

Reform of Liquor Licensing Legislation – the 2016 Bill

Introduction

Hospitality Ulster is the professional body representing the Hospitality Industry in Northern Ireland. Our membership includes pubs, bars, café bars, hotels, restaurants and major visitor attractions (established 1972, Inc. Pubs of Ulster).

- 70% of Alcohol in Northern Ireland is now consumed at home
- The NI Hospitality Industry sustains 60,000 jobs
- 45,000 in Food and Drink
- £653.4 million wage contribution of the Hospitality Industry
- Tourism in Northern Ireland provides c45,000 jobs
- Tourism delivers c£750 million to the Northern Ireland economy
- Food and Drink accounting for over 30% of visitor spend
- NI Assembly has targets to grow Tourism income to £1bn annually and 50,000 jobs by 2020

Hospitality Ulster does not propose or support wholesale deregulation of licensing legislation and supports the introduction of a minimum price for alcohol. We recognise alcohol is a controlled substance and welcome the fact that the sale of alcohol is regulated by the courts and anyone breaching the legislation will face the full weight of the law.

However, there is a clear need for Northern Ireland to modernise its liquor licensing legislation, to reflect the needs of a modern market and underpin ambitious plans to grow the Tourism and Hospitality sectors. Hospitality Ulster supports measures which will allow our licensed premises to provide customers a quality experience, an alternative to home drinking and a quality visitor experience for tourists.

Minister for Communities, Paul Givan MLA has now introduced a bill that will make modest amendments to the current licensing legislation. However, whilst we welcome the bill and some of its proposals, the Bill (outlined below), falls considerably short of the additional measures that are urgently required to support a sustainable hospitality and tourism industry.

Hospitality Ulster's Proposals	The Minister is Proposing
<p>EASTER OPENING HOURS</p> <p>Hospitality Ulster calls for extended opening hours over Easter to take account of the growing customer demand over this busy holiday period.</p> <p><u>Current Easter Hours</u> Thursday 11am – 12 midnight Good Friday 5pm – 11pm (supermarkets open 8am) Saturday 11.30am – 12 midnight Easter Sunday 12.30 – 10pm</p>	<p>The Minister is proposing to treat the Thursday before Easter as a normal day for the purpose of licensing law which would move closing time from 12midnight to 1am</p> <p>Put Simply: This proposal will allow a normal late licence on the Thursday night before Good Friday. Good Friday, the Saturday and Easter Sunday would remain unchanged.</p> <p><i>Hospitality Ulster have called for movement in this area and whilst we recognise the sensitivity around this period we believe this proposal does not go far enough. The previous Minister had proposed normalising the Thursday and Saturday before Easter, so this is actually less. With premises effectively closed and consumers choosing to drink at home, businesses operating on a 20% profit margin loose a complete weekend which means no profit for a month. It is not unreasonable to seek additional amendments to include extra late opening over Easter.</i></p>
<p>HELP FOR SMALL PUBS</p> <p>Hospitality Ulster calls for help for small pubs by increasing the number of nights they can open under the 'Additional Hours' late licence from the current 20 to 104 (2 nights per week).</p>	<p>The Minister is proposing to increase the number of nights small pubs can apply to the PSNI for an 'Additional Hours' late licence (1am) from 20 to 85 nights per year.</p> <p>Put Simply: This proposal will allow small pubs to open until 1am, 85 nights in a year without the need for food or entertainment (registered Clubs already can open 85 late nights).</p> <p><i>Hospitality Ulster have called for movement in this area and welcome this move but believe a minimum of 2 nights per week is required if we are to help our struggling small and rural pubs survive by removing the costs associated with late night opening, especially those in urban and rural areas</i></p> <p>NOTE:</p> <ul style="list-style-type: none"> • Currently licensed premises that do not have an 'Extended Hours' late licence granted by the court can apply to PSNI for 'Additional Hours' late licence for up to 20 nights per year. • An 'Additional Hours' late licence granted by the PSNI under an Article 45 of the Liquor Licensing Legislation does not require food or entertainment to be provided (max midnight on a Sunday and 1am on other nights – other restrictions also apply)

30 MINUTES EXTRA DRINKING UP TIME

Hospitality Ulster calls for extend Drinking up Time by 30 minutes to allow slower consumption of final drinks and gradual dispersal of customers.

The Minister is proposing to extend drinking up time by 30 minutes to 60 minutes for a trial period of one year.

Put Simply: This proposal will allow a 1 hour drinking up period.

Hospitality Ulster have called for this and welcome this proposal as a measure to help businesses provide a controlled and welcoming environment whilst allowing gradual dispersal of customers at the end of the night. This move will also reduce binge drinking as people will have more time to consume their last drink.

NOTE: Currently drinking up time is limited to 30 minutes after the permitted hours for the sale of alcohol. This causes problems removing drinks from customers, encourages binge drinking and means customers all leave the premises at the same time.

LATER OPENING

Hospitality Ulster calls for amended the 'Extended Hours' late licence (currently 1am), to allow the sale of alcohol until 2:00am, 104 times a year (2 nights per week).

This equated to a very modest increase of 2 hours per week in the hours for the sale of alcohol

The Minister is proposing to introduce a new 'Occasional Hours' late licence allowing the sale of alcohol until 2am, 12 times per year. This licence would be granted by the PSNI.

Put Simply: This proposal will allow Pubs and Hotels to sell alcohol until 2am, 12 times a year. This; combined with the proposed 1 hour drinking up time' will allow the consumption of alcohol until 3am on the designated nights.

Hospitality Ulster have called for later opening hours and welcome this proposal. However we believe 12 times per year is not enough to address the change in consumer behaviour and provide an attractive alternative to home drinking and to visitors. We believe that 1 hour twice a week would be a moderate increase that would help deliver staggered closing and attract people out of home drinking into licensed premises. Granting of this additional hour could be controlled by the PSNI and restricted to premises that are not in a residential area.

NOTE: An 'Extended Hours' late licence is granted by the court under Article 44 of the Liquor Licensing Legislation and requires food or entertainment to be provided (max midnight on a Sunday and 1am on other nights – other restrictions also apply).

<p>ENTERTAINMENT LICENCE</p> <p>Hospitality Ulster has concerns about the Minister’s proposal if it is implemented without the additional hours and additional drinking up time.</p>	<p>The Minister is proposing to limit the duration of entertainment in premises holding an ‘Extended Hours Late Licence’ so that it will not extend beyond the latest time alcohol can be consumed.</p> <p>Put Simply: Currently this proposal would require licensed premises to stop all entertainment at 1.30am at the latest. However if this proposal is combined with the extra 30 minutes drinking up time as proposed by the Minister, entertainment on licenced premises would be required to finish no later than 2.am or if a new ‘Occasional Licence’ (Minister is proposing 12 nights) is in place no later than 3am. Except on a Sunday which will be 1am.</p> <p><i>Hospitality Ulster believes this measure MUST be supported by at least 102 late extensions for the sale of alcohol until 2am and an additional 30 minutes drinking up time. Introducing this without these supporting amendments would result in entertainment finishing at 1.30am and severely damage our industries ability to attract consumers.</i></p>
<p>UNDER 18s AT FUNCTIONS</p> <p>Hospitality Ulster calls for persons under 18 to be allowed to attend functions, such as formals in licensed premises.</p>	<p>The Minister is proposing to allow persons under 18 to attend functions on licensed premises provided the bar remains closed.</p> <p>Put Simply: Persons under the age of 18 will be allowed to attend functions on licensed premises provided the bar is closed.</p> <p><i>Hospitality Ulster welcomes this proposal as it removes the technical barrier to providing functions for this age group. We would also ask that an amendment to allow person under 18 to remain after 9.30pm when attending family events is included.</i></p> <p>NOTE: Currently it is illegal for person under 18 YOA to be on licensed premises unless the premises has a Children’s Certificate and the young person is accompanied by an adult (even if the bar is closed).</p>

ONE-OFF OPPORTUNITES

Hospitality Ulster calls for the removal of the restriction that stops premises with an 'Extended Hours' late licence, restricted to designated nights, applying for an 'Additional Hours' late licence to take advantage of one-off opportunities that arise on nights not covered by the existing licence.

The Minister is proposing to amend the current licensing legislation to allow licensed premises, which have an 'Extended Hours' court order to allow late opening, to apply to the PSNI for the granting of a limited number of ad-hoc additional late nights.

Put Simply: This will allow premises with a late licence issued by the courts, which is restricted to designated nights, to apply to the PSNI for a late licence if a one-off opportunity should arise for a night not covered by the existing late licence.

Hospitality Ulster supports this measure to resolve a technical legality that can result in premises refusing private functions and tourist events due to the fact the night requested is outside the nights they have a late licence.

NOTE: Currently premises with an 'Extended Hours' late licence granted by the court with a limited number of designated nights per week cannot take advantage of one-off opportunities that arise outside the designated nights. E.g. Premises granted late opening on Thursday, Friday and Saturday cannot apply for a late licence to open on a Tuesday night for a birthday party

An 'Extended Hours' late licence is granted by the court under Article 44 of the Liquor Licensing Legislation and requires food or entertainment to be provided (max midnight on a Sunday and 1am on other nights – other restrictions also apply). This late licence may be restricted to designated nights of the week.

An 'Additional Hours' late licence (max 1am) granted by the PSNI under an Article 45 of the Liquor Licensing Legislation does not require food or entertainment to be provided licence (max midnight on a Sunday and 1am on other nights – other restrictions also apply).

<p>PUB CARRY-OUTS</p> <p>Hospitality Ulster OBJECTS to the introduction of legislation to prevent the removal of alcohol from pubs after 11pm. As this will encourage people to leave early and consume alcohol unsupervised at home.</p>	<p>We believe the Minister is proposing to introduce a ban on removing alcohol (carry outs) after 11pm from pubs.</p> <p>Put Simply: This proposal will require carry-outs purchased in pubs to be removed from the premises by 11pm</p> <p><i>Hospitality Ulster oppose this proposal as it will have a negative impact on pubs with customers potentially leaving early and consuming alcohol in an uncontrolled environment at home. We will continue to lobby to reverse his proposal.</i></p> <p>NOTE: Currently carry-outs from pubs must be purchased before 11pm but can be stored and removed from the premises at a later time.</p>
<p>SUPERMARKETS / OFF-SALES</p> <p>Hospitality Ulster calls for supports the Minister's proposals relating to marketing and delivery of alcohol by supermarkets</p>	<p>The Minister is proposing to:</p> <p>Restrict the advertising of alcohol in supermarkets and off sales premises and prohibit advertising alcohol within the vicinity of the premises.</p> <p>Hospitality Ulster does not represent supermarkets, however with the growing abuse of alcohol at home and the continued practise of supermarkets selling alcohol as a lost leader. Hospitality Ulster supports this measure to reduce visibility of alcohol marketing and promotions to children.</p> <p>Place restrictions of the delivery of alcohol; prohibit under 18s from receiving a delivery of alcohol, require identification to be shown and recorded upon delivery</p> <p>Hospitality Ulster does not represent supermarkets, however with the growing abuse of alcohol at home and the continued practise of supermarkets selling alcohol as a lost leader. Hospitality Ulster supports this measure as a means to control access to alcohol by persons under 18.</p>

<p>SELF-REGULATE PROMOTIONS</p> <p>Hospitality Ulster calls for statutory recognition to be given to Industry Codes of Practise on the promotion of alcohol. To assist the Industry self-regulate and eliminate irresponsible practises.</p>	<p>The Minister is proposing to allow statutory approval for codes of practice in relation to how alcohol is promoted and sold in licensed premises. It is intended that a breach of the code could lead to a court imposing conditions on a licence.</p> <p><i>Hospitality Ulster have led the introduction of the Responsible Retailing Code in Northern Ireland and welcome this proposal as a means to deter irresponsible promotions.</i></p> <p>NOTE: Legislation that would severely limit all promotions on alcohol is already in place and could be activated within a number of weeks. However Pub of Ulster have successfully lobbied for self-regulation as a more effective means of controlling irresponsible promotions, whilst allowing responsible promotions to take place.</p>
<p>Provision for Craft Brewers & Distillers</p> <p>Hospitality Ulster calls for the introduction of a licence category for craft brewers and distillers premises. With a facility for occasional licences for the sale of their own products at designated events.</p>	<p>The Minister has <u>NOT</u> included any provision for a licence for craft brewers and distillers premises.</p> <p><i>Hospitality Ulster calls for:</i></p> <ol style="list-style-type: none"> 1) <i>A new licence category should be introduced that would allow craft brewers and distillers to sell products made on their premises as part of a visitor centre experience.</i> 2) <i>The facility for craft brewers and distillers that hold a licence under the proposal above, to apply for an occasional licence to sell their own products as designated events. For the purpose of control these could be issued similarly to the existing occasional licence which require police consent. Plus have an additional control, where the endorsement of Tourism Northern Ireland is also required to state that the event is of tourism or economic significance.</i>

Explanations of late licenses:

- An 'Extended Hours' late licence is granted by the court under Article 44 of the Liquor Licensing Legislation and requires food or entertainment to be provided (max midnight on a Sunday and 1am on other nights – other restrictions also apply).
- Licensed premises that do not have an 'Extended Hours' late licence granted by the court can apply to PSNI for 'Additional Hours' late licence for up to 20 nights per year.
- An 'Additional Hours' late licence (max 1am) granted by the PSNI under an Article 45 of the Liquor Licensing Legislation does not require food or entertainment to be provided licence (max midnight on a Sunday and 1am on other nights – other restrictions also apply).
- Premises with an 'Extended Hours' late licence granted by the court with a limited number of designated nights per week cannot take advantage of one-off opportunities that arise outside the designated nights. E.g. Premises granted late opening on Thursday, Friday and Saturday cannot apply for a late licence to open on a Tuesday night for a birthday party.