



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs  
(Amendment) Bill:  
Wine and Spirit Trade Association

10 November 2016



particular, which we have certainly found to have helped in other places in the UK. Secondly, the exemption for Angostura bitters feels like an anomaly, so we would support that exemption being removed.

There are a few things that I want to draw attention to that we would like to submit some advice on, as per our written evidence, because we have a few concerns. In general, it feels as if the Bill is moving from the status quo more towards some of the things that Scotland is currently trying. We have a little bit of evidence of that high regulatory approach to the problem of alcohol harm. Scotland, of course, has different problems from elsewhere in the UK. I do not think that there is good evidence of why that is, but we are trying to keep an eye on that, in particular to see what works.

We recommend that the Committee and the Government consider, in particular, the Bill's impact on the businesses and jobs that I mentioned. We want to see, as most policymakers do, a good evidence-based approach to changes to any existing legislation. There is something about partnership working that I would like to say more about later. We, as the WSTA, are extremely proud to be involved with a lot of members who take the responsible retail of alcohol very seriously. Voluntarily, we are very much involved with community alcohol partnerships. We have all sorts of voluntary codes that work very effectively, whether they are the Portman Group or the Advertising Standards Authority codes on broadcasting and advertising in the media. We think that all of those form a pretty effective basket of things, which works quite well in most places. That is not to say that you cannot improve on it, but, overall, the direction of travel has been very good. The most obvious example is that, across the UK, the consumption of alcohol has fallen by one fifth in the last decade, and it is falling by far the fastest among young drinkers; that is, drinkers under 26.

We have concerns in three areas, and we would like to draw your attention to them. The first is restrictions on off-sales drinks promotion. The main point is that, the more variety of restriction there is, and the more restriction there is overall, the more burdensome it is for businesses that are providing jobs. There is always a trade-off there, which we ask you to bear in mind. Then there is the point about evidence. We have seen a more restrictive approach in Scotland, and we have seen a rise in costs and the administrative burden on businesses. We have not seen any evidence of improved behaviour, lower consumption or fewer problems with alcohol misuse. The last point here is about consistency of application, which is very important particularly for big businesses that operate in lots of different parts of the UK. There are a couple of examples in Scotland where it has been quite hard to implement what is in the legislation.

Secondly, there is the code of practice. We are against moving to a statutory footing, partly for the reason that I have already outlined, which is that our members are involved in a number of voluntary codes that work incredibly effectively. We do not see a need to reinvent the wheel, if it is working anyway. We also think that there would be quite a big cost to government generally. You would have to set up an independent panel, and legal process would be required. If anyone has an objection, that would be quite costly, and, of course, there would be an insurance requirement as well. You have good industry buy-in — that is one of the reasons why we are very keen to be here — to the voluntary approaches so far. I have with me the latest version of something that we produced with our Retail of Alcohol Standards Group, which is very much off-trade specific. It was first produced in 2014, and we are producing another version of it for the end of this year. This is about good practice in the retail of alcohol. It is all elements of the off-trade that we can encourage to get involved. It is a benchmark, and it is voluntary. We are revising that now. By the end of this year, we will have not only a revised version but specific versions for different parts of the UK. There will be a Northern Ireland-specific version. As I said, that goes quite far along the lines of some things raised in the Bill and, we think, is proving to be very effective.

One of the last points, to finish my opening statement, is about the delivery of intoxicating liquor to young persons. We find that this is coming up a lot with different governments, not just in the UK but occasionally overseas as well. The bald truth is that we do not yet have any evidence that young people get their alcohol in this way. The young persons behaviour and attitudes survey from November 2013 for Northern Ireland tells us that approximately 7% of students drink alcohol regularly and, of that small percentage, 82% who have drunk have not purchased it themselves. That suggests to us that delivery is not an issue. I would be very happy to look at evidence that says otherwise, but that is where we are at the moment. We also think that proxy purchasing is more of an issue, and that is where we are doing a lot of work. In partnership with Police Scotland, we did something in Scotland that is going to be rolled out nationally. I would be very happy — probably not today — to write to the Committee with a bit more evidence on that, if it would be helpful, because some of that is now coming in at the post-pilot stage.

The last thing to mention is community alcohol partnerships (CAPs). We now have over 100 community alcohol partnerships across the UK. Frankly, there are fewer in Northern Ireland than I would like to see, but community alcohol partnerships are very focused on driving down underage drinking and antisocial behaviour related to underage drinking. There are a couple of examples from the Londonderry CAP, in particular. Referrals to youth officers declined from 114 to 40 per year after the CAP was introduced, and youth nuisance came down by 50%. That is an entirely voluntary but very locally tailored approach that we think has been very effective elsewhere in the UK, and we would like to see more of them in Northern Ireland. I have a report from last year, and a new one will launch next week, about CAPs that have happened elsewhere in the UK, and we would be really happy to make some of that available to the Committee if it is useful.

**The Deputy Chairperson (Ms Gildernew):** Thanks a million, Miles. We will open it up.

**Ms Ní Chuilín:** Thanks very much for your presentation. I am particularly keen to hear about the local alcohol action plans, and you finished off by mentioning the community alcohol partnerships. I accept what you are saying in that, anecdotally, in Belfast, there is a situation where you can literally phone a taxi company and have alcohol delivered, and that is illegal. By and large, a lot of young people, but not exclusively, are involved in that. You mentioned the whole area of proxy purchasing, which perhaps strays into different aspects of government, including test purchasing and all that goes with it. On your relationships with the community and your emphasis on the need for a voluntary code rather than a statutory code, is your opposition to a statutory code primarily around cost or is it because the work that you have with community partners is of such a standard that you do not need it to be on a statutory footing? I am just keen to find out your rationale for that.

**Mr Beale:** It is probably all and none of those, in that we helped to contribute to the code that currently exists, but the Northern Ireland code is much more relevant to on-trade than off-trade. The first document that I mentioned is the WSTA's attempt to do something that particularly looks at the off-trade, so it covers an enormous amount of stuff that is on your agenda for today and other sessions. So, we felt that there was a need to do something that is not in that document or code. That is the first bit.

The second bit around cost is that, because we do not consider that that code is really going to help on the off-trade side, you need something else. That is what we would offer. If you made anything statutory, there is a completely separate question about what you would make statutory, and it really depends on what the aim of making it statutory would be.

Every local and regional part of the UK has a slightly different approach, which is entirely right, and we want to support that. It is easier done when there is some flexibility and partnership with government rather than having something imposed. It is definitely true that the cost of administering a code does not exist at the moment or, if it does exist, it is through the voluntary regimes and, therefore, it is industry supported. So, if it is working anyway, I would question why you would want to take on the cost of delivering it. If it is not working, there needs to be an understanding of where it is not working. I find a taxi service including alcohol pretty extraordinary and certainly do not condone that, and, as you say, it is illegal. The question is how you stop it. If there are powers already, it is a question of how they are used. It is about enforcement, and, quite a lot of the time, enforcement seems to be very important. We are always open to new ways of doing it, but that is not and should not be for the industry to do.

It is worth saying that, on the industry side, our supermarket members are probably the best way to make sure that things like home deliveries are done effectively. It is only in the off-trade that you have a Challenge 25 approach rather than Challenge 21. When supermarkets deliver food and there is alcohol in the basket, they perform Challenge 25 on the doorstep. No other firm, as far as I am aware, can do that. That is something positive that they offer. Our guidance covers that. We are trying to make it an industry standard for not just the big retailers but anyone who does additional home-delivery services or is thinking about it. We would like to establish a new culture that is very effective.

**Ms Ní Chuilín:** What does a community alcohol partnership entail?

**Mr Beale:** Community alcohol partnerships were set up about six or seven years ago. There is no national blueprint, but the idea is that community alcohol partnerships provide some money for a local community to come together when there is a problem with underage drinking. That partnership has to include police, Trading Standards, the local authority and every retailer in the geographical area that has been defined as a problem area. We then contribute funding and expertise to help them to work

together to solve the problems. We now have more than 100 CAPs around the UK. We are often able to suggest things that have worked in other places.

The big benefit of the way in which a CAP operates is that there is no blueprint, so if, in a particular locality, there is a charity that wants to get involved or has a particular expertise, it can be invited to join the group. There is almost no CAP that is not effective. It is sometimes effective in ways in which you are not expecting because you have people around a table who have an interest in solving a problem and then they find other things to do. For example, Great Yarmouth, which is a coastal constituency in Norfolk, had a big problem with underage drinking partly because the kids were, frankly, bored. The retailers agreed to tighten up and make sure that the kids did not get the alcohol in the first place; certainly not from their stores, in which case it was only from the parents. The Sea Cadets became involved. CAP helped to fund some training and diversionary activity with the Sea Cadets. All the kids who were drinking when they should not have been and were involved in something that they should not have been spent that time doing something pretty productive: they learned about boats and how to sail. That did not replicate itself anywhere else specifically, but it is a very good example.

**Ms Ní Chuilín:** Is there only one CAP in the North?

**Mr Beale:** Yes. As far as I am aware, there is only one. We would definitely like there to be more, but it operates on the basis of communities coming to CAP to ask for support. CAP did a presentation at a recent government-held meeting to try to advertise the service. The funding is there.

**Ms Mallon:** I was going to ask why there is a lower uptake of CAP in the North compared with other places, but you covered that in your last answer: you said that it has to be initiated from within the community. Maybe there is an issue around awareness. It is something that we should look at. If I read your briefing correctly, there is demonstrable evidence of it being very beneficial in Derry. There should be a conversation outside this about how we can try to encourage more of them in communities right across.

**Mr Beale:** That would be great. In England and Wales, there is now an approach led by government to identify areas where there are alcohol issues. Sometimes, it is a night-time economy that is not functioning. Sometimes, it is a problem with underage drinking. The industry offers a range of approaches like CAP that can all be put to those communities to see which ones fit. We have seven or eight. The Home Office effectively draws in the local authorities and introduces them to the people who run CAP, Purple Flag, Best Bar None and other things. It is almost like a speed-dating service: the local authorities are asked, "Which of these services or functions is good in your local area?". It has worked very well. We would like to do a bit more of it, including in Northern Ireland.

**Mr F McCann:** In the past, when matters like this were discussed, the Committee, the Minister and others felt that it best came down to self-regulation rather than legislation. I know what you are saying about places needing to give clear evidence. The fact remains that, especially in the working-class communities that many of us represent, there is a serious problem with underage drinking. Alcohol has to come from somewhere. In the absence of clear evidence on where it comes from, one of the things people zero in on is the illegal use of taxis to deliver alcohol. I have to stress that the vast majority of people who own taxi places and drive taxis are good, decent people who would not be part of that; it is just down to a small group of people. Off-sales is another. I understand what you are saying. If alcohol is delivered to a house and accepted by a young person at the door, none of us can say whether it will be consumed by the young person. Obviously, when we are looking at this, what we have to try to do, given the serious problem, is work out how we control the amount of alcohol going to young people.

**Mr Beale:** I agree with almost everything you said. In my experience, the wine and spirit trade very much wants to be part of finding a solution and has a pretty good track record of achieving it. Ideas are always coming forward. We think that the best thing to do is have a look at whether they have been tried before to see if they work or not. The taxi example is classic. I do not think that a single person in my industry would complain and say that that was not completely wrong and should not be stopped, but it is definitely not for industry to deliver; it is for the authorities to deliver.

**Mr F McCann:** Along with that, we all have an obligation to work towards a reduction in underage drinking of alcohol. Nichola touched on it. You are saying that the community has to come to you. Remember that many of the communities we represent are very hard-pressed; they are socially deprived and would not realise that they have to approach the likes of you. Most of them have

probably never heard of you. A bit of proactive promotion and communication would go a long way to help set that up.

**Mr Beale:** I agree. I would love some support to do that. That is part of my reason for being here. I will make sure that you, as representatives of those communities, have some more information on CAP. If you think that we can help, we will.

**The Deputy Chairperson (Ms Gildernew):** That would be helpful.

Just a final point, Miles, before we let you go. The Department can consider any code brought before it, including from you. There is the scope to bring a code forward and for the Department to consider it.

**Mr Beale:** It would be helpful for the Committee to look at what our guidance is. It is not a code, and it provides examples of best practice in a large number of areas. It could not function as a code, but it is exactly the sort of thing that we think works well because it is industry-led. The reason the guidance has been brought together in one place is so that every business selling alcohol can see in one document everything that it is supposed to do, has to do or might like to think about doing as an example of best practice. You would only ever get one of those in a code, and you would have all the cost, hassle and probably a lost less industry buy-in. That is the reason we think that, in general, the code route would deliver a worse outcome.

**The Deputy Chairperson (Ms Gildernew):** Thanks very much, and thanks for the effort in coming here, Miles.

**Mr Beale:** Not at all. Thanks for having me.