

NI DRINKS INDUSTRY GROUP
Diageo, Tennents NI, Dillon Bass

Dear Dr Phelan

Licensing & Registration of Clubs (Amendment) Bill

I apologise sincerely for the late submission of this short letter; however, we did not receive a copy of your letter dated 20 September to stakeholders. Although late, I would be grateful if you could take our comments into account in relation to the Committee's deliberations.

The three companies above collectively make up the NI Drinks Industry Group and, for the purposes of providing funding and ongoing support for the Responsible Retailing Code, we are joined by Molson Coors, Wine Inns Ltd, SHS Group and Heineken Ireland. Together we are responsible for over 90% of alcohol products sold in NI and took the lead in gathering the industry together to draft the Responsible Retailing Code back in 2011. We have supported it and provided funding for it ever since.

As a group we are largely in favour of the provisions of the Bill and very much welcome its introduction; however, we do believe that in a number of important areas it does not go far enough in recognising the important role that the NI on-trade provides in tourism. The majority of visitors to NI visit a pub during their stay, and it is an expected part of the NI culture that tourists want to experience.

We have not commented on the provisions with which we agree so our support should be taken for those clauses not mentioned below.

Clause 1 – Additional Hours at Easter

We welcome the proposal to treat Thursday before Good Friday as a normal weekday; however, we would ask for consideration to be given to extending this to Saturday night also. Easter is an important time of year for the pub trade in these difficult economic times and neither will the proposed amendment solve the ongoing issue with different rules at different times for on and off sales. Tourists (and residents) will continue to be puzzled as to why they are unable to buy a pint with their lunch on Good Friday, but can go and buy products in an off-sales, and why they can go to the pub on Easter Sunday but not purchase a bottle of wine from the off-licence.

Clause 2 – Additional Hours: applications to court

We welcome the proposal to allow premises with an Article 44 licence to apply for an additional hour, but we are disappointed that this will only be granted 12 times/year. This is unlikely to meet changing expectations from locals and residents and, when taken with the proposals in Clause 6 to align liquor and entertainment licences, does run the risk of closing down the city centre earlier than is currently the case. The cost of making such an application to the courts will mean that only the very largest and busiest premises will be able to apply – in some cases, possibly the very premises that the PSNI may have concerns about. We believe that a sensible number of late opening occasions should be permitted, otherwise confusion would be immense – both for locals and

tourists, and, indeed, enforcement agencies. Opening for 1 additional hour once a month could be extremely confusing for all. Why not extend the number of occasions to perhaps 52 (ie once a week) for a trial period of a year, after which it could be reviewed, in the same way that the extra 30 minutes drinking up time is to be reviewed?

We also believe that there is a missed opportunity here – the Minister should be given the power to declare additional hours for an event of national or social importance, or for very special events. Having to get Ministerial approval would provide a safety net to ensure that only very special and stand-out events could be considered (for example, co-hosting of world cup rugby at some point in the future).

Clause 4 – Additional hours: police authorisations

We welcome this proposal but, again, believe there has been a missed opportunity to allow the police to authorise occasional late opening for small rural pubs which do not have an Article 44. Such pubs are important to local communities and to tourism and should be supported and encouraged.

Clause 6 – Alignment of liquor, entertainment and refreshment provisions etc

We support this proposal and it should assist enforcement authorities and stop certain premises exploiting the current difference between the two. We also support the alignment with the end of drinking-up time, rather than the end of sales. However, please consider this in the light of the comments made under Clause 2 above.

We also note that there is no move to reconsider the definition of “entertainment” and feel that, in these days of large screen TVs and live streaming of worldwide events, further discussion should be had as to what constitutes “entertainment”.

Clause 7 – Removal of requirement for children’s certificates

We very much support this proposal but would question why it will be acceptable for children to be in a bar area until 11pm in the summer months in registered clubs, but not in other licensed premises? Why should children be able to sit in a golf club finishing a meal until 10pm or 11pm, but not in a pub, hotel or restaurant? It is not very welcoming for a premises to have to display a notice stating that children must be off the premises by 9pm, especially in the bright summer months and school holidays. Surely, provided that children are properly supervised, there is no reason why they should not be allowed on licensed premises, at the discretion of the premises (many will not want them, but food heavy businesses may).

Similarly, in relation to the clarification relating to off-sales that children should not be allowed in any part of a premises where alcohol is made available for sale (for example, the gated area in a supermarket), this is going to pose many practical difficulties. What about babies and toddlers in shopping trolleys? What about other small children? Are they to be left at the gate whilst their parent enters the restricted area to lift a bottle of wine which they then place in the trolley within reach of the child? Will staff be expected to be placed at the gates to ask customers for ID to enter the area? If parents are trusted to accompany their children to licensed premises and registered clubs, surely they should be trusted to let them accompany them into an off-sales area.

Clause 8 – Underage Functions

We welcome this move to allow the courts to class certain parts of licensed premises as being suitable for holding underage functions. However, this does not get round the existing problem of children attending general functions – for example, all family functions - weddings, funerals, christenings, wedding anniversaries, birthday parties etc. The lack of clarification in this area will still mean that children must leave such functions by 9pm. This will and must continue to pose a huge problem, especially for hotels, and how are staff to be expected to police this, and explain the rules to bemused and unbelieving parents and family members? Surely this is the opportunity to get these provisions workable and sensible.

Clause 12 – Restrictions on off-sales drinks promotions in supermarkets etc

We support the fact that not all of the original proposals have been included in the Bill. Many mirrored changes which had been introduced in Scotland, and not all of those have had the desired effect. Does the prohibition on not carrying out a “promotional activity” within a 200m boundary of the licensed premises include, for example, ensuring that supermarket promotional leaflets on a range of products, including alcohol, should not be delivered to homes within that 200m radius? We presume that it would not prevent an off-sales from advertising in its windows, but would preclude it from placing a small swing board outside its door?

Clauses 13 & 23 – Code of Practice

We very much support this provision. As mentioned elsewhere, we were instrumental in facilitating the drafting of the Responsible Retailing Code NI. We, along with other wholesalers and suppliers in NI, still support it and provide funding for it. We also exercise an oversight function for the Independent Complaints Panel. We believe that the Code has changed the promotional practices of pubs and off-sales in NI for the better, and has led to clearer guidelines for the industry on best practice being produced. The Code has been amended since it was first published, for example, to strengthen provisions relating to the carriage and consumption of alcohol on buses and in taxis – legislation was unable to do so quickly, so we changed the Code. This clearly demonstrates the value of this self-regulatory approach. However, having statutory backing for the Code will in future require the courts to take into account decisions against premises when renewing their licences, and this would certainly give the Code more teeth. It would also ensure all premises would have to abide by it and thus level the playing field for all.

We support the rest of the Clauses, and those relating to registered clubs.

If you require any further information, please do not hesitate to get in touch.

Yours sincerely

Nicola Carruthers

NIDIG



From: Nicola Carruthers [REDACTED]
Sent: 03 November 2016 14:07
To: Pelan, Dr Kevin <Kevin.Pelan@niassembly.gov.uk>
Subject: NIDIG - oral evidence to the CfC, 17 November 2016

Dear Kevin

Thank you for your letter dated 28 October. I have already confirmed by phone our attendance at the Committee on 17 November.

Unfortunately, I am not yet in a position to provide you with a final notification of who will be attending. I certainly will but, due to illnesses, cannot confirm which commercial member will attend with me. I apologise for that, but will let you know as soon as possible. Our evidence to the Committee remains as in our submission, with one further additional point which came to light only recently. I would be grateful if this point could be added to our submission before being passed to the Committee.

It relates to Clause 12 - "restrictions on off-sales drinks promotions in supermarkets etc."

The Clause relates only to off-sales operating under an Article 5(1)(b) licence, and not to those under a 5(1)(a) (ie it relates only to stand-alone or mixed trading off-sales, but not to pubs which have an off-sales attached to their premises). To give a specific example - this means that the off-sales attached to Lavery's Bar in Bradbury Place (operating under a 5(1)(a)) - for all intents and purposes separate from the bar, with its own street entrance and looking like a stand-alone shop as far as the general public would be concerned) will not be caught by the provision, but the Winemark (with a 5(1)(b) licence) across the road will be covered by the new restrictions. Two different rules applying to two virtually identical off-sales businesses. There are plenty of examples of this up and down the country.

The title of the clause references supermarkets, but this clause obviously affects many more local businesses than may immediately have been apparent. It may be more equitable for this restriction to apply to all off-sales premises.

I will get back to you regarding names as soon as possible.

Many thanks

Nicola Carruthers
Northern Ireland Drinks Industry Group