

**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: [Institute of Licensing](#)

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 Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK, representing local authority, police, private practice and industry practitioners. The organisation operates on a national and local level with 12 regions across the UK, 9 in England together with a Northern Ireland branch, and regions for Scotland and Wales. These local regions are administered by locally based licensing practitioner members elected as a region / branch committee.

The IoL is very supportive of the hospitality industry as a foundation for the development of local tourism, as a provider of local employment and skills development and as an important element in working towards building local communities and reduction of social isolation.

The IoL welcomes the opportunity to comment on alcohol licensing policy and notes the potential for modernising the licensing regime in Northern Ireland. We view this as a

valuable opportunity to support and develop the hospitality industry and night-time economy, whilst protecting community safety and public health.

The IoL would be happy to provide an additional expert practitioner to address the Committee and give a considered response to the proposals within the Bill in light of experience of the licensing arrangements in Scotland, England and Wales if this would be useful.

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?

The last general review of Northern Ireland’s alcohol licensing laws took place in 2012 resulting in the Licensing and Registration of Clubs (Amendment) Bill 2016. The IoL made significant responses to those consultations and this response is based on that pre-existing work.

The IoL welcomes any measures to update the law and considers that the Bill will go some way towards achieving this but submits that there would be merit in more closely examining the existing alcohol licensing regimes in Scotland, and England & Wales to establish if any of those arrangements would work for Northern Ireland.

The IoL is in an excellent position to assist with key licensing law experts within our membership and Board of Trustees and would be happy to work with the Department for Communities if there is any appetite for further review of the law on alcohol and entertainment licensing.

For clarity and consistency, we would suggest that references to ‘alcohol’ and ‘liquor’ are aligned to a single terminology to avoid potential misunderstanding. For the purpose of our response, we have referred to ‘alcohol’ throughout.

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](#)]?

The IoL recognises the significance of the Easter period for many people. However, we are aware that there is frustration in both the tourism and licensing industry that licensed premises are effectively closed at a time when tourists are likely to wish to take advantage of socialising when being off work over the Easter period. In addition to the restricted opening hours, there is no retail activity available on Easter Sunday. In those circumstances it is our view that the current hours are too restrictive, and we would support the relaxation of current restrictions.

IoL experience of the licensing regimes in other parts of the UK have not shown evidence of particular issues associated with relaxations around Easter. Conversely, there is a perceived benefit to the tourism and leisure industry with the longer opening hours.

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

The IoL believes that flexibility in opening hours is important in promoting tourism and the night time economy and in that context welcomes the ability to apply for additional hours.

Licensed premises provide a safe and regulated environment, and any extension to the permitted hours would help deliver staggered closing and attract people out of home drinking into licensed premises.

As a key additional comment, IoL notes that the complexity of these issues and recommend that the Department develops guidance on any new legislation working with relevant stakeholder organisations.

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

IoL supports additional hours for small pubs, which provide a safe and regulated environment, and believe that the proposed minor increase to permitted hours would help deliver staggered closing and attract people out of home drinking and into licensed premises.

However, consideration should be given to location, other mixed-use services and infrastructure surrounding the business. There is a potential that increasing the permitted hours may lead to later incidents of noise, nuisance and disorder problems, principally where the pub is located in a residential area. Police should consider these issues for small pubs when applications are received, and we would strongly recommend consultation with local councils prior to granting any extended hours to ensure that no such problems have arisen.

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?

IoL welcome the proposed extension of drinking up time from 30mins to 1 hour. If successful and implemented to full effect, the extra 30mins may facilitate a more gradual and steady dispersal of patrons, therefore reducing the impact of ‘spilling out’ of customers’ en-masse from licensed premises. It may also prevent unnecessary confrontation and disorder with patrons as management may not have to remove drinks from them at closing time.

Responsible management by licensees will be paramount in ensuring that the extra hour is not misused by customers to binge drink in the last hour, and to manage dispersal of customers to minimise disturbance in the locality through encouraging good behaviour.

Experience in England and Wales is that the provision of time after the sale of alcohol ends and before the premises closes (at the discretion of the premise licence holder) is found to have a beneficial effect on dispersal and customer behaviour.

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

As above, there is potential for customers to buy multiple drinks for consumption in the last hour, but this can be minimised through good management by licensees.

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

Managed responsibly, the extra drinking up time should lead to a more gradual dispersal of customers.

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

Whilst the proposed changes may afford the PSNI some comfort that Licensee’s will not have the opportunity to breach alcohol licensing legislation, it does not permit any flexibility for a Licensee who wishes, with good and justifiable intentions, to provide entertainment beyond the hours of their alcohol licence.

The IoL remains concerned that this proposal has potential to fetter the discretion and powers of local councils and prevent them from acting to suit local circumstances. Experience in England and Wales is that the flexibility to act on evidence allows each case to be considered on its merits.

The IoL considers that district councils should be given powers to deal with both disciplines of the alcohol and entertainments licensing legislation, as they are best placed to administer and issue both types of licence. District councils have already demonstrated their ability to administer alcohol licensing having gained powers under the licensing of pavement cafes which regulate the supply of alcohol to customers outside premises with an alcohol licence. This supports our original suggestion that further examination of the licensing regimes in force in England, Wales and Scotland would provide a good starting point for further review.

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?

Based on experience elsewhere in the UK, IoL supports the provisions on special events and small producers and considers them to be positive changes which will allow Northern Ireland to support tourism and hospitality on special occasions or for major events, and will also support small producers of beer, cider and spirits.

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

The IoL welcomes the provisions and considers it essential that special arrangements or dispensations should be made for events such as the MTV Music awards and for competitions such as the Football and Rugby World Cups.

The Home Secretary has powers in Section 172 of the Licensing Act 2003 (which does not apply to N.I.) to make an Order relaxing opening hour for Licensed premises to mark an occasion of 'exceptional international, national, or local significance' in England and Wales. The IoL previously highlighted (in its response to the Liquor Licensing Laws in Northern Ireland Consultation Document in October 2019) the Department's consultation document for special events which tried to allow for changes for the British Open Golf Tournament at Royal Portrush in 2019.

(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?

IoL supports this clause which will enable local producers of alcoholic drinks, to sell direct to visitors from their manufacturing premises, for consumption off the premises. The restrictions on provision of samples, location of consumption and sales of alcohol from elsewhere are noted. IoL has no issue with these restrictions.

IoL also welcomes the provisions for local producers to sell from other premises, ancillary to other events, which should enable local producers to sell e.g., at 'continental' or artisan markets. The IoL would suggest that 'markets' should be licensed markets regulated by

district councils under their Market Rights or under street trading legislation. This would give a level of control and reassurance on the sale of alcohol outside of the traditional bar or Off Licence premises.

Since the Department holds the power to add or remove categories of premises, it would be helpful if guidance on requirements was developed and kept under review, for local producers and also the district councils (who organise many relevant events locally).

These are generally low risk activities. IoL experience from the mainland is that micro-breweries tend to open with wider shop facilities, and small bars without causing issues or concerns

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](#)]?

IoL supports the removal of the requirement for licensed premises and registered clubs in relation to children's certificates. We consider that this is a pragmatic proposal, given the perceived limited value of these certificates and the extension of a person under the age of 18 being allowed on premises, to 9.30 pm instead of 9.00 pm is therefore welcomed.

The general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

(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](#)]?

The IoL agrees that the current law should be reviewed to facilitate under 18's, when attending family events in licensed premises as long as certain criteria are met.

However, a family function must be defined in the legislation to avoid any potential ambiguity for licence holders and enforcing authorities.

The IoL would have some concern in relation to birthday parties and would encourage the Department to give careful consideration to e.g., 18th birthday parties, which could have potential to attract underage persons to a venue when the bar would be open.

IoL supports the views from NILGA who support the clause but highlight concerns relating to the absence of a lower age limit and urge consideration of whether 1.00am is an appropriate finishing time, particularly if there is no lower age limit set.

As previously stated, the general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

(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]?

IoL consider that 'private functions' should be clearly defined - such as a wedding, wedding anniversary, christening and birthday party. IoL would have some concern in relation to birthday parties, and would encourage careful consideration regarding e.g., 18th birthday parties, which could have potential to attract underage persons to a venue when the bar would be open. We would welcome careful consideration by the committee on this issue. The stipulation requiring parental presence at a private function is welcomed.

As previously stated, the general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

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

IoL supports the aims of this clause however, would highlight that delivery of alcohol is not undertaken solely by licensees (as already accepted in Clause 9).

Some websites and 'apps' specialising in deliveries of food also offer alcoholic drinks deliveries and there is evidence from across Northern Ireland that some local taxi companies will deliver cigarettes and alcohol on request. With the increasing number of intermediary companies now offering delivery services, IoL would highlight to the Department that this clause raises a number of issues for consideration:

- Ensuring delivery drivers are over 18
- The practicality of this clause beyond licensee deliveries
- Age verification
- Conditions controlling the nature of sales for deliveries

Clauses 9 and 13 will need to work satisfactorily together.

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

The IoL agrees that self-service of alcoholic drinks for immediate consumption should be regulated. Our view is that this type of self-service in a bar or club environment requires careful consideration as poor management would not promote responsible drinking.

The Bill, we believe, takes the view of a vending machine as a machine which would be placed in public, similar to a soft drink vending machine in a shopping centre, and does not allow for technological innovation, or changes to future customer service provision. It is our view that 'vending machine' may be subject to a wider interpretation. The Bill would stop use of any such machines in Northern Ireland outside premises to be exempted in regulations.

The IoL is aware of technology – already in use in the States of Pennsylvania and Arizona (USA) – where wine vending machines have been introduced to grocery shops across each State. Customers are required to swipe their driver's licence, look into the camera and blow into a breathalyser attached to the machine to purchase a bottle of wine. A state employee (e.g., in Harrisburg, Pennsylvania) remotely approves the sale after verifying the buyer matches the photo ID.

A more recent and closer example can be found in Nottingham. This is a self-service system whereby the customer is initially served at the bar, providing age verification if necessary. Their payment details are provided, and a service card given to the customer. The service card can then be used with either wine or cask beer dispensing machines, and payment is then made once the customer is finished. Limits on spend are programmed onto the card, and once used, the funds require renewal via the bar – this also provides a supervisory opportunity to guard against intoxication.

The Bill could outlaw any such innovation to be provided for customers in Northern Ireland, even with safeguards in place to stop underage consumption as illustrated above (in the Nottingham case). We are raising this issue, in awareness of the rapidly developing self-service technology in use in supermarkets and room service (robot) technology in hotels (Canada, Singapore).

(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]?

IoL supports the aims of this clause to enable the provision of constructive activity for young people during the summer school holidays.

We would request consideration of a more general application of the clause in view of the fact that risk is low and sporting competitions and ceremonies are not confined to the summer months and continue throughout the year.

As previously stated, the general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

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

IoL supports the aims of this clause to enable the provision of constructive activity for young people during the summer school holidays.

We would request consideration of a more general application of the clause in view of the fact that risk is low and sporting competitions and ceremonies are not confined to the summer months and continue throughout the year.

As previously stated, the general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

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

As previously stated, the general relaxation around the admission of under 18's to licensed premises in England and Wales has not proven problematic and has not given rise to concerns about underage drinking as a result.

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?

Clause 13

As previously stated, IoL supports the aims of this clause but would highlight that delivery of alcohol is not undertaken solely by licensees (as already accepted in Clause 9).

Some websites and 'apps' specialising in deliveries of food also offer alcoholic drinks deliveries and there is evidence from across Northern Ireland that some local taxi companies will deliver cigarettes and alcohol on request. With the increasing number of intermediary companies now offering delivery services, IoL would highlight to the Department that this clause raises a number of issues for consideration:

- Ensuring delivery drivers are over 18
- The practicality of this clause beyond licensee deliveries
- Age verification
- Conditions on deliveries

Clauses 9 and 13 will need to work satisfactorily together.

Clause 15 and 30

The IoL agrees that self-service of alcoholic drinks for immediate consumption should be regulated. Our view is that this type of self-service in a bar or club environment requires careful consideration as poor management would not promote responsible drinking.

We have also raised the inflexibility which may prevent innovative self-service initiatives currently in use in other countries and have provided an example of an initiative currently in use in Nottingham.

Clause 16

IoL supports this Clause and considers it appropriate that advertising and promotions be regulated in order to control the content and location of advertising in a similar way to the procedures in place on the mainland.

Clause 17

Unless there is clear evidence that changing the law in this regard will have any significant impact on alcohol misuse or alcohol related harm there would seem little need at present to make such a change.

(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?

Studies have shown that alcohol consumption among younger people is declining.

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?

IoL understands that the intention now is that the codes of practice will be written into law and given a statutory footing. IoL would support this proposal.

Under current alcohol licensing law and this Bill, it is for PSNI to enforce alcohol licensing legislation, and not local district councils.

(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?

This has the potential to create an extremely complicated method of granting an occasional permission. Could any issues arising as a result of an occasional licence be dealt with through action against the licence holder?

(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]?

IoL would ask why this is considered to be necessary.

(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 comments on the offences

8. Resource Implications for Certain Organisations/Bodies

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

(a) The PSNI:

If the extra hours and extra drinking up time achieve a more gradual dispersal, then this will ease the strain on police resources at closing times. Additional administration, compliance and enforcement work requiring extra (preferably specialist licensing police officer) resources.

(b) Health and social services:

No comments

(c) Other organisations (please specify):

Additional work for environmental health officers (noise) who may require extra resources as a result of noise issues arising from later licensing hours.

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]?

IoL consider that the resource issues for registered clubs will be similar to those outlined for question 8 above.

10. Additional Information

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

EMERGING ISSUES AND MISSED OPPORTUNITIES

‘Preloading’ on transport on the way to venues

We are aware of problems regularly being experienced across Northern Ireland as a result of people drinking on buses coming to nightclubs or large outdoor music events, and the associated problems when they get off the bus. There is currently no legislation to stop onboard drinking happening except for those going to class A events. Councils continue to work with the police and bus operators to try to tackle this problem, and IoL would be keen to ensure that the Committee considers practical measures for dealing with this. We would encourage inclusion of a new clause in the Bill to assist in addressing the issue, but we are aware that bus operators do not feel the onus should be on them.

Licensing of ‘Party Buses’ and Taxis

A ‘grey area’ in licensing that has emerged within recent years, of ‘party buses,’ ‘party bikes,’ taxis and similar, which are used for drinking either on the way to other venues or as a standalone activity. The Committee may wish to consider this issue with a view to making legislative recommendations.

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

Click or tap here to enter text.

Thank you

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