

Written Submission to the Northern Ireland Assembly Committee for Communities  
regarding the Licensing and Registration of Clubs (Amendment) Bill

On behalf of Golf Holdings Limited

November 2016

**Golf Holdings Limited** is a leading supplier of alcoholic drinks in Northern Ireland. It is a local, family owned Company which is active only within Northern Ireland. We employ over 1500 people in the distribution and retailing of alcohol. Our businesses include:

- Winemark, the leading off licence chain,
- Russell's Food & Drink, which operates Convenience stores, most of which are licenced to supply alcohol
- Wine Inns - a group of public houses based in and around Belfast
- Wholesale & Distribution – we also sell alcohol to the licenced trade as a wholesaler and distributor, our companies are James E McCabe Ltd, Philip Russell Ltd & North West Liquor

We have recently reviewed the proposed draft legislation and we have specific concerns around Clause 12 of the proposal.

### **The New Proposal**

The Explanatory and Financial Memorandum attached to the Bill describes Clause 12 in this way:

“Clause 12 introduces new Article 57ZA in the Licensing Order (Restrictions on off-sales drink promotions in supermarkets etc.). Article 57ZA restricts the advertising of drinks promotions in supermarkets to the area in which intoxicating liquor may be displayed in such premises. Supermarkets and other licensed premises which sell intoxicating liquor for consumption at home will also not be allowed to advertise drink promotions available in the premises within the vicinity of the premises which is defined in subsection (3).”

This suggests that this regulation is intended primarily to restrict the promotion of alcohol within Supermarkets. There is widespread concern about the pricing policies of the supermarket multiples and their use of low alcohol prices to attract shoppers. This is seen in media stories about “Alcohol is cheaper than water”, etc. If this is the primary intention of the legislation, it seems to go much further than this and affect many small local businesses.

### **This Impacts All Off Licences**

In fact, the draft legislation applies these restrictions to all premises which hold a 5(1)(b) licence. Figures from the Northern Ireland Court Service show that there were **491** such licences at the 31<sup>st</sup> December 2013. Of these, **only around 80 are large stores** which belong to the multinational grocers (Tesco, Sainsbury's, Asda & Lidl). The remainder are mostly small off licences and mixed trading convenience stores which are locally owned and run. If the intention of this policy is primarily aimed at restricting promotions within the large grocers it will also affect several hundred local businesses.

## **Unfair treatment of Pub Off Sales**

The draft legislation does not seek to apply the promotional restrictions to off sales attached to public houses, which operate under the 5(1)(a) licence class. These premises are often indistinguishable from standalone off licences and some use cheap alcohol prices as a way to attract trade. Many advertise drinks promotions outside their licensed area in a way which would violate the new Clause 12, if it were applied to them in an equal way. See attached photo of the Cloughfern Arms of Doagh Road, Newtownabbey. This will create an unfair commercial advantage for those operating pub off sales.

## **Restrictions apply differently to different premises making enforcement hard**

It may also be difficult for the Police to enforce these rules, as there will be scope for confusion with regard to which premises are breaking the new restrictions. For instance, public houses will be able to continue all promotions as before. Off licences will be able to put promotional posters in their windows. However, some mixed trading convenience stores will not be allowed to put promotional posters in the windows, while others who have their licenced area next to the window, will be able to. Given that the rules will apply differently to different premises, we believe it may be hard for Police in certain circumstances to establish whether the law has been broken.

## **Possible Way Forward**

If the intention is to restrict the promotions within the large supermarkets it may be possible to amend Clause 12 so that it only apply to outlets which fall under the Sunday Trading restrictions; this is essentially stores over 280m<sup>2</sup> in size. This approach was used during the introduction of the display ban on tobacco products, when stores subject to Sunday trading regulations had to introduce the ban first.

In absence of this change we believe the promotional restrictions should be extended to cover the promotion of take home sales from public houses.