

**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:

This response is submitted on behalf of the Northern Ireland Drinks Industry Group and the funding companies of the Responsible Retailing Code NI. These companies include Diageo NI, Dillon Bass, Molson Coors, Wine Inns and SHS Group, all involved in the supply and sale of alcohol in NI.

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 fully accept and agree with the overall policy objectives of the Bill. These changes have been long needed in NI and strike a good balance between assisting the hospitality and tourism industries – needed now as never before – and safeguarding the public and young people.

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 agree with the removal of all current restrictions to bring the Easter Opening hours in line with the rest of the year. The historic hours have long posed great difficulties for premises and caused bemusement to visitors and tourists. They have also disadvantaged premises in NI and especially around border areas, given that the Republic of Ireland removed its Easter restrictions in 2018.

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

We agree with the proposed additional (maximum) 104 occasions each year where a premises can apply for an additional hour. This represents a good balance between matching customer expectations, justification of the additional costs for premises applying for additional hours, allowing premises to be able to ensure a more moderate and less concentrated consumption by customers, and removing the confusion that a more arbitrary number would bring.

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

We support the increase in the number of occasions when smaller pubs will be able to apply for late opening to 85 from 20. Smaller pubs, many the backbone of their local communities, should be able to stay open later more often without having the expense of providing food or entertainment. This will allow them to compete, although 104 might have been a more realistic number and in line with 2(b) above. These are the premises which have been hardest hit by the Covid restrictions.

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 fully support the extension of “drinking-up” time to one hour. This will greatly assist pubs, and the PSNI, in organising a more orderly exit and dispersal after closing time, and will greatly alleviate the shortage of taxis at peak times.

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

We believe that the extension will smooth consumption – there will not be the same rush to finish drinks in a shorter period and so will manage the exit flow, and reduce the need for customers to drink up too quickly, which can bring its own problems.

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

It will clearly allow for easier crowd dispersal. If everyone is not leaving within a short window, they will be able to get taxis more easily and we should see fewer crowds and thus less anti-social behaviour. It will also be easier for premises to encourage customers to leave if they have had a longer opportunity to finish their drinks.

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

We support this proposal. It was historically more of a problem in previous years but due to partnership working between councils, PSNI and premises, is much less of a problem now. However, it is more logical for entertainment to stop at the end of drinking up time (provided it is extended to 60 Minutes) and we would support the proposal, especially when taken in conjunction with the proposed changes in clause 2.

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 believe that the provisions, taken as a whole, will have a positive effect on both hospitality and tourism in NI. Removing the Easter restrictions will benefit both, and end the bafflement of tourists unable to understand why they cannot have a glass of

wine with their lunch on Good Friday, whilst they could purchase wine in an off-sales, and vice versa on Easter Sunday. The proposals to extend, in a modest way, premises' hours and drinking-up time will make NI a more attractive venue to visit, and will benefit premises who will be able to compete to encourage people to visit their premises, rather than drink at home. The provisions for Special Events will assist NI in attracting world-class events, and the investment and visitors that such events encourage, and the provisions relating to small producers will encourage and reward NI's entrepreneurs in this area. In all, we believe that the provisions within this Bill will greatly assist the hospitality and tourism industries to start to recover from the enormous damage that the 2020 restrictions have wrought on them.

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

We agree with the proposal to allow the Department to designate a "special event" but would believe that such a decision should be taken at Ministerial level to ensure that only special and stand-out events are considered.

(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 provisions of the Bill which would allow small local producers to be able to provide samples of their product free from additional charge to visitors, and also to sell their own product, from their own premises, for consumption off the premises. We are glad to see the way these provisions have been framed, as we had been concerned that any such new category of licence should be limited only to the products produced on their premises in NI, and not enable them to sell products in the way that the owner of an off-sales or public house can. We are fully in favour of allowing controlled sampling and personal sales on their premises to visitors, and we would also support allowing them to sell their own products at artisanal food and drink/agricultural events. **We would just raise one note of caution** – is the Committee content that "*produced in the production premises*" is sufficient to ensure that it relates only to beer that is physically brewed, or spirits that are physically distilled, on the premises, rather than just packaged/bottled on the premises (with the product being brought in from elsewhere)?

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 agree with this proposal – the current system for Children's Certificates is bureaucratic and costly, and the necessary safeguards within it can be replicated within the main liquor licensing conditions. However, we still believe that, as pubs are improving their food offerings and trying to make themselves welcome to all, requiring children to be off the premises by 9pm (or 9.30pm) is inhospitable and do not apply to all premises equally (eg to registered clubs, where children are allowed on the premises until 10pm and will be allowed until 11pm in certain circumstances if the provisions of the Bill are accepted). It is important to protect children, but there is no reason why this could not be done by ensuring proper supervision. Also, the vast majority of premises do not wish to have children on their premises after 9pm so it is difficult to see why this provision is still needed. Children should not be consuming alcohol on licensed premises and this provision should not and will not change – so why is this 9pm provision needed?

(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 these proposals and the conditions. The current situation means that no function – whether a school formal or even a careers fair or PSNI safety event – can be held on licensed premises, even when the bar is completely closed. Being able to run a well-managed underage disco is a good thing for young people and their parents.

(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]?

We support these proposals, provided that the definition of "*has care of that person*" is interpreted generously. For example, a family is attending a wedding reception. The parents have to go to their room to look after a young child or baby and leave the older child in the care of its aunt or grandparent. Presumably this clause is designed to cover such eventualities.

(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 these proposals. There has been an enormous growth in on-line sales in recent years.

In relation to Clause 9, there has long been confusion in this area in relation to what and where should be licensed for remote sales of alcohol and so clarification is welcome. We believe that the requirement that the place of dispatch is licensed is correct, and that any delivery person must make the delivery without unreasonable delay and to bring a receipt from the licensee, is sensible. This will allow for the proper regulation of any intermediary company selling alcohol (eg Just Eat or Deliveroo) to be properly regulated, and should ensure that Dial-a-Drink type services, run by various taxis for many years without proper enforcement or monitoring, will in future be policed properly. This is vital if deliveries to the underage are to be prevented.

In relation to Clause 13, we fully support the proposals. Our Responsible Retailing Code has included these provisions for many years as far as was possible, but we believe that this is an area which requires regulation. Over the counter sales should not be made to young people without requiring ID, and the same rules should apply to remote deliveries.

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

We agree that all sales of alcohol should be under the direct supervision of a licence holder or member of staff. Alcohol is a controlled substance which is why sales are restricted to those over 18. There should not be ways in which the sales of alcohol are unsupervised. We understand that some hotels etc may wish to make vending machines available to their guests after hours, but we would question how it could ensure that the underage (for example, staying at the hotel on a school trip) did not have access.

(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 generally support the changes proposed for sporting clubs, and children in clubs, but do question the disparity between the regulations for all licensed premises in requiring children to be off the premises by 9pm or 9.30pm, unlike clubs where it is 10pm or 11pm. This could put small, rural premises at a distinct disadvantage.

(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 have no difficulty with this proposal.

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

Yes – we believe this measures are proportionate and need to be looked at in conjunction with the figures from the Department of Health (for example, contained within the recently published new Substance Use Strategy “*Making Life Better: Preventing Harm, Empowering Recovery – A Strategic Framework to Tackle the Harm from Substance Use*”) which show how underage alcohol consumption has decreased in NI and continues to do so. This is driven largely by better enforcement by licensed premises and the Responsible Retailing Code, since 2012.

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?

We support measures to reduce alcohol related harm, and have supported the Department of Health’s Drug and Alcohol Strategies over the years. We also introduced and fund the Responsible retailing Code NI. However, we do question the impact that some of the proposals will have. The restrictions on advertising promotions in and around supermarkets mirror those introduced some years ago in Scotland, and we would like to see the evidence specifically relating to this proposal and what impact they have had on reducing alcohol related harm. We do not believe that restricting advertising in this way will have much impact on irresponsible drinking or those drinking to excess. Our responsible Retailing Code already restricts billboard advertising of alcohol and it is not allowed on sites within 100m of schools.

We believe that this provision applies only to mixed trading premises, which sell alcohol and other goods. We assume the reference to “publication” in this clause means that supermarkets which distribute flyers containing special offers would not be in contravention of this clause provided any offers relating to alcohol did not form the majority in any such flyer?

We do not believe that restricting loyalty schemes will reduce alcohol consumption or prevent alcohol-related harm. Loyalty schemes can be an important and legitimate way of rewarding customers and developing business. Irresponsible schemes which would encourage individuals to drink to excess have no place in our society. It was in recognition of this that we included measures to regulate such schemes

throughout our Responsible Retailing Code. For example, the accompanying guidance to the Code (which can go in to much greater details) states - *"there is nothing wrong with offering a free gift on the purchase of a number of drinks, for example, a branded rugby shirt in return for buying 8 pints. However, this should be done by way of loyalty card or similar and be run over a sufficiently long period of time for those drinks to be purchased responsibly. In the case of off-trade products such as those stamped on individual bottles or cans, the promoter must ensure that offers are sensibly limited (for example, 1 redemption per week)."*

We believe that there is nothing wrong with loyalty cards/points etc, provided that there is no time limit regarding redemption.

We have commented previously on our support for provisions relating to the delivery of alcohol to young people, and restrictions on vending machines.

(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?

We believe that the Bill strikes the right note between modernising the legislation, promoting tourism and the hospitality industry, and preventing further alcohol related harm. This Bill should be look at alongside the successes of NI's Drug & Alcohol Strategy, and the reduction in alcohol related harm over the last 10 years or so, and the many changes made during that time – the reduction in the Chief Medical Officers' safe drinking guidelines and the reduction in amounts consumed on a per capita basis, better labelling of products, the proliferation of low and no alcohol products, the work done by Drinkaware, and the longevity of our Responsible Retailing Code.

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?

We support this provision wholeheartedly. Back in 2011 there were serious problems with some irresponsible drinks promotions and the then Minister was minded to ban ALL drinks promotions, whether in on- or off-sales. However, he agreed to give the industry the chance to step up and to self-regulate. We (NIDIG) brought together all industry stake-holders and formed a cross-industry group to take the drafting forward. This has stood the test of time - we came up with a single Code to cover both the on- and off-trades, mixed trading and registered clubs, and the Code is now on its 3rd edition. The Code is much more flexible than legislation would be and can

be amended quickly. The producers continue to fund the Code which has now run for over 8 years at no cost to the public purse.

To oversee the Code and compliance, we set up an Independent Complaints Panel which meets monthly when needed, with a formalised governance scheme incorporating the Nolan Principles and which is fully insured. If the Responsible Retailing Code was given further weight by being approved by the Department, and was underpinned by the Bill's provisions to require adherence to be taken into account when renewing licences, it would give added weight to the Panel's decisions and ensure more across the board compliance going forward.

(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?

We would accept that **reasonable** terms and conditions may be necessary to be imposed at the court's discretion.

(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 understand and support the need for such a provision.

(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.

We understand the need for new offences and penalties to go alongside new categories or licence, restrictions and relaxations. What is important, however, is that there is fair and appropriate enforcement across the board – to legitimate licences and to those who seek to operate outside the law.

[8. Resource Implications for Certain Organisations/Bodies](#)

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

(a) The PSNI:

There will undoubtedly be implications for the PSNI if opening hours change. However, it is to be hoped that there will be benefits for the PSNI – extending drinking-up time to 1 hour should give fewer problems relating to the dispersal of crowds as people wait for taxis etc, and a more orderly exit should mean less anti-social behaviour to police.

(b) Health and social services:

We believe that these proposals will **not** lead to an additional burden on health and social services; the amount of alcohol consumed continues to reduce in Northern Ireland and, although deaths due to alcohol have been rising according to Department of Health figures, it must be remembered that there is a time lag between introducing new policies and this working through. The Department of Health's new Substance Use Strategy "*Making Life Better: Preventing Harm, Empowering Recovery – A Strategic Framework to Tackle the Harm from Substance Use*" clearly shows the consumption of alcohol in Northern Ireland has been declining steadily since its first Drug & Alcohol Strategy – for example, the proportion of people drinking above the CMO guidelines has fallen from 26% in 2010/11 to 20% in 2018/19 (in males it has reduced from 37% to 31% and in females from 15% to 9% over the same period); similarly, the Young Persons Behaviour and Attitudes Survey 2019 shows that there has been a decline in the proportion of young people (aged 11-16) who have ever drunk alcohol (from 59% in 2000 to 29% in 2019) in the proportion of those young people who report having ever been drunk. These are all encouraging figures, and the industry continues to fund and support Drinkaware and other sensible drinking programmes.

(c) Other organisations (please specify):

The proposal to align entertainments licences and liquor licences should reduce workload for NI's local councils by making spot checks and enforcement easier.

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](#)]?

We support the proposals which relate to registered clubs. Clubs provide a valuable amenity in local areas and provide young people and the wider community with activities and opportunities to socialise safely.

10. Additional Information

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

We believe that consideration should be given to changing the definition of "*entertainment*" under an Article 44 licence to remove the requirement that the entertainment be live. With the advent of live streaming on big screens, whether sport, live concerts etc, we believe that the definition of "*entertainment*" has changed over the years and that this should be changed to reflect the current provision.

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

We would like to commend the provisions of the Bill to the Committee. The number of pubs in NI continues to reduce each year - there were approximately 1,620 pubs in 2000 and there are now around 1,200 - a reduction of more than a quarter since 2000. It is undoubtedly the case that, when this pandemic is over, that figure will have reduced considerably. This will be devastating for the NI economy and the part pubs play in tourism (the wider sector is responsible for around 60,000 jobs, with food and drink alone accounting for 45,000; and the sector, in a normal year, contributes around £1.1 billion to the NI economy). Pubs in NI are also entitled to less rates relief than those in the rest of the UK. Costs continue to rise and thus some sensible modernisation of NI's licensing regime is essential if the industry is to survive. In addition, our members support, promote and fund Drinkaware and the Portman Group.

Thank you

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