

By e-mail

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange,
1-7 Bedford Street,
Belfast BT2 7EG.

To Whom it may concern

RE: Consultation on Liquor Licensing Laws in Northern Ireland.

The Northern Ireland Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of the Office is children and young people up to 18 years, or 21 years of age if the young person is disabled or in the care of social services.

In determining how to carry out my functions, my paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the consultation on Liquor Licensing Laws in Northern Ireland. The following UNCRC articles are particularly relevant to these matters:

Article 3: Best interests of the child. When decisions are made, the best interests of a child, or of children in general, must be a paramount consideration.

Article 6: Life, survival and development. Governments have responsibility to ensure the survival and development of children.

Article 12: Respect for children's views. When decisions are made, the views of children should be sought, and given due weight in accordance with their age and maturity.

Article 15: Freedom of association. Children have a right to gather together in groups or organisations.

Article 31: Rest, play, culture and arts. Every child has a right to rest, relax, play and take part in cultural and leisure activities.

Article 33: Protection from harmful drugs. Children must be protected from taking, making, carrying or selling harmful drugs.

It is important that all of these rights are considered in relation to your consultation, recognising that there may be a perceived a conflict between the rights protecting children from harm (articles 6, 33) and promoting their right to leisure activities, engagement and association (articles 12, 15, 31). No such conflict exists, the overarching requirement is for decisions to be made in the best interests of children (article 3). In considering NICCY's response to this consultation the I met with our Youth Panel who advised me.

NICCY's advice relates to the areas relating to children and young people:

- Children's certificates;
- Underage functions;
- Family functions;
- Young people in sporting clubs; and
- Deliveries of alcohol.

1. Children's Certificates, underage functions and family functions and sporting clubs

In relation to the above named area, the current legislation is inadequate in that it fails to provide children and young people with sufficient opportunities to gather with other young people, with family and other groups with which they would associate, for example sporting groups. Young people often have very few places in which they can socialise, and many important social facilities are licenced. It is clear that the 2016 Bill sought to strike a better balance by extending access of young people to these facilities, while maintaining clear protections from accessing alcohol.

NICCY recommends that the requirement for children's certificates is removed, and that provision should be made for young people to be present at family and sporting functions in licensed premises after 9pm. This can only happened when a responsible adult has been identified.

Underage functions should be permitted in licensed premises, provided the bar is closed and no alcohol is served.

Finally, the 2016 Bill provisions relating to young people in sporting clubs should be enacted to allow them to remain on the premises until 11pm in summer months, and at one awards night per year. In the case of each new provision, strict conditions should be put in place to ensure that young people are not being sold alcohol.

2. Deliveries of alcohol

Of the five areas relating directly to children and young people in this consultation, the issue of children currently being able to accept deliveries of alcohol sits separately from the others, as in this case the current legislation is inadequate due to the lack of suitable safeguards for children.

NICCY recommends that legislation is made prohibiting under 18s from receiving deliveries of alcoholic drinks in all circumstances (including supermarket deliveries) and requiring proof of age to be shown and recorded on delivery.

Finally, one additional matter was raised by my young advisers, relating to the employment of young people in licenced premises. They pointed out the inconsistency of young customers being required to sit away from the bar area, and yet other young people are employed to work in licensed premises. It is not clear what safeguards are in place for young employees in these situations.

I hope that this has been helpful. Please do not hesitate to get in contact if you would like to explore these issues further.

Yours faithfully,

Koulla Yiasouma
Commissioner