

SUBMISSION OF VIEWS ON THE LICENSING AND REGISTRATION OF CLUBS
(AMENDMENT) BILL

Submission of Brunswick Moviebowl, Pennyburn Industrial Estate, Derry BT48 0LU,

Introduction

1. As matters currently stand, cinemas are not included in the list of premises set forth in Article 5 of the Licensing (Northern Ireland) Order 1996 (as amended) (“**the 1996 Order**”) in which the sale of intoxicating liquor is authorised by a licence.
2. When one considers that list includes (but is not limited to) premises as varied as hotels; places of public entertainment, theatres, “*a seamen’s canteen*” and racetracks, the omission of cinemas from the list becomes remarkable.
3. It seems to us that the omission of cinemas from this list of premises must be an oversight, as there is simply no logical justification to permitting alcohol be sold to those attending a theatre but not those attending the cinema.
4. The Licensing and Registration of Clubs (Amendment) Bill (“**the Bill**”) affords the Northern Ireland Assembly the opportunity to address and correct this lacuna.
5. It is both surprising and disappointing in equal measure to note that this opportunity has not been taken in the Bill, as introduced.
6. The call from the Committee for Communities for the public’s views on the Bill is welcomed. We note that these views will help inform the Committee Stage of the Bill.
7. We trust that the glaring omission of cinemas from the list of premises for which a licence may be granted will be rectified at the Committee Stage of the Bill. Indeed, Article 8 of the current draft of the Bill proposes to amend Article 5 of the Licensing Order to include “*premises in which the business of producing intoxicating liquor is carried on*”. Resultantly, the addition of cinemas to this list would require nothing more than a further sub-paragraph at Article 8(1) of the Bill.

The Purpose of the Bill

8. According to Overview of the Bill on the NI Assembly's website, "*the main purpose of this Bill is to modernise liquor licensing laws by introducing a balanced package of measures aimed at tackling alcohol misuse and promoting responsible consumption, alongside measures which will provide vital support for the hospitality industry, and assist it in supporting tourism.*"
9. The Explanatory and Financial Memorandum, prepared by the Department for Communities, notes (at point 6) that the aim of the Bill is "*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.*"
10. As regards the current "*social and economic environment*", the Explanatory and Financial Memorandum expressly recognises that the current economic environment is "*particularly challenging*" and that the restrictions placed on the hospitality sector as a result of the COVID-19 pandemic have been "*unprecedented*", noting that the sector was one of the first to close and amongst the last to fully re-open.
11. That is indeed the case with the Brunswick Moviebowl, a family entertainment centre comprising a seven screen cinema, 16 ten pin bowling lanes, a licenced restaurant, a café and a children's soft play centre. There are 52 people from the local community employed in the cinema and a total of 195 people are employed in the centre as a whole. In March 2020 the Brunswick Moviebowl closed its doors due to the COVID-19 pandemic. The centre operated for approximately 23 weeks in 2020 and remains shut to this day.
12. This closure has had a devastating impact on the business and its ability to continue to employ people and support the local community. In simple terms, Brunswick Moviebowl and the Northern Ireland cinema industry as a whole, needs all the governmental and legislative support it can get.
13. Given one of the express aims of the Bill is to "*provide vital support for the hospitality industry*", this can readily be achieved by including cinemas in the list of premises for which a licence may be granted.
14. In sum, the amendment we are advocating for is entirely consistent with the express aims and purpose of the Bill. If the NI Assembly is truly serious about providing "*vital*

support for the hospitality industry”, it should add cinemas to the list of premises for which a licence may be granted.

Illogicality of the Continued Exclusion of Cinemas

15. The omission of cinemas from the list of premises for which a licence may be granted has never been explained, still less justified. For this reason, we firmly believe the omission of cinemas from the list is due to an oversight, albeit one that has not been corrected for the past 24 years.
16. We fully recognise the social dangers of intoxicating liquor and alcohol misuse. We fully support the provisions of the Bill aimed at advancing public safety and the public interest. However, it cannot reasonably be contended that permitting the sale of alcohol in cinemas is inconsistent with the balance the Bill seeks to strike between facilitating the sale of alcoholic drinks, public safety, and the public interest.
17. If that were the justification for the continued omission of cinemas from the relevant list of premises, by the same logic, the Bill ought to prohibit the sale of intoxicating liquor in theatres; places of public entertainment of indoor arenas.
18. The Bill does not seek to reduce the list of premises for which a licence may be granted, presumably due to a recognition that the sale of alcohol at properly managed venues (such as theatres or arenas) is in the public interest and consistent with the purpose of the Bill to support the hospitality industry.
19. However, by the same token, there is simply no reasonable justification for discriminating against cinemas. It is frankly bizarre that one can happily buy an alcoholic drink at the theatre, but not at the cinema. This distinction alone has the potential to cause mass confusion amongst visitors from the United States who want to buy a beer before seeing a film at the movie theatre!
20. The absurdity of the exclusion of cinemas from the relevant list of premises is further underlined by a comparison with the equivalent legislation in the Republic of Ireland, England and Scotland. All of these neighbouring jurisdictions permit the sale of alcohol in cinemas in certain circumstances. This has allowed for the development of unique cinema experiences, where, for example, patrons can enjoy a meal, a drink and a film at the same venue.

21. In this connection, any apprehension amongst members of the Committee that permitting the sale of alcohol in cinemas would lead to anti-social behaviour can be assuaged by looking to our neighbouring jurisdictions for examples of how the sale of alcohol can successfully be integrated with the cinema experience. We would invite the Committee for Communities to review the following examples of cinemas from neighbouring jurisdictions which have combined alcohol and cinema in innovative ways:
- (i) Stella Cinema, Rathmines, Dublin: <https://stellacinemas.ie/rathmines/>
 - (ii) IFI Cinema, Temple Bar, Dublin: www.ifi.ie
 - (iii) Electric Cinema, Portobello Road, London: <https://www.electriccinema.co.uk/cinemas/portobello>
 - (iv) Everyman Cinema, Glasgow, Scotland: <https://www.everymancinema.com/glasgow>
22. It is also important to bear in mind that what this submission advocates is merely the addition of cinemas to the list of premises for which a licence may be granted. It goes without saying that by adding cinemas to this list would in no way exempt cinemas from compliance with, and adherence to, all other provisions of the Bill and/or the 1996 Order, including the addition to conditions to any such licence. Rather, all we are seeking to achieve is for cinemas to be entitled to apply for a licence, but not necessarily to be granted one.

Conclusion

23. There is no logical justification for the continued exclusion of cinemas from the list of premises for which a licence to sell intoxicating liquor may be granted. There is no rational or reasonable basis to exclude cinemas from a list which includes theatres, restaurants, places of public entertainment and indoor or outdoor arenas.
24. Absent any reasonable justification for treating cinemas differently to, say, theatres, we assume that cinemas were overlooked by the drafters of the 1996 Order.
25. The Bill provides the NI Assembly with the perfect opportunity to address this glaring omission from the 1996 Order. Indeed, we note that, as currently drafted, the Bill proposes to extend the list of premises to include “*premises in which the business of producing intoxicating liquor is carried on*”. When extending the right to apply for an intoxicating liquor licence to the owners or occupiers of “*premises in which the business*

of producing intoxicating liquor is carried on”, it is submitted that the same right should be extended to cinemas, their owner or occupiers.

26. As noted above, one of the stated purposes of the Bill is to provide “*vital support for the hospitality industry*”. Cinemas are a vital part of Northern Ireland’s hospitality industry. While precise figures for Northern Ireland are hard to come by, it was reported in 2016, that the broader audio-visual industry¹, is worth more than £65 million, a year to Northern Ireland’s economy.² The Brunswick Moviebowl currently employs 165 people, although that number may prove unsustainable as a result of forced closures due to COVID-19.
27. The Explanatory and Financial Memorandum to the Bill expressly recognises that the COVID-19 pandemic had caused unprecedented challenges for the hospitality sector in particular. One of the purposes of the Bill is to address these challenges by supporting local businesses. This purpose can easily be achieved by adding cinemas to the list of premises for which a licence may be granted.
28. In ordinary times, the continued exclusion of cinemas from this list would be illogical, discriminatory and unjustified. In these unprecedented times, there is a heightened obligation on the NI Assembly to ensure the hospitality sector is properly supported in order to “*preserve businesses, services and jobs*”³. In the current climate, and having regard to the express policy objectives of the Bill⁴, the continued exclusion of cinemas from the list of premises for which a licence may be granted is unforgivable. We hope - and expect - that the Committee for Communities will grasp the opportunity to address this anomaly at the Committee Stage and will amend the Bill to include cinemas in the list of premises for which a licence to sell intoxicating liquor may be granted.

Brunswick Moviebowl

18 January 2021

¹ Which includes TV and online output

² <https://matrixni.org/irish-film-industry-spotlight/>

³ Explanatory and Financial Memorandum, §7

⁴ As set out in the Explanatory and Financial Memorandum, §3 - §8