



**Northern Ireland
Assembly**

COMMITTEE FOR COMMUNITIES

Please use this form to submit written submissions in relation to the Licensing and Registration of Clubs (Amendment) Bill. Return to committee.communities@niassembly.gov.uk by Wednesday 19 October 2016.

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Organisation: The Wine and Spirit Trade Association

Date: 10th October 2016

Who we are

The Wine and Spirit Trade Association (WSTA) represents over 300 companies producing, importing, exporting, transporting and selling wines and spirits in the United Kingdom. Members range from major retailers, brand owners and wholesalers to fine wine and spirit specialists, logistics and bottling companies. We campaign for a vibrant and sustainable wine and spirit industry, helping to build a future in which alcohol is produced, sold and enjoyed responsibly.

General Comments

The WSTA recognises that there are aspects of licensing regulation that it may be beneficial to review and also recognise the need to support Northern Ireland's hospitality industry, as it operates within a competitive market, situated geographically between the Republic of Ireland and Scotland, both with strong tourism offerings. Additionally, the WSTA is determined to play a positive role with the Northern Ireland Government and others in tackling alcohol-related harm.

However, there is concern that, in looking to both reduce overall levels of harm and support the on-trade industry, the off-trade sale of alcohol has been unfairly

targeted with a number of new restrictions that will add to the already high level of burdens faced by off-trade retailers. These new regulations come at a time of major uncertainty for retailers, who are already facing tough trading conditions, and the costs associated with such restrictions will impact on jobs and economic growth in local communities.

Major off-trade retailers are already working to ensure that alcohol is retailed on a responsibly through the operation of the Retail of Alcohol Standards Group (RASG). RASG developed the Challenge 25¹ ID scheme and locally targeted partnership schemes - Community Alcohol Partnerships - that are properly evaluated and evidence-based. Community Alcohol Partnerships have previously operated in Country Derry², recently presented to the Northern Ireland Alcohol Advisory Group and are looking to expand in operation in Northern Ireland. RASG has also recently launched best practice guidance³ for the responsible retail of alcohol, a revised version of which will be published by 2017 for Northern Ireland.

We also work closely with our members to ensure that alcohol is sold and marketed responsibly, strictly adhering to the Portman Group codes⁴ for packaging and promotions and the Advertising Standards Authority⁵ codes on advertising.

It is our view that whole of population approaches, whether introduced at a national or local level, are unlikely to effectively target the minority who misuse alcohol, whilst placing unnecessary burden on businesses and jobs, especially in this continuing time of uncertainty.

Effective dialogue between business and government, as well as localised and targeted partnership working is the most effective approach to tackling alcohol related harm.

Specific parts of the Bill we wish to address

Restrictions on off-sales drinks promotion in supermarkets, etc.

Placing restrictions on the areas in a store in which alcohol is promoted has not been proven to have any effect on consumption patterns, whilst proving unnecessarily

¹ <http://www.wsta.co.uk/challenge-25>

² <http://www.communityalcoholpartnerships.co.uk/case-studies/derry>

³ <http://www.wsta.co.uk/images/Committees/RASG/2013workstreams/guidance/RASGguidanceFINAL.pdf>

⁴ <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>

⁵ <https://www.asa.org.uk/>

burdensome to economic operators, especially those which operate across a number of different areas within the UK market. Every time retailers must specifically alter their operation methods, further costs are added to their businesses, placing them under stress in an already competitive market. Placing stress on these outlets puts jobs at risk.

As the suggested legislation currently sits, there is also a lack of clarity as to what is deemed an alcohol promotion and this would cause further issues as it leaves room for potential inconsistency in the application of regulations from local Trading Standards Officers.

In Scotland, restrictions have been placed upon the promotion of alcohol, limiting it to the licensed area of the BWS aisle (beers, wines and spirits). In comparison, no such restrictions are in place in England. Yet, consumption of alcohol remains higher in Scotland than in England⁶, which have also seen faster rates of decline than Scotland. This shift in drinking patterns that has been seen in England is in part due to a willingness to adopt targeted approaches to alcohol related harm and work with programmes such as Community Alcohol Partnerships, which take a holistic community approach to alcohol related issues in areas with the most need, providing results for the community without the need for further burdensome regulation on retailers.

The vast majority of consumers consume alcohol in a sensible, safe and moderate fashion and those consumers, along with businesses in Northern Ireland who supply jobs and livelihoods, should not be penalised because of the actions of a minority that misuse alcohol. The evidence shows that targeted, local interventions such as the Local Alcohol Action Areas (LAAs) programme⁷, are the most effective approach, rather than further regulations and similar models should be considered for Northern Ireland.

⁶<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/bulletins/opinionsandlifestylesurveyadultdrinkinghabitsingreatbritain/2014>

⁷ <https://www.gov.uk/government/publications/local-alcohol-action-areas>

The largest national retailers adhere to strict guidelines for the retail of their alcohol in the in-store environment under the RASG code, including consideration as to where they place advertising and products in order to responsibly retail alcoholic drinks.

Code of Practice

The WSTA oppose the provision to ensure that codes of practice are given a statutory footing as meaningful voluntary codes already exist and are operational and effective and the alternative proposed is unworkable and unnecessarily burdensome. The operation of codes are not subject to Executive scrutiny in the same way that licensing legislation is and it is appropriate that licensing restrictions are fully considered by the Assembly to ensure their impact are not disproportionate or unnecessary. This provision would effectively delegate responsibility away from the Executive and could allow those that develop codes to amend and extend them as they see fit with no consultation or scrutiny.

The development and administration of a code comes with a cost that will have to be met. This will have to include for example an independent panel and insurance as the impact of the decisions could unfairly hit commercial interest if administered wrongly. Should there be a statutory application of the codes, leading to the rejection of licenses and people's livelihoods, this insurance is likely to be costly. Like in existing codes, such as the Northern Ireland pubs code or Portman Group code, the approach should not be to restrict licenses but to work with retailers to ensure they are operating responsibly. Should the Government choose to adopt this regulation, it should be wary that if administered incorrectly, it could do great harm to Northern Ireland's retail sector and the thousands of jobs that depend on it.

What constitutes the responsible retail or promotion of alcohol varies from the on-trade to the off-trade as consumption is expected in a different manner. It should be

noted that it would be unworkable to put forward any cross-sector code of practice. Should a code for example attempt to mention pricing or promotions, or consider specific products, in any way, retailers would not be able to take part in its application due to the impact of competition law, placing them in a legally impossible position.

It must also be noted that the trade is already subject to a number of codes in operation. In addition to the Portman Group code, which ensures that products are packaged and promoted responsibly, this has the full support of retailers who remove any products in breach of the code. Additionally, there is the Advertising Standards Authority Code for alcohol broadcast and advertising, which has semi-statutory footing. Finally, The WSTA's Retail of Alcohol Standards Group (RASG) has developed a Responsible Retail of Alcohol Code would be the most applicable code for multiple retail sector. A revised version of this code, including a Northern Ireland Specific version, will be published by the end of 2017. The WSTA would be happy to work closely with the Government to ensure that the code is widely available and ensuring the continued responsible retailing of alcohol. However, the voluntary adoption of this code is the most efficient and effective way to do this whilst not placing unnecessary burdens the multiple retail sector. Off trade retailers have been successful in embedding responsible retail practices, for example through the voluntary adoption of Challenge 25 which is now the industry standard ID scheme and much more rigorous than Challenge 21 favoured by the on trade. When well applied the scheme can have significant impact in reducing underage access to alcohol. As signatories to the RASG code, all major supermarkets pledge to successfully implement Challenge 25.

It would not be suitable for any other body to develop a responsibility code for the off-trade, especially in isolation, as they are unaware of the day-to-day workings of the sector, as well as the in-store systems and responsibility work that already takes place voluntarily. Therefore the WSTA would recommend that following the publication of the RASG Responsible Retail of Alcohol Guidance for Northern Ireland

that the Executive works closely with the industry to ensure this code becomes the voluntary standard across all off-trade retailers.

Delivery of intoxicating liquor to young persons

Retailers take their responsibility in dealing with underage sales very seriously and different retailers undertake a range of activity designed to prevent underage sales, this includes; highlighting alcohol purchases at the top of home delivery receipts; flagging challenge 25 on handheld devices where home deliveries contain alcohol; monitoring alcohol only baskets or unusual purchases and confirming with registered account holder; conducting credit check searches on account holders. This is on top of the registration requirements, age verification question, the cost of delivery for orders under a certain value and the requirements to wait for a designated delivery slot. All of which act as a disincentive for potential underage drinkers.

Whilst this regulation may seem sensible from a far, there is no evidence base to suggest that it is a necessary piece of legislation. In addition, it is overly burdensome on retailers of alcohol and will do nothing to reduce young people's access to alcohol, as UK studies and surveys⁸ show that home delivery is not the method by which young people generally acquire alcohol.

According to the Northern Ireland 'Young Persons' Behaviour and Attitudes Survey Bulletin October - November 2013'⁹, only approximately 7% of students drink alcohol on a regular basis (monthly). Students most commonly receive this alcohol from parents, by taking it from the home or through proxy purchases. According to the Young Persons' Behaviour and Attitudes Survey, 82% of pupils who have drunk alcohol have never purchased alcohol themselves.

To adjust systems and to retrain staff for home deliveries would be very costly and burdensome for businesses, to address something which is not in fact an issue.

⁸ <http://wsta.co.uk/images/Committees/RASG/2013workstreams/Challenge25Report2014.pdf>

⁹ https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/bulletin-2013-ybas_0.pdf

In Scotland, the WSTA's members and partners have been working closely with Scottish Police and other stakeholders right across the off-trade sector to reduce proxy purchase, through a targeted campaign that is soon to be rolled out nationally to other affected areas. The programme won a number of Police Scotland awards, at regional and national levels and we would be happy to share the findings.

Since first being established in 2007, 100 Community Alcohol Partnerships (CAP) have been in operation across the United Kingdom, and the CAP model brings together a host of interested partners from public and private sectors to address specific areas where under-age drinking is an issue. Major supermarket retailers work with the convenience store sector and in partnership with Police, Trading Standards, schools and youth workers to address areas of concern and reduce underage drinking.

In Derry, the Community Alcohol Partnership showed strong measurable evidence of impact, with a decrease in referrals to youth diversion officers from 114 to 40 and a youth nuisance decrease of 50%¹⁰. Clear impacts from the CAP model can be seen right across the UK in this way.

Removal of exemption for Angostura Bitters

As part of ongoing responsible retailing, the majority of Supermarket retailers voluntarily age-restrict Angostura Bitters, due to the high alcohol content of the product. The WSTA and its members support the removal of this exemption and welcome the Government's decision to legislate in this area.

¹⁰ In 2012 the scheme won a prestigious national award, the Municipal Journal Award, coming top in the Customer Behaviour Change category. <http://www.communityalcoholpartnerships.co.uk/case-studies/derry>



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