol Studies (IAS) ‘Alcohol: Tax, Price and Public Health.’

January 2002.

Contains evidence on links between tax, price, consumption and harm, together with rates of excise duty 1973-2001.

Institute of Alcohol Studies (IAS) ‘Youth, Alcohol, and the Emergence of the Post-Modern Alcohol Order.’

Kevin J Brain.

IAS Occasional Paper No. 1 January 2000.

This paper attempts to outline and provide an explanation for recent trends in the youth alcohol market.

Institute of Alcohol Studies (IAS) Ireland ‘Crime and Disorder, Binge Drinking and the Licensing Bill.’

January 2003.

This Report detailed evidence which conflicted with that reported by the UK Government when they undertook their recent licensing reform. It includes international evidence, including Ireland. Hospital A&E departments and the Gardai in Ireland have attributed a rise in the late night street disorder and violence to the extension of licensing hours that was introduced in 2000, and that as a direct result of this, the Irish Government ruled out the possibility of 24 hour licensing being introduced there for the foreseeable future.

International Centre for Alcohol Policies (ICAP) ‘Violence and Licensed Premises.’

January 2002.

This Report examines some of the prevention strategies used to combat violence in and around licensed premises.

International Centre for Alcohol Policies (ICAP) ‘Estimating Costs Associated With Alcohol Abuse: Towards A Patterns Approach.’

January 1998.

This Report explores how social cost estimates for alcohol have been developed.

Ministry of Health and Alcohol Advisory Council of New Zealand ‘National Alcohol Strategy 2000 - 2003.’

January 2001.

National Alcohol Strategy 2000 - 2003.

NACRO ‘Young People Alcohol and Offending.’

January 1999.

Covers how much young people drink, the circumstances likely to lead to alcohol problems and the relationship between alcohol and offending.

NHS National Services Scotland - ISD ‘West Lothian Young People’s Street Survey 2002.’

May 2003.

A street/work survey of young people in West Lothian on drug, alcohol and tobacco use and sexual health behaviour of young people aged 12-18.

NHS National Services Scotland - ISD ‘Smoking, drinking, drug use and sexual health among schoolchildren in the Western Isles.’

January 2001.

A survey of the prevalence of drinking, smoking and drug use among Western Isles schoolchildren as well as establishing views and knowledge on a range of sexual health issues.

Northern Ireland Court Service (NICtS)

Offences - NICtS holds a list of 52 individual alcohol related offences for which a person can be prosecuted or convicted. Whilst NICtS do not currently make a record of the number of cases that fall into each of these categories, they still hold records of convictions and prosecutions on paper files for the years 1993 to 2002, and these could be checked over to produce frequencies for each alcohol related offence. Alternatively the DSS is the source for prosecutions and therefore they (or the DPP on their behalf) would be able to provide the numbers, areas and the results of these prosecutions.

Licensing - Figures for the number of licences granted to new establishments plus the total number of renewal licences, occasional licences and transfer (and other) licences issued each year can be found in the publication entitled ‘**Judicial Statistics 2002.**’ which can be accessed on the NICtS website at:

www.courtsni.gov.uk/en-GB/Publications/Targets_and_Performance/p_tp_judicialstatistics2002.htm. (See Tables D11.2, P57 and E14, P76.)

The 2003 publication is due to be published very

soon. Legislation regarding licensing was changed approximately five to six years ago. Prior to that a license had to be renewed annually, however under the revised legislation it must be renewed every five years. Based on these figures it would be possible to ascertain the number of licenses granted to licensed premises in Northern Ireland each year, if the records for the last six years were to be made available. Courthouses also send a record of the number of licence applications to the Social Legislation Office at the Department for Social Developments (at Dundonald House) taken from registers held at each courthouse. These registers contain the names and addresses in relation to each licensed premise, and can be inspected on payment of a fee should this be required. Court administrators at each court location should be contacted in the first instance to discuss access issues.

Mapping - It should also be possible to pull together a list of postcodes from the NICtS files of all licensed premises in Northern Ireland at any one time, and to map these using GIS. The paperwork relating to new applications for licences are held by individual county courts whilst the renewal, transfer, occasional and other licences paperwork is held at the magistrates courts, these are in one location for all combined court offices. Similarly this mapping exercise could be repeated for the postcodes of offenders by their home address. This would involve substantial administrative resources at the outset, as these addresses and postcodes, assuming that all the records include postcodes, are held on paper files at individual courthouses rather than being held centrally on computer. It is envisaged that the Integrated Court Operation System (ICOS) will capture all register details electronically by early 2006. In relation to licensing, those premises which were granted a licence within the last year do not apply for renewal until they approach their five year renewal date therefore it is feasible that in 5 years time the system will be accurate for all licensed premises.

Northern Ireland Crime Survey (NICS)

NIO have conducted the Northern Ireland Crime Survey since it began in 1994. It currently runs every 2 years however plans are afoot to run it annually from 2005. From this survey NIO have been able to produce figures for the percentage of victims of violent crime who believed that the offender in their case had been under the influence of alcohol. A question determining this percentage was asked in the Survey in 1998, 2001 and 2003-04, however it was not asked in the earlier 1994 sweep. It is only asked of respondents who have been victims of crime in the last 12 months and who knew something about the offender.

As the Crime Survey questionnaire is very long at present it will be looked at again critically prior to moving to an annual Survey in 2005, and a decision will be made as to whether to retain this question. Interest in the result of a particular question will be taken into account when deciding whether it will remain in future surveys.

Of the 830 crime incidents picked up by the Survey sample in 2003-04, 115 were violent. Of these 115 victims, a base of 107 were asked if, as far as they knew, the offender or offenders had been under the influence of alcohol. It was found that 59% of

victims stated that the offender or offenders had been under the influence of alcohol, 26% believed this hadn't been the case and 15% didn't know. These results are un-weighted as they relate to incidents rather than respondents. Caution should be taken when using these findings as there is such a low base for this question, particularly when the results are split into property and violent crime.

Northern Ireland Omnibus Survey

The Northern Ireland Omnibus Survey is a multi-purpose survey which contains questions about a wide range of issues which is run every two to three months depending on client demand. It is a fast, effective and reliable way of obtaining information from a representative sample of people in Northern Ireland. Addresses are selected using a random sampling method, based on the Valuation and Lands Agency list of all domestic properties in Northern Ireland, ensuring that addresses are spread proportionately across Northern Ireland. All fieldwork is carried out by CSU's panel of fully trained and experienced interviewers. The face-to-face interviews are conducted over a five week period at a minimum of 1,100 addresses, taking one randomly selected person aged 16 at each address, therefore the interviewers have no influence over who is interviewed. Unlike quota samples, this method avoids the bias introduced when interviews are only taken from those respondents who are easy to persuade to take part in the survey. The results are available two weeks after the end of this field period.

Requests for the inclusion of questions in the omnibus can be accepted up to three weeks before fieldwork begins, subject to space being available. Clients can either provide their own questions or can consult with Central Survey Unit to develop appropriate questions to meet their needs however questions requiring substantial development need to be requested before the three week deadline. It is conducted using the latest Computer Aided Interviewing (CAI) technology, which ensures not only the fastest turnaround and the highest quality of data but also projects an image of professionalism to the respondent.

The omnibus offers clients a probability random sample; high response rates; advice on questionnaire design; and the option of analysis by a large number of classificatory variables such as age-group, gender, religion, marital status, disability status, dependent status, socio-economic group, employment status, economic activity status, highest qualification level and urban rural areas.

The Omnibus can be used to measure the effectiveness of publicity campaigns and public awareness of new policies or to obtain quick answers to questions of immediate interest or small amounts of information which do not require a full survey.

The **'Road Safety Monitor 2003'** is a publication produced by CSU, which has been commissioned by the Department for Regional Development (DRD). It has been running for 10 years, therefore trend data is available, and fieldwork is carried out annually in May. The Report presents the findings from the Road Safety Module that is taken from the Omnibus Survey. It contains results

from the 2003 survey, including a section on drink driving that addresses drink driving behaviour, attitudes and awareness. Results are presented in tabular form with a breakdown by age and gender. Additional breakdowns are also provided for specific tables as appropriate, such as a breakdown by driver status (driver or non-driver). This publication can be accessed online at the CSU website at the following address: www.csu.nisra.gov.uk/publications/default.asp. Results from the May 2004 monitor are due to be published in September 2004.

National Assembly for Wales 'Road Accidents: Drinking and Driving, 2001.'

This statistical bulletin published in December 2002 addresses the number of casualties resulting from drink driving accidents was published in December 2002. The information presented here relates only to those cases where personal injury accidents reported to the police occurred. The figures also partly reflect the testing policies of the individual police forces and other extraneous factors. It can be found at the following website address: www.wales.gov.uk/keypubstatisticsforwalesheadline/content/transport/2002/hdw200212161-e.htm.

Office of National Statistics (ONS) Sources - United Kingdom (UK) only

The Department of Health compiles data on smoking and misuse of alcohol from a variety of sources, which can be accessed online via the ONS at <http://www.statistics.gov.uk/STATBASE/Analysis.asp?vlnk=116>. Occasional publications on trends are also prepared. This is collected and compiled biennially with data for alcohol available for 1986 onwards, covering England, Scotland and Wales, with full geographic coverage. Commonly available units for which aggregate data are made available are Regional Health Authority (RHA) or Regional (Health) Office Area while the standard geographical classification or coding systems used is Government Office Regions. Key census variables used are age/date of birth; ethnic group; marital status; sex; social group; and socio-economic group.

The publication **Office of National Statistics (ONS) 'Social Trends'** draws together social and economic data from a wide range of government departments and other organisations across the UK to paint a broad picture of society, and how it has been changing. There are 13 chapters each focusing on a different social policy area, described in tables, figures and text including population; households and families; social protection; crime and justice; and lifestyles and social participation. It can be found on the website of The Office of National Statistics at www.statistics.gov.uk/StatBase/Product.asp?vlnk=5748&Pos=&ColRank=1&Rank=422.

Office of National Statistics (ONS) 'Regional trends' is a comprehensive annual source of official statistics for the Statistical Regions of the United Kingdom (Scotland, Wales, Northern Ireland and the Government Office Regions within England). It includes a wide range of demographic, social, industrial and economic statistics covering aspects of life in the regions . Publication chapters include: 'regional' profiles; European Union regional statistics; income and lifestyles; crime and justice; and sub-regions of England, Wales, Scotland and Northern Ireland. www.statistics.gov.uk/StatBase/Product.asp?vlnk=836&Pos=&ColRank=1&Rank=422.

Office of National Statistics (ONS) 'Motoring Offences and Breath Test Statistics, England and Wales 2001' (Statistical Bulletin 03/03 – Margaret Ayres, Paul Hayward & Dave Perry)

This Home Office Report produced in conjunction with the ONS and published in February 2003 covers the total roadside breath tests required in England and Wales and the number found to be positive or refused. It also contains motoring offences dealt with by various types of official action for those driving under the influence of alcohol or drugs (although these two substances are dealt with as one, rather than separated). Analysis by quarter (of the year) and by police force area are also included. Findings of guilt at all courts for this offence are also provided for 1991 to 2001, including by age and sex of offender. A number of tables contain figures for 1951, 1961, 1971, 1981, 1991 and 1994 through to 2001. The Report can be accessed online at www.homeoffice.gov.uk/rds/pdfs2/hosb303.pdf.

Office of National Statistics (ONS) 'Statistics on Alcohol; England, 2003', (Statistical Bulletin 03/20).

This statistical bulletin was produced by the Department of Health in conjunction with ONS and was published in October 2003. It reports on drinking among adults aged 16 and over; drinking among young people aged 11-15; alcohol releases for home consumption; alcohol-related ill health; and other indicators of alcohol-related harm. It also details expenditure on alcohol from 1980 to 2002, and provides indices of alcohol price. Table 17 within the Bulletin gives a break down by types of crime whereby offender(s) were under the influence of alcohol in violent incidents for England and Wales for the years 1998, 2000 and 2001/02. This table was sourced from the *Home Office British Crime Surveys*. Table 18 details the number of persons cautioned, proceeded against, and those found guilty of drunkenness by Gender in England and Wales for the same years as the previous table. The source for this table was the *Home Office Statistics England and Wales* (Supplementary Tables 2001 volumes 1 and 3). Table 19 lists the number of proceedings at magistrates' courts, from 1990 to 2001, for driving after consuming alcohol or taking drugs, however these figures include those who were under the influence of drugs rather than alcohol. These were taken from the Home Office Statistical Bulletin (03/03) '**Motoring Offences and Breath Test Statistics, England and Wales 2001**', Table 8. Table 20 of the ONS

Bulletin provides figures for the breath test results and convictions relating to these from 1980 to 2001, also taken from the Home Office Bulletin.

Office of National Statistics (ONS) 'Living in Britain 2002' is a publication that was produced by ONS in 2004 based on the results of the 2002 General Household Survey (GHS). The GHS uses two measures of alcohol consumption: maximum daily amount drunk last week; and average weekly alcohol consumption. Figures are included for alcohol consumption by sex, and by weekly-based measures of alcohol consumption reported, when drinking questions were first asked on the GHS in 1978. Questions relating to maximum daily amount have been asked since 1998, reflecting the move in 1995 from weekly-based to daily-based guidelines from the Department of Health. Longer-term trend data from the GHS are currently only available for weekly-based measures. A summary of the section on drinking from this Report can be accessed online at: www.statistics.gov.uk/cci/nugget.asp?id=829.

Further tables taken from this Report are also available from the ONS website for the average number of units of alcohol consumed per week by men and women aged 16 and over, in 2002, broken down by Government Office Region; by usual gross weekly earnings (for those in full-time employment); by economic activity status; by usual gross weekly household income; and by socio-economic classification of the household reference person. These tables can be found at www.statistics.gov.uk/cci/nscl.asp?ID=5652.

Office of National Statistics (ONS) Expenditure and Food Survey (EFS)

The EFS is a continuous survey, collecting information on household expenditure, income and food consumption. The primary uses of the survey are to provide information about spending patterns for the Retail Price Index, and about food consumption and nutrition. The Survey provides average weekly expenditure figures on various goods including alcohol. The EFS is commissioned by the Social Survey Division (SSD) of ONS and by the Department for Environment, Food and Rural Affairs (DEFRA). The main customers are divisions within ONS, DEFRA and a number of other government departments. SSD is responsible for the survey design and carries out fieldwork in Great Britain, while the Central Survey Unit (CSU) of the Northern Ireland Statistics and Research Agency (NISRA) undertakes the fieldwork in Northern Ireland. The family spending report entitled '**UK Expenditure and Food Survey Report**' can be accessed at the following website address:

http://www.statistics.gov.uk/downloads/theme_social/Family_Spending_2002-03/Family_Spending_2002-03.pdf.

Office of Population Censuses and Surveys – Social Survey Division '*Drinking in England and Wales in the late 1980s.*'

Eileen Goddard. Published 1991.

This Report includes background to the Survey such as licensing laws in England and Wales; the impact of the changes in opening hours of licensed premises; drinking and driving; alcohol consumption; patterns of drinking; problem drinking; types and strengths of drink; drinking and general health; and alcohol and work. It covers 1989, but makes comparisons back to 1987, and provides a background to the survey which includes licensing in England and Wales and changes in alcohol consumption in the decade before the implementation of the 1988 Licensing Act.

Police Service of Northern Ireland (PSNI)

PSNI have collated figures for Road Traffic Collision (RTC) casualties in NI from 1990 to 2003. The figures may not be directly comparable to those collated in the ONS Statistical Bulletin due to differences in coding methods for driver alcohol related collisions, and also as there is no adjustment made for under-reporting for collisions recorded by PSNI. At this stage figures for 2003 are provisional and are therefore subject to amendment.

Figures for RTC casualties by year provide a total number of all road traffic casualties, and subtotals for the total number of casualties within these figures whereby the primary causation factor was judged to be driver/rider alcohol. These casualties are then broken down into the number killed, seriously injured and slightly injured. This table also includes figures for pedestrian casualties and deaths whereby the pedestrian was under the influence of alcohol or drugs. '**Northern Ireland - Principal Factors in Road Traffic Collisions: 2003**' is available online at the following PSNI website address: www.psni.police.uk/calendar_stats3-2.doc.

Figures are also collated for the number of casualties due to driver or rider alcohol providing a breakdown by age and road user type (pedestrian, pedal cyclist, motorcyclist, car occupants and other road users). Further tables are also available for breakdown of total number of alcohol related road casualties by age and gender. These figures can be accessed on the PSNI website at:

www.psni.police.uk/index/statistics_branch/pg_road_traffic_related_statistics.htm.

[PSNI also employ crime analysts within each DCU who record statistics for their own DCU for criminal activity that does not proceed to court.](#)

[When someone is charged with an offence, the actual](#) charge sheet would include the address or location at which the offence took place,

and these could be used in a mapping exercise for alcohol-related offences however this can only be done for those cases which detail on the charge sheets whether the offender was under the influence of alcohol. This part of the charge sheet is not always complete and therefore under-recorded.

Portman Group ‘*Counting The Cost: The measurement and recording of alcohol-related violence and disorder.*’

January 2001.

This Research Report examines in detail the current procedures used to record and collate information on alcohol-related violence and disorder. It was commissioned in order to investigate how different agencies approach the problem of defining and measuring alcohol-related disorder. It also suggests ways in which greater accuracy and consistency could be achieved in doing this in future. The research was based on qualitative research, telephone surveys and questionnaires focusing on data from the police; hospital A&E departments; crime reduction partnerships and projects; city and town centre managers; and the Netherlands. It also incorporated an industry view. It concluded that inadequate recording practices were not enabling the scale and nature of alcohol related violence and disorder to be assessed accurately, and suggested finding or producing a clearer definition of the term ‘alcohol related’. It also pointed that it was very difficult, if not almost impossible, to make an objective evaluation of initiatives aimed at reducing alcohol related violence and disorder.

Portman Group ‘*Keeping The Peace: A guide to the prevention of alcohol-related disorder.*’

This Report served as a model for setting up schemes to prevent alcohol related disorder, and it provided a guide to prevention at a local level. It covered various aspects of drink-related disorder and considered the role that each group or agency can play in reducing the problems. It addressed partnership approaches; town centres strategies; pub-watch and similar schemes; exclusion orders; operation of licensed premises; alcohol counselling services; door staff; training; designing out violence; and current initiatives in place.

Social Care Institute for Excellence ‘*Families that have alcohol and mental health problems: a template for partnership working.*’

January 2003.

Report is about delivering high quality co-ordinated services to families where children live with parents who misuse alcohol or have mental health problems.

Social Care Institute for Excellence ‘*Alcohol, Drug and Mental Health Problems: working with families*’

January 2003.

Focuses on the policies and practices that can promote integrated services to families where a parent has persistent mental health, alcohol or drug problems.

Sociological Research Online ‘Researching a Hard-To-Access and Vulnerable Population: Some Considerations On Researching Drug and Alcohol-Using Mothers.’

January 2000.

Research methodology on specific population groups.

The Academy of Medical Sciences ‘Calling Time.’

March 2004.

The scientific evidence indicates that, for the health of the public, action is required to reduce the consumption of alcohol at a population level.

The Northern Ireland Life and Times Survey

The Northern Ireland Life and Times Survey was launched in October 1998 and is carried out by the Queen’s University of Belfast and the University of Ulster. It has its roots in the [Northern Ireland Social Attitudes Survey](#), which ran from 1989 to 1996 and records the attitudes, values and beliefs of the people in Northern Ireland to a wide range of social policy issues. In 1998 it asked one question relating to drunkenness, which has not been repeated since. It should be noted that this question did not differentiate between ‘drunks’ and tramps. The question was worded as follows:

How common are drunks or tramps on the streets in your area?

The survey can be accessed online at: www.ark.ac.uk

Scottish Crime Survey (SCS)

Information including introductory pages, resources, and frequently asked questions is now available on the ESDS Government website at the following address: www.esds.ac.uk/government/scs/web_pages.

Before the separate survey series for Scotland was established, Scottish data were collected as part of the 1982 and 1988 waves of the British Crime Survey in 1982 and 1988. The SHS was run independently from the British Crime Survey since these 1988, in 1993, 1996 and 2000.

These can be accessed through the UK Data Archive site at www.data-archive.ac.uk/findingData/scsTitles.asp.

Scottish Executive Nicholson Committee

The core 'licensing principles' recommended by the Nicholson Committee set out in the Licensing (Scotland) Bill were the prevention of crime or disorder; the promotion of public safety; the prevention of public nuisance; the promotion of public health; and the protection of children from harm.

The main proposals included:

- Improved monitoring of licence condition compliance and tougher sanctions on those who break the conditions
- An end to irresponsible drink promotions which encourage binge drinking
- A clear national framework will be established but with local flexibility. The Executive propose to put Local Licensing Fora on a statutory footing and new requirements for licensing boards to assess local provision
- Improvements to the objection process including widening the range of local people able to object
- The system of opening hours will be replaced with a 'premises by premises' approach to hours.

Scottish Executive *'Liquor Licensing and Public Disorder: Review of Literature on the Impact of Licensing and Other Controls, and Audit of Local Initiatives.'*

January 2003.

This Literature review addresses the impact of licensing law and other controls on public disorder. The review was written prior to the Nicholson Report and provides evidence regarding licensing issues such as regulating the control of the sale of alcohol; initiatives to control licensing and the availability of alcohol; targeting groups or areas; controls on location of drinking; drink-driving; and alcohol as a defence for committing crime. It details initiatives that were then being piloted in Scotland and summarises any issues that these initiatives raised. The review is very extensive and references many studies from not only the United Kingdom, but also international studies, predominantly from the United States of America and Australia.

Scottish Executive *'Liquor Licensing in Scotland, 1999-2003. A Scottish Executive National Statistics Publication on liquor licensing in Scotland in the Scottish Executive's Criminal Justice Series: (CrJ/2004/3).'*

May 2004.

This document provides statistics for liquor licences in force by type of premises, by licence type, and by council area. It also looks at regular extensions, refusals of licences; and at registered clubs. It provides tables also for liquor licensing law offences recorded by the police, by type of offence, and persons charged.

Scottish Executive ‘*The Nicholson Committee Report on Liquor Licensing Law in Scotland: Analysis of Consultation Responses.*’

March 2004.

Scottish Executive ‘*Criminal Proceedings in Scottish Courts 2002.*’

February 2004

Scottish Executive bulletin presenting statistics on criminal (including alcohol related) proceedings in Scottish courts thus providing information about those prosecuted in Scottish courts.

Scottish Executive ‘*Liquor Licensing in Scotland 1998–2002.*’

January 2003.

This publication is produced annually and provides statistics covering the previous 4 years.

Scottish Executive ‘*Recorded Crime in Scotland 2002.*’

January 2003.

This is an annual publication reports statistics on crimes and offences recorded and cleared up by the eight Scottish police forces, in this case for 2002.

Scottish Executive ‘*Road Accidents Scotland 2002.*’

November 2003.

This annual publication provides detailed statistics about road accidents, accident costs, vehicles involved, drivers and riders, drink-drive accidents, drivers breath tested, and casualties.

Scottish Executive ‘*Homicides in Scotland in 2001.*’

January 2002.

This publication provides annual statistics on those charged with homicide including relationship to alcohol.

Scottish Executive ‘*Domestic Violence: Findings from the 2000*

***Scottish Crime Survey.*’** January 2001.

This report presents the findings from the 2000 Scottish Crime Survey (SCS) relating to domestic violence including the relationship to alcohol.

Scottish Executive ‘*Drinking and driving: prevalence, decision-making and attitudes.*’ January 2001.
Research on drinking and driving in Scotland.

Scottish Executive ‘*The Scottish Health Survey 1998.*’
January 2000.
Scottish wide health survey including questions on drinking.

Scottish Executive ‘*Effective And Cost-Effective Measures To Reduce Alcohol Misuse In Scotland: A Literature Review.*’
January 2001.

Scottish Executive ‘*Scottish Community Care Statistics 2001.*’
January 2002.

An annual publication which provides statistics on the community care across the range of health and social care services for adults in Scotland.

Scottish Executive ‘*Mind the Gap - Meeting the needs of people with co-occurring substance misuse and mental health problems.*’
November 2003.

Scottish Executive ‘*Health in Scotland 2003.*’
April 2004.

Annual Report of the Chief Medical Officer.

Scottish Executive ‘*Attitudes Towards Alcohol Misuse: Views of the General Public.*’ January 2001.

Scottish Executive ‘*Attitudes towards alcohol: views of the general public, problem drinkers alcohol service users and their families and friends.*’
January 2001.

Scottish Executive *'Consultation with Children and Young People on the Scottish Executive's Plan for Action on Alcohol Misuse.'*

January 2001.

Consultation with Children and Young People on the Scottish Executive's Plan for Action on Alcohol Misuse.

Scottish Executive *'Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2002.'*

November 2001.

Reports on smoking, drinking and drugs use in the context of other aspects of pupils' lifestyles.

Scottish Executive *'Underage Drinking and the Illegal Purchase of Alcohol.'*

January 2003.

Report on research on under-age drinking behaviour of young people, and the extent to which alcohol is purchased illegally.

Scottish Executive *'SALSUS Interim National Report Survey of substance use prevalence amongst schoolchildren in Scotland, including data on health behaviours, health and well being indicators and social contextual variables.'*

January 2003.

In addition to this national report, local reports are available for key findings from SALSUS on the prevalence of smoking, drinking and drug use among 13 and 15 year old pupils attending schools in Scottish Regions in 2002 are available for the following regions: West Lothian, Shetland, Perth and Kinross, Orkney, Moray, Midlothian, Lanarkshire, Highland, Greater Glasgow, Forth Valley, Fife, Edinburgh City, East Lothian, Dundee City, Dumfries and Galloway, Borders, Ayrshire and Arran, Argyll and Clyde, Angus, Aberdeenshire, and in Aberdeen City.

Scottish Executive *'Alcohol Misuse in Scotland: Trends and Costs.'*

January 2001.

Alcohol Misuse in Scotland: Trends and Costs.

Scottish Executive *'Getting our Priorities Right: Good Practice Guidance for working with Children and Families affected by Substance Misuse.'*

January 2003.

Guidance for everyone who has an interest in the well-being of children and families including staff in drug and alcohol services, children's services and criminal justice agencies.

Scottish Executive '*Towards A Plan For Action On Alcohol Misuse.*'

January 2003.

Summary Of Evidence.

Scottish Executive '*ARBD - A Fuller Life.*'

April 2004.

Report of the expert group on Alcohol Related Brain Damage.

Scottish Executive '*Plan for Action on Alcohol Problems.*'

January 2001.

Scottish Executive's national plan for alcohol problems.

Scottish Intercollegiate Guidelines Network '*The management of alcohol dependence in primary care.*'

January 2003.

This guideline pertains to patients with alcohol dependence, hazardous or harmful drinking in primary care (general practice and community nursing) and among those attending, but not admitted from, A&E departments.

The National Centre on Addiction and Substance Abuse (CASA) USA '*Teen Tiplers: America's Underage Drinking Epidemic.*'

January 2002.

Report that documents the pathways to use and abuse of alcohol by children and teens and identifies obstacles that hamper efforts to prevent underage drinking.

The National Centre on Addiction and Substance Abuse (CASA) USA '*The Economic Value of Underage and Adult Excessive Drinking to the Alcohol Industry.*'

January 2003.

This report estimates the amount spent on alcohol by underage and excessive drinkers in the USA.

‘Dealing with Drink: Alcohol and Social Policy.’

Dr Betsy Thom.

This book is a review of social policy relating to alcohol over a period of almost 50 years, which was published prior to the Department of Health's new strategy on alcohol. It addresses how attitudes and responses to alcohol and alcohol problems developed over this period, and the changing reaction of Governments to alcohol policy. The immensely detailed research unravels the confusion in both the professional and laypersons' understanding of how perceptions have gradually changed from the concept of alcohol as a disease to controlling consumption. At the same time, this account of alcohol policy provides a case study, which would be useful to those who have an interest in how social policies emerge, change and develop. It raises the following questions and illustrates answers to them through an examination of alcohol policy over the past fifty years:

How do issues move on and off policy agendas?

Why do some policy statements fail to be implemented?

What is the role of civil servants, professional leaders, or pressure groups in policy formation?

How do inter-departmental tensions or the conflicting interests of different social groups influence policy objectives and policy outcomes?

To what extent is policy ‘evidence based’?

To obtain a copy of this book email fab@melmoth.demon.co.uk, or phone 020 7388 3182.

TSO ‘Road casualties in Great Britain 2002 – Annual Report’ (previously called *Road Accidents Great Britain*) was published by TSO in 2003.

This Report provides detailed analyses of road casualties and reports on trends in relation to casualty reduction targets. Some of the tables present 2002 figures in relation to the baseline figures for casualty reduction targets.

In addition to the detailed statistical tables, the publication also includes an article presenting final estimates of road accidents involving drink driving for 2001, and provisional figures for 2002. The provisional drink drive figures show that the number of deaths in accidents involving drink driving has risen and casualties of all severities appear to be on the increase. The full Report is available online at: www.dft.gov.uk/stellent/groups/dft_transstats/documents/page/dft_transstats_024293.hcsp.

TSO ‘Smoking, drinking & drug use among young people in Scotland in 2000.’

January 2001.

Survey to monitor smoking, drinking and drug use among secondary school children aged 12-15 in Scotland.

University of Strathclyde *'Perceptions of factors that promote and protect against the misuse of alcohol amongst young people and young adults.'*

January 2001.

A report on qualitative research exploring alcohol use and problems among young people in Scotland.

US Department of Justice USA *'Alcohol and Crime.'*

January 1998.

Overview of national (US) information on the role of alcohol in violent victimization and its use among those convicted of crimes.

World Health Organization *'Global Status Report: Alcohol and Young People.'*

January 2000.

Drawing on WHO's global alcohol database, this report provides an overview information relating to young people.

World Health Organization *'Needs Assessment.'*

January 2002.

A World Health Organisation workbook to assist with substance misuse needs assessments.

World Health Organization *'Brief Intervention for Hazardous and Harmful Drinking. A Manual for Use in Primary Care.'*

January 2001.

This manual is written to help primary care workers – physicians, nurses, community health workers, and others – to deal with persons whose alcohol consumption has become hazardous or harmful to their health.

World Health Organization *'International guide for monitoring alcohol consumption and related harm.'*

January 2000.

Guidance on the development of indicators of alcohol consumption and harm.

World Health Organization *'International Guide for Monitoring*

Alcohol Consumption and Related Harm.'

January 2000.

The purpose of this document is to provide principles and guidance on the development of indicators of alcohol consumption and harm for different countries with different levels of resources.

World Health Organization ‘*European Alcohol Action Plan 2000-2005.*’

January 2000.

The aim of EAAP for the period 2000–2005 is to prevent and reduce the harm that can be done by alcohol throughout the European Region.

World Health Organization ‘*Global Status Report: Alcohol and Young People.*’

January 2001.

Provides an overview of the prevalence of drinking among young people, alcohol-related mortality and other health effects, and prevention policies designed to reduce alcohol-related problems among the young.

World Health Organization *Neuroscience of Psychoactive Substance Use and Dependence: Summary.*’

March 2004.

Summary of current knowledge of the biological basis of substance use behaviours.

Young Persons Behaviour and Attitudes Survey (YPBAS)

A consortium of government departments and public bodies commissioned CSU to design and conduct a study on the behaviour and attitudes of young people in post-primary education in Northern Ireland, resulting in the YPBAS. The content of the Survey questionnaire is set in consultation with the clients. This school-based survey is conducted among 11-16 year-olds and covers a range of topics relevant to the lives of young people today including alcohol. As yet only two rounds of the survey have taken place: one in Autumn 2000 and again in Autumn 2003. The self-completion paper questionnaire asks a range of questions including the behaviour and attitudes of young people towards alcohol (asked in both years), and antisocial behaviour (asked only in the latter year). Results can be found at the following address online:

www.csu.nisra.gov.uk/surveys/survey.asp?id=11&details=3.

The latest bulletin entitled ‘YPBAS Headline Bulletin 2003 (Weighted)’ was published in June 2004 and Can be found online at

[http://www.csu.nisra.gov.uk/archive/Surveys/YPBAS/PUBLICATIONS/YPBAS%202003%20Headline%20Bulletin%20\(weighted\).pdf](http://www.csu.nisra.gov.uk/archive/Surveys/YPBAS/PUBLICATIONS/YPBAS%202003%20Headline%20Bulletin%20(weighted).pdf).