

**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 has been prepared on behalf of the Police Service of Northern Ireland (PSNI).

The PSNI has enforcement responsibility for both the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996.

[1. The Policy Objectives of the Bill](#)

The policy objectives of the Bill are *“to introduce a balanced package of and 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?

It is acknowledged that the current liquor licensing laws in Northern Ireland are somewhat antiquated and in need of modernisation, which will likely have a positive impact on hospitality and tourism in Northern Ireland. That said however, this needs to be countered with increased support for the vulnerable, including those suffering from alcohol addiction and the serious consequences this has for them and their families. It is widely recognised that alcohol misuse continues to be recognised as a significant public health, community safety and social issue.

[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](#)]?

Proposals noted.

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

With the proposal to increase the additional permitted hours, this will undoubtedly result in an increased demand for policing (and other emergency services) as licensed premises are permitted to open for a longer period. Patrons will not then be dispersing from streets in towns and cities until a later time with the potential for increased anti-social behaviour and on-street drinking.

It is noted that the court must be satisfied that the business will be conducted in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises.

As a result, will there be a cautioner procedure available similar to the one currently in place for an occasional licence?

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

On the basis that Article 45 authorisations for additional permitted hours have not been widely used in the last number of years, the current number seem to be appropriate.

[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?

This is closely linked to point (2b) above and the same comments apply here. Currently, the vast majority of patrons remain on the premises until the end of drinking-up time and our view is there would be little difference if this is increased to 1 hour.

Previously, it was proposed that this would be introduced for a trial period of 1 year and we would strongly support this.

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

Our view is this is likely to significantly increase alcohol consumption during this time. Patrons will want to ensure they have sufficient alcohol to consume during the 1-hour drinking-up time.

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

As patrons will not be dispersing from streets in towns and cities until a later time there is the potential for increased anti-social behaviour and on-street drinking.

In addition, we are aware there is a ‘late night levy’ for licensing authorities contained in the Police Reform and Social Responsibility Act 2011. This enables those authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. The levy empowers local areas to charge businesses that supply alcohol late into the night for the extra enforcement costs that the night-time economy generates for police and licensing authorities. However, this part of the Act applies only to England & Wales.

As a result, we would recommend that something similar be introduced in Northern Ireland.

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

The PSNI would strongly support this proposal. There is strong evidence to show that the practice of entertainment continuing in licensed premises after the bar is closed (up to 2-3 hours) is now becoming customary across Northern Ireland.

However, this current discrepancy has led to a significant increase of illegal sales of alcohol taking place and creates difficulties for Police in enforcing the alcohol licensing laws.

By bringing alignment between these two separate licensing regimes (liquor licensing and entertainment) would make the law substantially clearer for customers and easier enforcement for police and the courts.

[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 modernisation of the licensing laws should have a positive impact on both hospitality and tourism in Northern Ireland.

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

It is noted this proposal is to give the Department the power to designate an event as a 'major event'. Following this, the Department, having designated an event as a 'major event' would then be adopting the responsibilities, similar to that of the courts, to vary permitted hours at an event; permit the sale of alcoholic drinks for consumption off the premises; and impose conditions on an event.

Whilst we would agree that the Department could designate an event as a 'major event' we would recommend that all applications must still be submitted to the courts.

This would be similar to the process outlined in the Licensing Act (Northern Ireland) 2016, which makes provision for the granting of licences to authorise the sale of intoxicating liquor at outdoor stadiums i.e. the Department designate a stadium that it considers to be of importance to the whole of Northern Ireland and the Courts will then consider the application.

In relation to the proposal to designate an event as a 'major event', the definition and criteria for such needs to be clearly defined. This will potentially be open to significant and repeated challenges around the interpretation of the term 'major' and what it means in practice. A special event should relate to only events that are of national or regional importance.

It is our view that numerous other events will attempt to achieve 'special' status merely in order to sell intoxicating liquor at unsociable hours resulting in inconvenience to many and potential disorder.

It is noted that one of the conditions would authorise the sale of intoxicating liquor in a sealed container from the place or premises. We would recommend this is for souvenir or commemorative purposes only. As opposed to a 'sealed container' this should state in a 'manufacturers original sealed packaging'.

(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?

The issue of local producers and not being able to sell their products on site has been raised on a regular basis over the last few years.

Our view is that they should be allowed to sell, however it should be in a sealed container/bottle and that those purchasing are not allowed to open it.

We have a number of queries with this proposal as follows: -

Local producer's licence: sale on other licensed premises – page 9

[REDACTED]

It is also suggested a new point (c) be included stating the sale by retail must be in a 'manufacturers original sealed packaging'.

Under para 52D (2) on page 10 (**Local producer's licence: sales not on licensed premises**) it outlines that the Department must publish a statement that the event is being held to promote food, drink etc. in Northern Ireland. We would recommend that this paragraph also be included in para 52C.

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**]?**

This will mean that Police will not have to continually check if premises have a certificate in place and licence holders will not have the expense of applying for a certificate.

It is also noted that safeguards are to be put in place before young people under the age of 18 are permitted in areas of the premises which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

(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**]?**

It is important to highlight that this has always been a problematic area for police and we welcome this proposal.

We have also noted that certain conditions must be met to make an order specifying a part of certain licensed premises as suitable to hold underage functions.

(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]?

When the previous Bill was going through the legislative process in 2016, we raised this actual point with the Committee.

As a result, we welcome this proposal.

Again, similar to the previous point, it is noted that certain conditions must be met to allow young people to remain on certain licensed premises, to attend a private function.

(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 welcome the proposal prohibiting under 18s from receiving any deliveries of alcoholic drinks.

It is noted that the delivery driver must record details of the document that was shown in the delivery book. We would recommend that this is a valid document i.e. it has not expired.

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

We would support this proposal to prevent self-service and sales by vending machines options and that the sale and supply of intoxicating liquor is only under the direct supervision of a licensee or a member of staff.

(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 would acknowledge the good work that sporting clubs do for young people in their community's and as a result we would support 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]?

We would support this proposal. However it is recommended that the sporting club advises Police at least 7 days in advance of when this is to take place.

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

It is hoped that these measures will give increased protection to young people from alcohol related harm.

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?

Whilst we would support these proposals, our view is that there will only be minimal impact on reducing alcohol consumption and preventing alcohol-related harm.

(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 further 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?**

Firstly, the PSNI would support any measures that promote the responsible retailing and supply of alcohol.

That said, unless there are effective penalties in place for any breaches, voluntary codes of practice will not make any difference.

It is suggested that any codes of practice should include a reference that if a licensed premises or registered club breach the code, it may affect the renewal of their licence or registration.

(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?**

[REDACTED]

This would assist the PSNI in policing these events.

(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 would support this. Currently we would check the Directors as per the court application to ascertain their fitness to hold a licence.

However, once a licence is in place, the Directors can be changed and there is no requirement to inform the PSNI of this. Essentially this could mean there is a person with criminal convictions for licensing offences holding a licence and we would not be aware of this.

(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 welcome and fully support the offences and penalties.

8. Resource Implications for Certain Organisations/Bodies

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

(a) The PSNI:

It is noted there is a proposal to allow pubs and hotels to apply to the courts for an 'additional' late opening order to permit the sale of intoxicating liquor for an additional hour (open to 2.00am) up to 104 occasions per year. In addition, it is also proposed to extend 'drinking up time' from 30 minutes to 1 hour. As a result, patrons will potentially be leaving licensed premises up to 3.00am each night. We recognise that the vast majority of premises will use these 104 nights every weekend. That being the case, shift pattern changes under the current 'variable shift agreement' will allow us to meet this demand without having to consider the use of overtime as an additional cost. As outlined above, this is based on the hospitality sector using the 104 nights on a Friday and Saturday. As a result, we would not have this capacity for any ad-hoc late applications that premises would submit for events during the week i.e. Sunday – Thursday. As a result, we would ask that licensed premises can only use these 104 nights on a Friday and Saturday night.

(b) Health and social services:

As patrons will potentially be leaving licensed premises at 3.00am, this will undoubtedly have a similar impact on Health and social services.

(c) Other organisations (please specify):

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

There are a number of comments that are considered to be operationally sensitive throughout this document. These have been included to assist the Committee in its current consideration of the Bill and are not deemed suitable to be released in to the public domain. In addition, to publish these comments could prejudice ongoing and future investigations.

As a result, I have highlighted the areas that should be treated as confidential and not published in the public domain.

Thank you

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