

**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: British Beer & Pub Association

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 British Beer & Pub Association is the leading body representing Britain's brewers and pub companies. The Association is more than a century old and was originally founded as the Brewers' Society in 1904. Our members account for some 90 per cent of beer brewed in Britain today, and own around 20,000 of the nation's pubs.

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?

We agree with the policy objective. The Bill will meet that objective to a large extent; however we identify instances in our responses below where we feel that the Bill should go modified in order to achieve a more reasonable balance and/or to build in flexibility to better ensure that the Bill remains responsive to future needs as well as current needs.

In seeking to be responsive to current social and economic environment, the Bill needs to ensure a regime that offers the best chances for the pub and brewing sector in Northern Ireland to survive and recover from the ongoing COVID-19 pandemic. Businesses and their staff have been hit extremely hard and need every opportunity to return to profitable trading to ensure that jobs are retained and businesses can grow.

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]?

We support the change in the current opening hours for Easter, bringing them into line with normal opening hours (normal permitted hours). This would allow pubs to meet the demands of a changing marketplace, developing tourism economy and the rising costs of running a pub.

Misalignment between both off and on trade outlets causes confusion particularly for those visiting Northern Ireland over the busy Easter period.

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

We support a modest increase in the 'Permitted hours' granted under an Article 44 (late licence) for pubs and hotels, from the current 1.00am to 2.00am. This would allow the hospitality industry to cater for changing consumer behaviour, with people going out later, dining later and wanting later entertainment. These changes would also support the growth in tourism, with international visitors also looking for later entertainment and the sustainability of the hospitality industry.

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

We support an increase in 'Additional hours' under Article 45 (late license) from the current 20 nights per year to at least 85 nights per year for small pubs, but would call for that number to be set at 104 instead. This is a measure to support the sustainability of small (often rural) pubs, which provide a community hub, help to tackle rural isolation and provide local jobs. Registered Clubs, which are not commercial businesses (but often compete for business) had their additional hours increased from to 80 nights per year in a previous licensing bill. Therefore the increase to 104 for commercial premises, especially considering the impacts of the current pandemic, is important to restore the balance.

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?

We support the provision to allow extra time for a more gradual and orderly dispersal of customers, especially from larger premises, and to alleviate pressure on taxis or public transport.

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

We believe a longer drinking-up time will help discourage any rapid consumption of products ahead of a shorter closing time, and that it would not increase the amount of alcohol being sold.

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

We believe that it would result in a more orderly dispersal of customers, thereby reducing the likelihood and size of crowds, which in turn reduces the potential for anti-social behaviour. This in turn should reduce the need for either a police presence or enforcement action.

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

We would not support the alignment of entertainment and liquor licenses if that would require entertainment to finish at the end of current drinking-up time. The provision should not limit the maximum time for entertainment to 1.30am; current consumer trends are for people to go out later, dine later and then look for entertainment. However, if drinking up time was extended by 30 minutes and an additional hour for the sale of alcohol until 2.00am was introduced, the BBPA would reconsider its position.

Whilst laws setting drinking-up times and the end of alcohol sales should be thoroughly enforced, the provision of entertainment beyond the closure of the bar, allows more time for the gradual dispersal of patrons and discourages rapid consumption of products as customers leave.

[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?

We share the view that major events are a very important driver in developing Northern Ireland’s tourism industry, attracting visitors, spectators and event participants. We support the introduction of powers to vary licence conditions to support the viability / sustainability of major events of regional economic or cultural significance taking place in Northern Ireland.

To support the sector, the Bill should enable the power to designate a 'special event' as part of an increase in general permitted hours and drinking-up times.

Departmental powers should also include the ability to vary conditions for significant events taking place both in and outside Northern Ireland.

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

We believe that including suitable provision to enable event-specific decisions on permitted hours to be taken for special events is reasonable, and will allow appropriate decisions to be taken for events that occur throughout the day.

(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?

We support the introduction of new categories of licence that would allow breweries to sell alcoholic products (principally those manufactured on their premises) on their premises, (typically via a taproom, or a visitor bar, or equivalent), other licensed premises or unlicensed premises (subject to appropriate safeguards) Allowing breweries to sell alcoholic products would expand the tourism offer across Northern Ireland and would be supportive of the current high-level of interest in new and existing breweries. Taprooms can be an important source of income for breweries and enabling them to sell alcoholic products direct to customers would improve their sustainability and business prospects whilst also being supportive of locally-produced beer.

We would caution that the obligations and restrictions within any new licence categories for breweries should be comparable to the licence requirements for pubs, and should not offer a competitive advantage in terms of licensing provisions over those of pubs.

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]?

We believe that the need for a separate Children's Certificate, which results in additional paperwork, costs and some confusion should be removed and that the same conditions be included in the main liquor licence instead.

(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]?

We support the provision as a common-sense approach to allow under-18s to attend underage functions in licensed premises beyond 9.00pm, provided alcoholic products are not served and the required conditions are met to safeguard under-18s.

(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]?

As above, we support the provision as a common-sense approach to allowing under-18s accompanied by an adult to attend private functions held at licensed premises beyond 9.00pm.

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

We support the introduction of a requirement to show proof of age for 'Deliveries of alcohol'. Due to the growth of online alcohol sales and deliveries to home addresses, removing the level of supervision provided by over the counter sales, it has become even more important to put measures in place to ensure persons under 18 cannot access alcohol through deliveries.

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

The self-service of alcoholic drinks through different innovations such as "pour your own pint" tables, alcohol vending machines and easier access self-service options all need to ensure the consumer is of legal drinking age and that appropriate measures are in place to prevent excessive consumption. If those safeguards can be adequately met, then there is no need to prohibit such innovations outright.

In terms of existing self-service check-outs, retailers already enforce 'Challenge 25' as an age-verification process such that any purchase must be approved by a suitable staff member.

(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]?

We support the proposal to allow under-18s to remain on the premises until 11.00pm during the summer months as long as appropriate safeguards and appropriate adult supervision are in place.

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

We support the proposal to allow one awards night per year, where under-18s could attend, until 11.00pm.

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

Yes.

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?

Our comments delivery of alcoholic drinks and self-service/vending machine purchase are reflected in earlier answers.

Restrictions on advertising in supermarkets and off-sales

Given Government statistics on alcohol trends and the effectiveness of measures already in place to regulate the marketing and promotion of alcohol in Northern Ireland, we do not think additional restrictions are necessary.

Government statistics show continuing downward trends for overall alcohol consumption, binge drinking and underage drinking in Northern Ireland. UK annual alcohol consumption has fallen 15% since 2004 and the population now drinks less alcohol than 30 years ago.^[1] Statistics from the latest Health Survey Northern Ireland show that the majority of people in Northern Ireland who choose to drink do so responsibly, with 77% drinking below the Chief Medical Officers' lower-risk weekly guidelines (excluding the 23% of adults who do not drink).^[2] There has been a 25% fall in the number of those drinking at an 'increased risk' above guidelines since 2010, most notably amongst younger drinkers (36% fall among 18-24 year olds). Further figures show a 43% fall in underage drinking in Northern Ireland since 2000,^[3] a 14% fall in alcohol-related violence since 2012 in the region,^[4] and a 44% fall in those saying that people being drunk or rowdy in public places is a big problem in their area.^[5]

[1] [WHO Global Health Observatory](#)

[2] [Health Survey Northern Ireland](#)

[3] [Northern Ireland Statistics and Research Agency – Young Persons' Behaviour & Attitudes Survey](#)

[4] [Police Service of Northern Ireland – Police Recorded Crime Statistics](#)

[5] [NI Department of Justice – Northern Ireland Crime Survey](#)

Existing self-regulatory systems and codes have been effective in regulating the marketing and promotion of alcohol in Northern Ireland, including through the Responsible Retailing Code, Advertising Standards Authority, Ofcom and the Portman Group, to ensure alcohol is marketed responsibly and not to under-18s.

Under the Responsible Retailing Code, the Joint Industry Code for the Responsible Promotion of Retail of Alcohol in Northern Ireland, no alcohol promotion in Northern Ireland will be “*advertised on outdoor poster sites (for example, dedicated static advertising sites and hoardings such as billboards) which are within 100m of schools, and all posters must adhere to the Drinkaware brand guidelines to ensure clear and consistent usage*”.

Additional safeguards on sales to under-18s are included in the Retailing Code in terms of ensuring that all premises adopt the Challenge 25 Scheme, provide sufficient training and support to staff to implement it, and follow government guidelines on acceptable forms of ID.

Loyalty schemes

Irresponsible promotions and marketing practices that encourage or incite individuals to drink to excess have no place in the licensed trade. However responsible loyalty schemes are a recognised way of maintaining and developing business but should not be designed to encourage the excessive or immoderate consumption of alcohol. This can be achieved by ensuring sensible timeframes for the collection of points or stamps and building in flexibility on redemption to prevent excessive consumption.

(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?

Remote sale of alcoholic drinks

We would support the clarification of the law in respect of the remote sale of alcoholic drinks to ensure safeguards to prevent and deter sales of alcohol to under-18s.

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?

Yes, we believe voluntary codes can be effective means of regulation. The Department should be permitted to approve industry codes of practice as a means of further supporting effective self-regulation and partnership working.

(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?

A provision to impose terms and conditions is not unreasonable in itself but there should also be a safeguard that allows the applicant to challenge any condition that is believes is unjustified. Conditions should always be proportionate and take full account of the specific characteristics of the application; there should never be a standard set of conditions that are blindly applied to all applications.

(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]?

We feel the level of the fine proposed is disproportionate to the failure to notify. Whilst the desire to ensure that licences remain valid is understood, for a business to make sure that it notifies the courts of any change of director within 28 days or face a fine (or suspension) appears heavy-handed.

(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.

No additional comments.

8. Resource Implications for Certain Organisations/Bodies

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

(a) The PSNI:

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(b) Health and social services:

Click or tap here to enter text.

(c) Other organisations (please specify):

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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]?

No

10. Additional Information

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

a. We believe that the legislation relating to an Article 44 'Permitted hours' (late licence) on Sundays, which currently only allows for the sale of alcohol until 12 midnight, should be brought into line with Permitted hours for the other late nights granted for the premises under the Article 44.

b. We believe that the definition of entertainment under the Article 44 'Permitted hours (late licence) should be amended to reflect modern entertainment options and the requirement for the performer to be live should be removed in order to better reflect a fuller range of entertainment forms, for example: a DJ, watching a live streamed concert, watching a sporting event on live TV.

c. We believe that the legislation should be amended to allow licensed premises with an Article 44 'Permitted hours' late licence to apply for an Article 45 "additional hours" late licence for a night not covered by the Article 44.

d. We believe that Northern Ireland's rural communities could benefit from changes to the regulations that would allow pubs to provide enhanced community services, similar to Post Offices, local shops, community libraries, allowing them to act as a location for community meetings, events, internet access points etc, and to act as hosts for suitable initiatives such as tackling loneliness and social isolation in rural communities. The charity Pub is the Hub operates in this way, to expand the range of functions and services that a pub can provide, thereby helping pubs to survive and cementing their roles at the heart of their communities. The BBPA asks Government to amend the licensing regulations to facilitate licensees to widen their community role based on the model used by Pub is the Hub.

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

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Thank you

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