

## Response ID ANON-GXRH-UWGW-3

Submitted to **CALL FOR EVIDENCE AND VIEWS ON THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) BILL**

Submitted on 2020-12-14 13:15:33

### Introduction

#### What is your name?

**Name:**

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#### What is your organisation?

**Organisation:**

Public Health Agency (PHA)

#### Please indicate if you are providing a submission:

on behalf of an organisation or business

#### 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:

#### Please provide your comments in the text box below:

The Public Health Agency is the major regional organisation for health protection and health and social wellbeing improvement in Northern Ireland.

### 1. The Policy Objectives of the Bill

#### What are your views on the overall policy objectives? Do you think that the Bill will meet those objectives? If not, why not?

#### Please provide your comments in the text box below:

While understanding the need for the law to be responsive to the current social and economic environment, the Public Health Agency is the major regional organisation for health protection and health and social wellbeing improvement, and, as such must be concerned with the health and social wellbeing of the population. Our view is that any increase in the availability of alcohol would have a negative impact on health and social wellbeing as increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

### 2. Easter Opening Hours and Additional Permitted Opening Hours

#### The removal of restrictions at Easter [Clauses 1 & 23]?

#### Please provide your comments in the text box below:

Our view is that permitted hours should not be expanded on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

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

#### Please provide your comments in the text box below:

Our view is that permitted hours should not be expanded on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

#### PSNI authorisation for additional permitted hours for smaller pubs [Clause 4]?

#### Please provide your comments in the text box below:

Our view is that permitted hours should not be expanded on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

### “Drinking-up Time” and the Alignment of Alcohol and Entertainment Licences

**What are your views on the extension of “drinking-up” time?**

**Please provide your comments in the text box below:**

Whilst appreciating the arguments of increasing drinking up time to one hour, it needs to be recognized that increasing this may have unintended consequences. Specifically, this may result in greater alcohol consumption within the extended time with the related individual and societal negative effects already outlined.

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

**Please provide your comments in the text box below:**

This may result in greater alcohol consumption within the extended time with related individual and societal negative effects.

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

**Please provide your comments in the text box below:**

N/A

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

**Please provide your comments in the text box below:**

We are concerned that this practice has, in the past, led to illegal sales, which is unfair on premises that obey the law. It also creates difficulties for the PSNI in enforcing liquor licensing laws.

#### **4. Supporting Tourism, Special Events and Small Producers**

**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?**

**Please provide your comments in the text box below:**

N/A

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

**Please provide your comments in the text box below:**

Our view is that permitted hours should not be expanded on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

**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?**

**Please provide your comments in the text box below:**

N/A

#### **5. Children and Young People (under the age of 18)**

**The removal of the requirement of a licensed premises or registered club to hold a children’s certificate [Clauses 10 & 26]?**

**Please provide your comments in the text box below:**

We do not think the rules around children in bars should be relaxed.

Without appropriate restrictions the risks of initiation into alcohol consumption and heavier drinking by young people are considerably increased particularly through exposure to marketing and wider role modelling of drinking [1].

The UK government adopted the UN Convention of the Rights of the Child in 1989 [2]. This includes protection from use of psychotropic substances such as alcohol defined in international treaties.

**Permitting certain premises to hold underage functions; the conditions that must be met; the permitted opening hours; and, proposed enforcement action [Clauses 11 & 27]?**

**Please provide your comments in the text box below:**

We do not agree the rules around children in licensed premises should be relaxed.

See response to 'children's certificates' (clauses 10 & 26)

**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]?**

**Please provide your comments in the text box below:**

We do not agree the rules around children in licensed premises should be relaxed.

See response to 'children's certificates' (clauses 10 & 26)

**The strengthening of the current law around the delivery of alcohol [Clause 9] and the delivery of alcohol to young people [ Clause 13]?**

**Please provide your comments in the text box below:**

Our view is that increased accessibility leads to the increased risk of alcohol misuse across the exposed population and, subsequently, increased risk of alcohol-related harms. Without appropriate restrictions, the risks of initiation into alcohol consumption and heavier drinking by young people are considerably increased [1].

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

**Please provide your comments in the text box below:**

Our view is that increased accessibility leads to the increased risk of alcohol misuse across the exposed population and, subsequently, increased risk of alcohol-related harms. Without appropriate restrictions, the risks of initiation into alcohol consumption and heavier drinking by young people are considerably increased [1].

**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]?**

**Please provide your comments in the text box below:**

We do not agree the rules around children in licensed premises should be relaxed.

See response to 'children's certificates' (clauses 10 & 26)

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

**Please provide your comments in the text box below:**

We do not agree the rules around children in licensed premises should be relaxed.

See response to 'children's certificates' (clauses 10 & 26)

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

**Please provide your comments in the text box below:**

We do not agree the rules around children in licensed premises should be relaxed.

See response to 'children's certificates' (clauses 10 & 26)

## **6. Alcohol Consumption and Alcohol-Related Harm**

**What impact do you think these measures will have on reducing alcohol consumption and preventing alcohol-related harm?**

**Please provide your comments in the text box below:**

We would support the introduction of these measures insofar as they prevent further increases in alcohol accessibility as our view is that increases in alcohol accessibility reinforce the social norms associated with alcohol misuse that drive the drinking culture and thus increase the risk of alcohol misuse and its harms [1].

**Do you have any other comments in relation to any other aspect of the Bill in relation to alcohol consumption and alcohol-related harm?**

**Please provide your comments in the text box below:**

We would support the inclusion of an explicit statement that the 'protection of public health and promotion of well-being' is a 'key objective' of the Northern Ireland licensing legislation.

## **7. Regulation, Enforcement, Offences and Penalties**

**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?**

**Please provide your comments in the text box below:**

Experience to date has shown that "voluntary codes of practice" are rarely actively enforced by the drinks industry. Formal DfC approval for such codes will give the impression that that these have been sanctioned by Government. We would argue that statutory regulation which is rigorously enforced is likely to be more effective than industry codes of practice.

**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?**

**Please provide your comments in the text box below:**

Our view is that permitted hours should not be expanded on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

**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]?**

**Please provide your comments in the text box below:**

N/A

**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 any of these.**

**Please provide your comments in the text box below:**

N/A

## **8. Resource Implications for Certain Organisations/Bodies**

**(a) The PSNI:**

**Please provide your comments in the text box below:**

N/A

**b) Health and social services:**

**Please provide your comments in the text box below:**

Our view is that any increase in the accessibility of alcohol would put increased strain on resources within Health and Social Services, on the basis that increased accessibility consolidates, and would further encourage, alcohol consumption as a social norm and would lead to increased overall population consumption. In turn, this would be expected to lead to increased negative effects on the health / wellbeing of individuals, families and communities [1].

**c) Other organisations (please specify):**

**Please provide your comments in the text box below:**

N/A

## **9. Registered Clubs**

**Do you have any additional comments on the provisions in the Bill which specifically relate to registered clubs [i.e. Clauses 22 to 32]?**

**Please provide your comments in the text box below:**

Our general view is that we do not support legislative changes that may lead to an increase in alcohol consumption.

## **10. Additional Information**

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

**Please provide your comments in the text box below:**

N/A

**Do you have any other comments you would like to make?**

**Please provide your comments in the text box below:**

Although increased alcohol availability may support aspects of our economy (eg tourism), we agree that it is responsible to adopt a 'whole systems' approach in considering changes to legislation. It has been estimated that, in financial terms alone, the social cost of alcohol-related harm in Northern Ireland is approximately at least £900 million each year [3]. This figure would be expected to increase if policies that promote wider availability of alcohol are implemented. We strongly contend that it is vitally important that public health messaging around the negative health & wellbeing effects of alcohol misuse are regularly communicated within any general liquor licensing system.

One of several objectives in the 'New strategic direction for alcohol and drugs phase 2 (2011-16): A Framework for Reducing Alcohol and Drug Related Harm in Northern Ireland' [4] is to challenge the social norms associated with alcohol misuse that drive the drinking culture. We do not support any change to legislation that leads to an increase in alcohol accessibility as our view is that this reinforces the social norm and thus increases the risk of alcohol misuse and its harms.

In addition, we would support the inclusion of an explicit statement that the 'protection of public health and promotion of well-being' is a 'key objective' of the Northern Ireland licensing legislation.

## STATISTICS RELATING TO NORTHERN IRELAND

31% of adults 'binge drink' at least once per week (Source: Adult Drinking Pattern survey, 2013) [5].

18% of adults consume alcohol above weekly limits (Source: NI Health Survey, 2017/18) [5].

Alcohol related hospital admissions, for both primary and any diagnosis, have steadily increased (both males and females). The same pattern was also observed for admissions with a diagnosis of alcoholic liver disease, as primary and any diagnosis. (Source: Hospital Information Branch, DoH) [5].

Alcohol-related deaths have increased over the last 17 years for both males and females (Source: NISRA) [5].

About 40% of children and young people registered on the Child Protection Register and about 70% of those being looked after have this status due to parental substance misuse (Source: Hidden Harm Strategy) [5].

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OTHER IMPORTANT EVIDENCE (adapted from: Walmsley E, Mooney J. Priorities for Action on Alcohol 2018. Faculty of Public Health, UK).  
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### ADVERTISING AND MARKETING:

Exposure to advertising has led to both earlier initiation into drinking and heavier drinking by children and young people so exposed [1].

Children are more likely to drink beverages that have been heavily advertised unlike adults who consume a more diverse range of products [1].

The level of intoxication and the odds of drink-driving and being involved in physical altercations upon leaving an on-trade venue is doubled by the presence of price promotions [1].

### SALES AND LICENSING:

There is strong evidence demonstrating that the price of alcohol is an important determinant in its consumption. A 10% increase in the price of alcohol would lead to a 5% decrease in its consumption [1, 6].

Minimum unit pricing (MUP) would affect high risk drinkers and off-trade the most; moderate drinkers and on-trade would be minimally affected at the usually proposed rates [1].

### PROTECTION OF CHILDREN AND OTHER VULNERABLE GROUPS:

Risks are increased where licensed premises have no restrictions on where families can sit (eg at the bar), the time that families can be present, where the focus is on drinking and where alcohol is advertised [1].

UK Population level studies have clearly demonstrated an elevated health burden attributable to alcohol in more disadvantaged groups, even though consumption levels are less [7].

### References relating to evidence cited in the Public Health Agency response

1. Burton R, Henn C, Lavoie D, O'Connor R, Perkins C, Sweeney K, Greaves F, Ferguson B, Benyon C, Belloni A et al: The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An Evidence Review In: Public Health England; 2016.
2. UNICEF: The United Nations Convention on the Rights of the Child. In. London: United Nations; 1990.
3. Northern Ireland Executive. Making Life Better: a whole system strategic framework for public health 2013 -2023 (June 2014).
4. Department of Health, Social Services, and Public Safety. New Strategic Direction for Alcohol and Drugs (Phase 2) 2011-2016 (December 2011).
5. Gossrau-Breen D, Nugent R. Extent of Substance Misuse in NI: Update June 2019.
6. Chaloupka FJ, Grossman M, Saffer H: The Effects of Price on Alcohol Consumption and Alcohol-Related Problems. In. Edited by (US) NIAH. USA: National Institute on Alcohol Abuse and Alcoholism; 2003.
7. Smith K, Foster J: Alcohol, Health Inequalities and the Harm Paradox: Why some groups face greater problems despite consuming less alcohol (A summary of the available evidence). In. London: Institute For Alcohol Studies; 2015.