

**NORTHERN IRELAND ASSEMBLY
COMMITTEE FOR COMMUNITIES**

**CALL FOR EVIDENCE AND VIEWS ON THE LICENSING AND
REGISTRATION OF CLUBS (AMENDMENT) BILL**

Please note that in most cases your written submissions will be published on our website and may be quoted in the Committee's report or in Committee meetings (which are public and broadcast).

If you would like to request that what you tell us is published without your name, please contact the Clerk at the following email address: Committee.Communities@niassembly.gov.uk or by calling 028 9052 1939.

We will consider all requests for information to be treated anonymously.

Please provide comment on any or all parts of the template. If you do not agree with a particular clause, please consider suggesting how it should be amended to meet its objective.

Please indicate if you are providing a submission:

- as an individual
- on behalf of an organisation or business

**SUBMISSION FROM: Rosemary Richardson, Head of Tourism (jobshare),
Ards and North Down Borough Council**

If you are responding on behalf of an organisation or business, please tell us briefly how it relates to the subject matter of the Bill:

The Council seeks to promote the borough as a food tourism destination – the provisions of the Bill impact on our ability to do so optimally in certain circumstances.

1. The Policy Objectives of the Bill

The policy objectives of the Bill are *“to introduce a balanced package of measures to update the law in respect of the retail sale of alcoholic drinks and to make it more responsive to the current social and economic environment”*.

1.What are your views on the overall policy objectives? Do you think that the Bill will meet those objectives? If not, why not?

ANDBC Comment: The overall policy objectives are welcomed and represent some progress for both tourism and the drinks production sector. The Bill falls short on delivering the changes needed in several key matters that do need addressed in the interests of tourism development and producers:

- **Major Events:** The Bill doesn't provide clarity on how a major event is decided nor the detail needed on the role and responsibilities of local authorities in working with the department.
- **Producer Licence:** this is welcomed. However, the Bill fails to provide the flexibility needed for producers to be better included within tourism development via food and drink tours and visitor servicing.
- **Direct Sales & Sampling:** Producers and licensed hospitality businesses do not benefit from the same terms as off-licences; this limits their participation in food and drink trade events and tourism experiences and is a disincentive to participate.

Migration of licences: The Bill does not address a fundamental flaw of current licensing that creates migration of licensed premises from rural areas to honey pot sites. Villages continue to be depleted of licensed premises.

2. Easter Opening Hours and Additional Permitted Opening Hours

What are your views on the provisions in the Bill on:

(2a) The removal of restrictions at Easter [[Clauses 1 & 23](#)]?

Click or tap here to enter text.

(2b) Additional permitted hours for certain licensed premises [[Clause 2](#)]?

Click or tap here to enter text.

(2c) PSNI authorisation for additional permitted hours for smaller pubs [[Clause 4](#)]?

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3. "Drinking-up Time" and the Alignment of Alcohol and Entertainment Licences

The Bill contains provisions to extend the current "drinking up" time in licensed premises and private members' clubs from 30 minutes to 1 hour [[Clauses 5 & 24](#)].

The Department for Communities states that the aim is to discourage customers from drinking too quickly and to allow a more gradual departure from premises at closing time, especially from large venues.

(3a) What are your views on the extension of “drinking-up” time?

Click or tap here to enter text.

(3b) What impact do you think it would have on alcohol consumption towards closing time and during ‘drinking up’ time?

Click or tap here to enter text.

(3c) What impact do you think it would have on issues such as anti-social behaviour and crowd dispersal?

Click or tap here to enter text.

(3d) Do you have any comments on the proposals to align closing time for liquor and entertainment licences [[Clause 3](#)]?

Click or tap here to enter text.

[4. Supporting Tourism, Special Events and Small Producers](#)

(4a) Do you think that the provisions contained within the Bill will have a positive impact on hospitality and/or tourism and in Northern Ireland? If so, how?

ANDBC Comment:

Whilst the provisions of the bill are welcomed and represent some progress for both tourism and the drinks production sector, there are a few issues that need to be further addressed.

With reference to clause 6; the definition of what constitutes a 'major event' and the process involved needs clarity. Any criterion that will be applied in terms of infrastructure, estimated crowd size and any consideration of local and regional significance needs to be much clearer, for example; the point in the event planning process where the department will decide an event is to be taken in for a decision.

Northern Ireland local authorities cannot presently host trade/tourism events such as the CAMRA trade show without excessive barriers and difficulty. In Scotland and Wales, these large events can be delivered under a local authority event licence rather than a specific venue licence. This means that major and large events can take place in unique locations, adding substantial value to local tourism by creating significant demand for overnight stays. Local authorities in Northern Ireland need to

be able to compete on a level playing field with Scottish, English, Wales and Republic of Ireland towns and cities.

(4b) What are your views on the proposals relating to permitted hours for special events [Clauses 6 & 25]?

ANDBC Comment: This is to be welcomed but there is little detail, and it will be for the Department to make the determination. Further guidance is needed as to how applications can be made and terms such as “*attracting significant interest*” and “*consulting appropriate persons*” need to be defined.

Whilst the clause on major events provides a sensible step forward there is insufficient clarity as to its operation in practice.

(4c) What are your views on the provisions of the Bill that are aimed at supporting small local producers of beer, cider and spirits [Clause 8]? What impact do you envisage this could have on tourism? Do you feel that the regulatory framework, as outlined in the Bill, is sufficiently robust?

ANDBC Comment:

With reference to Clause 8, a producer licence is welcomed, however, for such a licence to work effectively it needs to reflect the way that craft beer and spirits producers are most likely to become established. Production sites are not always amenable for the development of tap rooms or premises suitable for visitors to sample and buy produce.

52B.— (1) A local producer’s licence shall not authorise —
(a) the sale of intoxicating liquor unless it is produced in the production premises;
(b) the sale of intoxicating liquor for consumption in the production premises.

The problem with 52B is that it does not include the flexibility needed to be of any practical use to many producers, particularly so for those in rural locations. The reality for newly established spirit and craft beer producers is that they are likely to have need of separate sites for production and for retail and the development of visitor services. Any producer licence should encompass all those facilities that are part of the distilling/brewing business.

Direct sales are increasingly important for craft beer producers as a reliance on local off licensing chains has proved to be problematic during the covid-19 lockdown. With many restaurants closed the only sales some craft beer producers have managed to achieve has been through supportive small independent off-licences and with 'sale or return' agreements, income is then far from stable. This

means there should be parity in trading terms for off-licences and producer licences.

5. Children and Young People (under the age of 18)

The Bill contains a number of provisions directly relevant to children and young people. The Committee is keen to hear your views on the provisions of the Bill relating to children and young people and the proposed additional safeguarding measures, where relevant.

What are your views on:

(5a) The removal of the requirement of a licensed premises or registered club to hold a children's certificate [Clauses 10 & 26**]?**

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(5b) Permitting certain premises to hold underage functions; the conditions that must be met; the permitted opening hours; and, proposed enforcement action [Clauses 11 & 27**]?**

Click or tap here to enter text.

(5c) Permitting the attendance of young people to remain on licensed premises to attend a private function (e.g. a wedding reception) and the proposed conditions that must be met [Clauses 12 & 28**]?**

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(5d) The strengthening of the current law around the delivery of alcohol [Clauses 9**] and the delivery of alcohol to young people [**Clause 13**]?**

Click or tap here to enter text.

(5e) The prohibition on self-service and sale of alcohol by vending machines [Clauses 15 & 30**]?**

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(5f) Permitting children and young people to be present in a sporting club to 11:00pm during the summer months (1 June to 31 August) [Clause 29**]?**

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(5g) Permitting children and young people to attend an awards ceremony in a sporting club one night per calendar year (until 11pm) [Clause 29]?

Click or tap here to enter text.

(5h) Overall, do you feel the measures are adequate to protect children and young people from alcohol related harm? If not, why not?

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6. Alcohol Consumption and Alcohol-Related Harm

The Bill proposes to address certain aspects of alcohol consumption and related harm, for example:

- Introducing a number of restrictions on off-sales drinks promotions in supermarkets [Clause 16];
- Regulating the delivery of alcoholic drinks to young people [Clause 13];
- Prohibiting the awarding or redemption of loyalty or bonus points for the purchase of alcohol in licensed premises [Clause 17]; and
- Prohibiting the sale of alcohol by way of self-service or vending machine (with certain exceptions) [Clauses 15 & 30].

(6a) What impact do you think these measures will have on reducing alcohol consumption and preventing alcohol-related harm?

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(6b) Do you have any other comments in relation to any other aspect of the Bill in relation to alcohol consumption and alcohol-related harm?

Click or tap here to enter text.

7. Regulation, Enforcement, Offences and Penalties

(7a) The Bill proposes to allow statutory approval for voluntary industry-led codes of practice in relation to the sale and supply of alcohol in licensed premises and registered clubs [Clauses 19 & 32]. Do you feel these are an effective means of helping to regulate the industry? If not, what alternatives would you suggest?

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(7b) The Bill contains provisions to permit a court, when determining an application for an occasional licence, to impose terms and conditions on the licence with consequences for non-compliance [Clause 18]. What are your views on this?

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(7c) What are your views on the measures in the Bill that would require a body corporate (licensee) to notify the courts and police of any change of directorship (within 28 days) [Clause 20]?

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(7d) Throughout the Bill there are a number of new offences and/or penalties under The Licensing (NI) Order 1996, The Registration of Clubs (NI) Order 1996 and The Betting, Gaming, Lotteries and Amusements (NI) Order 1985. The Committee would welcome any comments you have in relation to these.

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8. Resource Implications for Certain Organisations/Bodies

8. What do you think the resource implications will be for:

(a) The PSNI:

Click or tap here to enter text.

(b) Health and social services:

Click or tap here to enter text.

(c) Other organisations (please specify):

Click or tap here to enter text.

9. Registered Clubs

9. Do you have any additional comments on the provisions in the Bill which specifically relate to registered clubs [Clauses 22 to 32]?

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10. Additional Information

(10a) Are there any other measures *not included* in the Bill that you think should be included and why?

Click or tap here to enter text.

(10b) Do you have any other comments you would like to make?

ANDBC Comment:

- Sampling
There is no mechanism within the proposed legislation to provide samples within multi-venue food tours outside of licensed premises. Currently, food tours are either dependent on the presence of a cluster of licensed premises in urban locations or they take must be devoid of any alcoholic beverages at all. This is an impediment to the development of tours and providing range and choice.

- Licence Migration
Fundamentally, the legislation proposed will not change one of the key problems created by current licensing laws, that is the continuous steady migration of licences from rural areas and villages to towns and cities where licensed premises are more lucrative.
Villages and rural communities continue to lose their licensed restaurants and public houses where large pub chains have come, bought a quiet rural pub and then reused the licence in an entirely different location.

- Cost & Availability of Licences
The significant monetary value that is attached to licences is harming the brewing and distilling sector in Northern Ireland and ways need to be found to make it easier for new businesses to gain a licence that meets their needs. The current legislation and the proposed bill do not appear to make this any easier.

- Local Needs & Issues
Licensing should have cognisance of local tourism needs, as in many cases a lack of any licensed restaurants or sufficient competition can actively impede the development of tourism, the creation of food tours and limit the content of visitor services.

Thank you

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