

**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: Click or tap here to enter text.

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:

Law Society of Northern Ireland is the regulatory and representative body for solicitors in this jurisdiction. Members of the Society provide legal advice and representation on all aspects of the liquor licensing trade.

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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?

Generally, the Law Society of Northern Ireland ('the Society') favoured the clarity which is offered by the Amendment Bill although there are some concerns. For example, restrictions on advertising in situations where there is mixed trading with an off licence situate at the rear of premises. The concern relates to limited advertising of promotions in certain areas of supermarkets which possibly may be commercially difficult and anti-competitive in smaller outlets. Concerns were also noted in regard to 'producers licenses' and clarity is required on whether 'the produce' was only that which was produced on site.

The introduction of a relaxation for under 18s to remain at specific events eg award ceremonies after an allocated time will be welcomed by clubs, but may require policing to ensure the protection of minors. It is also felt that the hospitality industry will welcome such a move as it will assist with private celebrations like weddings.

The Society is disappointed that the opportunity to harmonise the definition of 'entertainment' in the 1996 Order and the Local Government (Miscellaneous Provisions) (NI) Order 1981, to be more reflective of the times we live in, has not been considered in the Amendment Bill.

Also, the Society is disappointed that the opportunity to reform Article 31 of the Licensing (Northern Ireland) Order 1996 has not been taken. In addition, the Society notes that an extended period of grace for renewals has not been addressed in the Amendment Bill.

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 Society notes the removal of trading restrictions for the Easter period which have been in place from the 1920s and although this may be welcomed by licensees it is a sensitive issue for many in this jurisdiction.

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

No comment to make.

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

The Society has concerns in relation to the introduction of a power to permit the Department to make regulations to change the number of days in which orders under article 45(2) or (2A) may be made. It is felt that this should be a judicial function.

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?

The Society has no view on this save that any provisions to protect the public and eliminate the occurrence of large crowds spilling out on the streets of towns and cities at a specific hour would be welcome to assist with safety and the reduction of public disorder offences.

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

The Society has no view on this.

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

The Society have no views on this save to say that it may assist in reducing or eliminating such issues.

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

The Society has no comment to make.

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?

The Society would suggest that this would be something for evaluation at a later date.

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

The Society has reservations that the granting of an application for a major event will now be dealt with by the Department rather than a court of law. In addition, if such a grant is made by the Department what controls will be in place in relation to such issues as:

- who will the alcohol be sold to?
- who will be in charge of selling it?
- where will the alcohol be drunk – in a licensed area?
- will staff at the event be properly trained?

It would appear at first glance that the power to grant a ‘special event’ application by the Department will not sit well with existing licenses and may be seen as a relaxation in comparison.

In addition, the Society is concerned that the potential selling of any off-sales products at a special event does not reflect the current procedure in Northern Ireland.

c) 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?

The Society has no comment to make in regard to an impact on tourism. Concerns have been raised however in relation how the provisions might be policed so that they are not taken advantage of. This is something which must be considered and clearly outlined.

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]?

Members of the Society believe this is a practical change which may be of value to clubs especially at a charity event or prize giving.

(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 Society believe that it is important to have clear conditions and restrictions to permit underage events to take place safely. Such requirements must be enforced.

(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]?

The Society suggests that this amendment will be useful for private functions and there must be clear and unequivocal conditions to be adhered in order to ensure the protection of guests who are under age.

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

Any change which offers enhanced protection to the underaged so that they cannot access alcohol is welcomed by the Society.

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

The Society does not object to this.

(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]?

The Society has no view on this.

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

The Society believes that this amendment may be welcomed by Clubs where the membership includes a number of minors.

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

The Society believes that the protection of children from alcohol-related harm is something which must be taken very seriously. Regulations must be unambiguous, adhered to and enforced.

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?

The Society would suggest this is something which will require evidential data and an evaluation on a regular basis to monitor effectiveness. Clause 16 introduces restrictions on off-sales promotions in supermarkets. Some of our members raised concerns that limited advertising of promotions in certain areas of supermarkets may be commercially difficult and anti-competitive in smaller outlets.

(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?

No other comments

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?**

The Society takes no issue with this approach but queries what weight information in relation to breaches of the codes might have at the time of renewal, or applications for licenses?

The Society would suggest that the membership of any panel enforcing a formal code should be annually reviewed or open to applications/voting system to ensure transparency at all times.

(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?

The Society supports this approach.

(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]?

The Society takes no issue with this and views such a measure as good practice.

(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.

The Society take no issue with the new offences/penalties.

8. Resource Implications for Certain Organisations/Bodies

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

(a) The PSNI:

Enforcement may increase the attention required from the PSNI, but they would be best placed to answer this.

(b) Health and social services:

The Trusts would be best placed to answer this.

(c) Other organisations (please specify):

As above.

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 additional comments

10. Additional Information

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

The Society submitted a Response to the 2019 consultation suggesting that amendments to the current legislation should clarify several issues. Below are the issues which appear to have been overlooked in the proposed Amendment Bill which the Society believes is an opportunity lost: -

- the issue of 'alterations to premises' and when an order from the court might be required.
- it may be opportune to consider allowing retrospective Article 31 applications. It is the experience of our members that there are occasions when minor alterations to premises have been made in the mistaken belief that there was no requirement to seek court approval before they are made. Such instances might more effectively be dealt with by introducing a retrospective provision to Article 31 applications.
- Clarity on whether the new Distillery licence will be a "subsisting" licence. If so the Society views this as a major change to the current law which does not appear to have been adequately addressed within the current consultation process.
- In regard to major events the Society had suggested that only courts should deal with such applications and this is still the prevailing opinion of our members.
- The Society had suggested that the one-year grace period associated with renewals was onerous and required to be more lenient. This has not been addressed.
- Currently a licensee must use an Article 44 on each day that it has been granted otherwise it becomes invalid. The Society suggested that this was restrictive and impinged on opportunities to hold one-off events on an

alternative night eg charity fund raisers. We suggested this be addressed and allow the holder of an Article 44 extension to apply for an Article 45 grant on such an additional occasion - which currently cannot be facilitated. Also, the Society suggested that the prescriptive aspect of Article 44 imposing a requirement on a licensee to open every night of that grant might be reviewed.

- A definition of 'entertainment' is required by the legislation particularly with increased trading hours.

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

No further comments

Thank you

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