DfC
Department
for Communities
www.communities-ni.gov.uk

Liquor Licensing Laws in Northern Ireland Consultation Document

October 2019

Scope of Consultation

TOPIC OF THIS CONSULTATION:
This consultation seeks views on the current liquor licensing laws in Northern Ireland.

SCOPE OF THIS CONSULTATION:
We are keen to hear the views of all parties with an interest in licensing law, so that relevant views and evidence can be taken into account in any future policy decisions.

GEOGRAPHICAL SCOPE:
Licensing laws apply to all of Northern Ireland.

IMPACT ASSESSMENTS:
When taking forward a set of measures; or introducing a new or amended strategy, policy, procedure, or legislation, the Department is required to carry out a screening exercise to determine the impact the proposals may have on Section 75 groups, a Rural Needs Assessment and, where regulation is being proposed, a Regulatory Impact Assessment. The Department is seeking views on the effectiveness of the current licensing laws rather than putting forward policy proposals so has not carried out screening exercises. To feed into any future policy decisions however, it would be useful to receive any relevant evidence that you feel should be considered. This can be provided at the end of the consultation questions.

Basic Information

BODY/BODIES RESPONSIBLE FOR THE CONSULTATION:
This consultation is being undertaken by Social Policy Unit in the Department for Communities.

DURATION:
This consultation will be open for 8 weeks from 14 October 2019 to 6 December 2019.

ENQUIRIES:
For any enquiries about the consultation please email the Department at: **liquorlicensingconsultation@communities-ni.gov.uk**

or write to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1-7 Bedford Street
Belfast BT2 7EG

Or Telephone: 028 9082 3140

HOW TO RESPOND:
Online: You can respond online by accessing the consultation documents on the 'Citizen Space' web service. The online version can be accessed at the following link: **https://consultations.nidirect.gov.uk/dfc-analytical-services-unit/261febe1/consult_view**

EMAIL:
You can also add your comments directly onto this document and email your responses to: **liquorlicensingconsultation@communities-ni.gov.uk** or download and post to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1–7 Bedford Street
Belfast BT2 7EG

When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

If you are replying on behalf of an organisation please include:

- Your name
- Your position (if applicable)
- The name of your organisation
- An address (including postcode)
- An email address

CONSULTATION RESPONSE:

We will consider the responses received and publish an outcome report on the Departmental website.

In line with good practice and sustainable development this document has been published electronically.

ACCESSIBILITY:

A range of alternative formats are available upon request from this Department.

Please email the Department at:
liquorlicensingconsultation@communities-ni.gov.uk

or write to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1–7 Bedford Street
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Or Telephone: 028 9082 3140

How we consult

CONSULTATION PRINCIPLES:

This consultation is being conducted in line with the **Fresh Start Agreement – (Appendix F6 – Eight Steps to Good Practice in Public Consultation-Engagement)**. These eight steps give clear guidance to Northern Ireland departments on conducting consultations.

FEEDBACK ON THE CONSULTATION PROCESS:

We value your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation does not adhere to the values expressed in the Eight Steps to Good Practice in Public Consultation Engagement or that the process could be improved, please address them to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange,
1–7 Bedford Street,
Belfast BT2 7EG

Email: **liquorlicensingconsultation@communities-ni.gov.uk**

Privacy, Confidentiality and Access to Consultation Responses

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. We will remove names, email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

DfC is the data controller in respect of any personal data that you provide, and DfC's privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at: **www.communities-ni.gov.uk/dfc-privacy-notice**

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Liquor Licensing Laws in Northern Ireland

Restrictions on the sale of alcoholic drinks in Ireland were first introduced in 1634. Further restrictions were added for centuries until the new Northern Ireland Parliament, created in 1920, enacted the Intoxicating Liquor Act (Northern Ireland) 1923. The following decades saw many more amendments to this legislation with the current licensing laws (the Licensing (Northern Ireland) Order 1996) coming into force in February 1997.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, the demand for individual freedom of choice and the opportunity for local businesses to continue to provide a high level of service to their customers.

It is estimated that the hospitality industry contributes £1.2 billion to the Northern Ireland economy every year, with the sector sustaining in the region of 60,000 jobs. Northern Ireland's food and drink is among the best in the world, tourists spend over £350 million per year on food and drink alone, and visitors increasingly view these elements as central to their experience.

There are dangers however associated with the consumption of alcohol and there is a significant burden to society, not only financial, of its misuse. In Northern Ireland, 303 deaths due to alcohol were recorded in 2017 (increased from 238 in 2007). There has also been a 15% increase in hospital admissions where conditions wholly related to alcohol have been recorded from 12,164 in 2009/10 to 14,032 in 2017/18. 43.3% of the public are concerned about alcohol related issues in their local area. This, along with the impact that alcohol misuse has on individuals, families and communities in Northern Ireland means alcohol misuse continues to be recognised as a significant public health, community safety, and social issue.

The last general review of Northern Ireland's liquor licensing laws took place in 2012 resulting in the Licensing and Registration of Clubs (Amendment) Bill 2016. This Bill included measures aimed at contributing towards a reduction in alcohol related harm and making the licensed trade more sustainable and attractive to tourists. The Bill was making its way through the Assembly's legislative process and when the Assembly collapsed in January 2017, it could no longer be progressed.

Given the passage of time since the last review, recent developments in other jurisdictions and growing public interest in licensing issues, the Department believes that it is appropriate to carry out a consultation on current liquor licensing policy.

The aim of the exercise is to determine public opinion on current licensing laws and views on whether changes could be made in the future to ensure Northern Ireland has a more flexible and modern licensing framework to respond to changing expectations and lifestyles.

Views are currently being sought on the general principles and it should be noted that any relaxation of licensing law must be balanced with the need for regulation in the public interest.

If you are replying **on behalf of an organisation** please include: • Your name • Your position (if applicable) • The name of your organisation • An address (including postcode) • An email address

Maximum 350 words

The Federation of Small Businesses Northern Ireland (FSB) recognises the urgent need to legislate for modern, less complex Liquor Licensing. Substantive, cross cutting policy direction from previous NI Assembly Executives focused on supporting small businesses and on making Northern Ireland a truly world class tourist destination. However, we have some way to go.

Earlier in 2019, in response to consultation on 'The sale and supply of alcoholic drinks at Special Events in Northern Ireland', FSB once again called on the Department to modernise and simplify liquor laws across the board, and so we welcome this further consultation which examines Licensing Laws in their entirety.

Of the 6,000 FSB members in Northern Ireland, many sit within the hospitality and tourism sectors, as well as the interrelated supply chains.

Headline numbers of inward visitor trips and spend are the highest on record, but while there have been significant increases over the longer term, there was no statistically significant change between 2017 and 2018. With Northern Ireland hosting the 2019 Open Golf Championship, we would expect 2019 to be a successful year for visitor numbers. That said, FSB questions whether the regulatory environment is well enough placed to create year-on-year growth through the next decade to 2030.

In the 'Special Events' consultation response, FSB noted the opportunity to stimulate our tourism and hospitality industry through a suite of interventions, such as a reduction in Air Passenger Duty and Tourism VAT.

A suite of measures would help ensure more people visit Northern Ireland and that once they arrive, the experience is truly world class. These measures would encourage businesses to open and reinvest into key facets of their operation, such as the training of staff, and in various other elements that build a quality product, while keeping prices competitive. Licensing laws are an essential part of this suite and must be updated.

Roger Pollen
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FSB exists to protect and promote the interests of self-employed, small and medium sized businesses. With around 170,000 members, including 6,000 in Northern Ireland, it is the largest business organisation in the UK. Northern Ireland remains a small business economy, with the highest concentration of SMEs in all the regions in the UK: 98% of all firms employ fewer than 20 people, while 95% employ fewer than 10. Northern Ireland SMEs provide 75% of all private sector jobs, and two-thirds of private sector turnover.

Categories of licence

Under current licensing law, liquor licences can be granted to 12 categories of premises:

- Public house
- Off-licence
- Hotel
- Guest house
- Restaurant
- Conference centre
- Higher education institution
- Place of public entertainment
- Refreshment room in public transport premises
- Seamen's canteen
- Indoor arena
- Outdoor stadium

A number of representations have been made to the Department in recent years from local producers of beer, cider and spirits for a change in the law to allow them to sell their products directly to the public. Currently, these producers need to involve a third party to sell their products, which affects profits, or they need to obtain a public house licence which currently holds a value of approximately £95,000.

There has been a significant increase in the number of local producers in the past 15 years, with recent figures suggesting 43 breweries, 7 cideries and 15 distilleries.

Do you think the current 12 categories of licence are adequate? Please explain.

Yes ◯ **No** ✓

FSB supports a liquor licensing environment that would allow local producers of beer, cider and spirits to offer consumption of product samples (tasting) and product sales for offsite consumption. It is unreasonable to enforce a cost of around £95k for a 'Public House' licence or that of a third party on a small business in order for it to sell its products.

For example, a group of visitors may visit a distillery, have a tour, and then taste relevant products made at the distillery. It appears perfectly reasonable that each visitor should be able to make a purchase of the product(s) to take away with them.

If a new licence is required in order to allow for such activity, this licence should also allow the relevant licensee to sell their products off-site at visitor-based shows and events for off-site consumption, integrated with the relevant licensing rules of the event in question.

If the producer wishes to carry out further commercial activity on its site, for example by hosting events which would allow for the wider consumption of liquor-based produce, then it appears reasonable for that business to follow standard licensing practice under the relevant strand of activity.

Consideration of a 'Special Events' Licence is covered in the 'Major Events' section.

Permitted hours

Under current licensing law, normal opening hours in public houses and other on-sale licensed premises end at 11.00pm on weekdays and 10.00pm on Sundays, with 30 minutes drinking-up time.

Late opening hours are available to public houses, hotels, restaurants and higher education establishments which provide food and/or entertainment to the public. Such premises are allowed to open to 1.00am on weekdays and 12.00 midnight on Sundays, with 30 minutes drinking-up time.

The licensed trade contributes £1.2 billion per year to the Northern Ireland economy and sustains in the region of 60,000 jobs. Concerns have been expressed that current restrictions on opening hours may curtail efforts to attract tourists and enhance the night time economy.

On the other hand, late opening of licensed premises is sometimes associated with disorder, noise nuisance for residents and can put a strain on police and health service resources.

The 2016 Bill proposed an additional 1 hour (until 2.00am) in certain circumstances, 12 times in a year (not including Christmas Day, Good Friday or Easter Sunday).

Do you think the current permitted hours for licensed premises are appropriate? Please explain.

Yes ◯ **No** ✓

FSB supports an increase in permitted hours, as detailed throughout this response. This includes bringing permitted hours on Sunday into line with the rest of the week.

Additional hours – small public houses

Under current licensing law, smaller public houses, which are not in a position to provide food and/or entertainment, may not be granted late opening hours by the courts. It is possible however for the police to authorise late opening in such premises for a maximum of 20 occasions in a year. This extends the permitted hours to 1.00am on weekdays and 12.00 midnight on Sundays, with 30 minutes drinking-up time.

The 2016 Bill proposed an increase to 85 occasions in a year. This figure was in recognition of an amendment passed in 2012, which increased the number of late openings which could be granted to registered clubs from 52 to 85.

Do you think the current 20 occasions where a small pub can apply for late opening is appropriate? Please explain.

Yes ◯ **No** ◯

FSB recommends removing the need for small public houses to provide food and/or entertainment (under the current definition) beyond 11pm. In general, the definition of entertainment should also be expanded to account for the variation in market taste and business owner choice.

Easter opening

Under current licensing law, permitted hours for on-sales at Easter are:

Thursday – 11.30am to 11.00pm
– late opening to midnight

Good Friday – 5.00pm to 11.00pm
– no late opening

Saturday – 11.30am to 11.00pm
– late opening to midnight

Easter Sunday – 12.30pm to 10.00pm
– no late opening

Permitted hours for off-sales are 8.00am to 11.00pm except for Easter Sunday, when they are not permitted to open at all.

Easter is a period of special significance for many people in Northern Ireland.

Restrictions on the sale of alcoholic drinks on Good Friday date back to 1833, with the current position dating back to 1924.

The representative body for the licensed trade report a loss of between £16 and £20million to the sector over the Easter weekend due to the additional restrictions on opening hours.

The 2016 Bill included a provision to permit late opening on the Thursday before Good Friday (11.00pm to 1.00am the following day).

Do you think the current opening hours for Easter are appropriate? Please explain.

Yes ◯ **No** ◯

Taking account of the above detail and in order to help ensure the NI Executive ambition for a world class tourism offering is met, FSB supports a change in the permitted hours at Easter. FSB recommends removing the current additional restrictions for the sale or consumption of alcohol over the four-day Easter period from Thursday to Sunday.

Drinking-up time

Under current licensing law, alcoholic drinks may be consumed for a period of 30 minutes after the end of permitted hours. This is commonly known as “drinking-up time”.

The 2016 Bill proposed the extension of drinking-up time from 30 minutes to 1 hour. The intention was to allow the gradual dispersal of customers, allowing staff more time to clear larger premises in an orderly fashion, better management of the impact on neighbouring residents and to allow customers to wait inside for taxis or lifts home.

Do you think the current 30 minutes drinking-up time is adequate? Please explain.

Yes ◯ **No** ◯

FSB agrees with an increase of 30 minutes to 60 minutes for the reasons outlined above.

Removal of off-sales

Under current licensing law, during late opening hours, public houses can sell alcoholic drinks for consumption on the premises only. Alcoholic drinks for consumption off the premises, which can only be sold during normal hours, can however be removed from the premises as late as 1.30am (at the end of drinking-up time for late opening)

Concerns were raised that some pubs which have late opening hours sell "carry outs" to customers during the period of late opening (11.00pm to 1.00am). The availability of alcoholic drinks at such times may encourage excessive consumption and street drinking, often resulting in anti-social behaviour.

The 2016 Bill would have prevented the removal of "carry outs" during late opening.

Do you think alcoholic drinks, which are bought before 11.00pm, should be allowed to be removed from the premises between 11.00pm and 1.00am (carryouts bought in a pub but taken home later)? Please explain.

Yes ◯ **No** ◯

Places of public entertainment

Under current licensing law, a place of public entertainment may be granted a liquor licence. This category includes a theatre, ballroom and a race track licensed under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

The permitted hours for a place of public entertainment are 11.30am to 11.00pm on weekdays (5.00pm to 11.00pm on Good Friday).

Theatres, in addition, are permitted to open on Sundays and Christmas day between 12.30pm and 10.00pm. These hours are limited however to 30 minutes prior to and 30 minutes following entertainment.

At the time liquor licensing legislation was enacted, betting at race tracks was not permitted on Sundays. The Betting and Gaming (NI) Order 2004 then permitted on-course Sunday betting, but with no corresponding changes to liquor licensing law, the sale of alcohol on a Sunday remains illegal under a "Place of public entertainment" race track licence. The industry believes this to be an anomaly which should be rectified.

Following the conclusion of the 2012 consultation and during the early passage of the Bill, representations were made to amend the law to allow permitted hours on a licensed race track on a Sunday.

Do you think the current permitted hours for licensed race tracks are appropriate? Please explain.

Yes ◯ **No** ◯

FSB supports rectification of the anomaly to allow sale of alcohol on a Sunday.

Major events

Major events are a very important driver in developing Northern Ireland's tourism industry, attracting visitors, spectators and event participants, and often lengthening the time visitors stay. Northern Ireland has successfully hosted major high profile events including the MTV European Music Awards, the Irish Open, Tall Ships, the Clipper Round the World Yacht Race, Giro d'Italia and more recently The 148th Open held in Royal Portrush.

A number of these events have included a food and drink offering and were held on unlicensed premises. The sale of alcoholic drinks on unlicensed premises is only possible using an occasional licence, granted by the courts to the holder of a public house, hotel or restaurant licence. The permitted hours for an occasional licence are 11.30am to 1.00am the next morning on weekdays and 12.30pm to midnight on Sundays (or if Sunday is 31 December, 12.30pm to 1.00am the next day).

The Department is aware that the organisers of a number of prestigious events have found the permitted hours for occasional licences restrictive and report that they have had a negative impact on the success of their event.

Furthermore, alcoholic drinks may not be sold for consumption off the premises under an occasional licence and the Department has been advised that organisers in some instances, wish to sell commemorative bottles for consumption at home.

With a view to assisting The 148th Open, held in Royal Portrush in July 2019, and other prestigious events, the Department launched a public consultation on 22 March 2019 seeking views from the public and stakeholders on whether the Department should be given the power to designate an event as a "special event". In doing so the Department would then have the power to vary permitted hours for sale of alcoholic drinks and allow certain off-sales at the event.

The consultation ran for 6 weeks and generated considerable interest with 239 formal responses. The consultation report was published on 31 May 2019 and it was clear from the responses that a move to amend permitted hours at special events could bring strong economic benefits to Northern Ireland.

Do you think the current licensing laws regarding major events are adequate? Please explain.

Yes ◯ **No** ✓

FSB supports and welcomes the opportunity for events across Northern Ireland, and does not believe the current licensing legislation for 'Major' or 'Special' events is adequate. In our response to the Special Events consultation FSB noted:

"A high level description of 'Special Event' is available in the consultation documents, but FSB and its members have many more questions. FSB is concerned with the lack of specifics on matters such as:

1) What exactly a 'Special Event' is or could be
2) Why notable events held outside of NI could not be considered as well e.g. a Northern Ireland sports team or athlete competing abroad
3) How is a Special Event designated by the Department
4) Which businesses will gain or lose out as a consequence."

Depending on the scope of the event in question, it would appear reasonable that a 'Special Events' licence could be designed for occasions of regional significance whereby the requirements fall outside of other categories. FSB recommends that the Department outlines all necessary parameters in order to ensure stakeholder feedback is representative of the proposal itself.

Alignment of entertainment and liquor licences

Under current licensing law, the latest permitted time for the sale of alcoholic drinks is 1.00am on weekdays and 12.00 midnight on Sundays.

Liquor licences are granted by courts while local councils are responsible for granting entertainment licences.

Some councils grant entertainment licences beyond the late opening hours under a liquor licence, meaning entertainment can continue in a licensed premises after the bar must be closed.

Concerns have been raised that this practice has led to illegal sales, which is unfair on premises that obey the law. It also creates difficulties for the PSNI in enforcing liquor licensing law.

The 2016 Bill included a provision that would have prohibited entertainment from continuing after the end of drinking-up time.

Do you think the current practice of entertainment being provided beyond the end of drinking-up time is acceptable? Please explain.

Yes ◯ **No** ◯

FSB does not see a need to change the existing law in a way that makes it more restrictive for licensees. Instead, remaining on the premises as a visitor could be an entirely reasonable part of the customer experience. Businesses are responsible for operating within the regulations of the relevant entertainment or liquor licence, and should be free to responsibly choose to serve a market for their services.

Children’s certificates

Under current licensing law, young people under 18 years are not allowed in the bar areas of any licensed premises or registered club at any time unless the premises has been granted a children’s certificate.

A children’s certificate allows young people to be present in the bar area until 9.00pm, provided certain conditions are met, for example, the young person is in the company of an adult and is seated at a table away from the bar.

The 2016 Bill included a provision to remove the requirement for children’s certificates. The same conditions would have applied but the licence holder would not have the expense of applying for a physical certificate.

Do you think the current law regarding children’s certificates is adequate? Please explain.

Yes ◯ **No** ◯

FSB fully supports the protection of children but does not believe the current law regarding children's certificates is adequate. FSB supports a change that would combine and simplify this process into the overall licence application process, and allow young people to remain beyond 9pm.

Deliveries of alcohol

Under current licensing law, details of alcoholic drinks purchased and delivery locations must be entered into a day book held in the licensed premises. The delivery person must hold an invoice with the same details. Under current law a young person under 18 is permitted to accept a delivery made to the residence or working place of the purchaser.

The 2016 Bill proposed additional safeguards including prohibiting under 18s from receiving any deliveries of alcoholic drinks and requiring proof of age to be shown and recorded upon delivery.

Do you think the current safeguards regarding deliveries of alcohol to young people are adequate? Please explain.

Yes ◯ **No** ◯

While FSB supports the protection of under 18s, it does not support the banning of 16 and 17 year old employees taking responsible delivery of alcohol in a licensed premise. This is due to the current protections in place through employment law, as well as reasonable requirements already placed upon licence holders to ensure under 18's are protected in general.

Underage functions

Under current licensing law, young people under 18 are not allowed in any part of licensed premises which contains a bar or is used mainly or exclusively for the sale and consumption of alcohol, unless a children's certificate is in force, they are accompanied by an adult and are off the premises by 9.00pm.

A Court of Appeal decision in 2015 upheld a ruling that it was illegal for young people to be in licensed premises beyond 9.00pm. This effectively means that the practice of holding school formals, beyond 9.00pm, in hotels for example contravenes licensing law.

The 2016 Bill included a provision which would have permitted underage functions in licensed premises beyond 9.00pm, provided the bar was closed. Strict conditions would have to be met in order for such a function to take place.

Do you think the current law regarding underage functions is adequate? Please explain.

Yes ◯ **No** ◯

FSB recommends the current restriction on young people remaining on a licensed premise beyond by 9pm should be removed, and licensees should implement 'proof of age' procedures as required per the event. Furthermore, young people under the age of 18 years old could also be allowed on licensed premises on occasions when alcohol is not being sold.

Family functions

Under current licensing law, young people under 18 are not allowed in any part of licensed premises which contains a bar or is used mainly or exclusively for the sale and consumption of alcohol, unless a children's certificate is in force, they are accompanied by an adult and are off the premises by 9.00pm.

This allows a young person to be present in the bar area until 9.00pm, provided they are accompanied by an adult and seated away from the bar.

Concerns have been raised around the legality of the current practice of children being present at family functions in licensed premises, for example, a family wedding, wedding anniversary or birthday party, which are often held in hotels and licensed restaurants, beyond 9.00pm.

Do you think the current law regarding young people at family functions is adequate? Please explain.

Yes ◯ **No** ◯

FSB recommends the current restriction on young people remaining on a licensed premise beyond by 9pm should be removed, with licensees taking responsibility for effective 'proof of age' procedures as they do prior to 9pm.

Young people in sporting clubs

Under current licensing law, young people under 18 years are allowed to be in the bar area of a sporting club until 10.00pm.

Sporting clubs make a valuable contribution to society and provide opportunities for young people to learn new skills, discipline and lead healthy lives.

Many sporting clubs hold awards ceremonies, usually in the evening, celebrating the accomplishments of club members, and often include presentations to young people.

During the summer months, sporting activities often extend into the evening and sporting bodies and clubs have asked for an extension to the time young people can remain in a sporting club.

The 2016 Bill contained a provision to allow 1 bona fide awards night per year, where under 18s could attend, until 11.00pm, and a proposal to allow young people to remain on the premises until 11.00pm during the summer months.

Do you think the current law regarding young people in sporting clubs is adequate? Please explain.

Yes ◯ **No** ◯

FSB recommends that the current restriction on young people remaining on a licensed premise beyond by 10pm should be removed, with licensees taking responsibility for effective 'proof of age' and associated procedures, as they do prior to 10pm.

Restrictions on advertising in supermarkets and off-sales

There is growing evidence to support an association between alcohol advertising and consumption habits, particularly amongst young people.

In the United Kingdom, alcohol advertising in the media is regulated by a mixture of statutory regulation and self-regulation; through Ofcom, the regulator and competition authority for the UK communications industries; and the Advertising Standards Authority, the UK's independent advertising regulator which makes sure adverts across UK media stick to the advertising rules.

Current licensing law places no restrictions on advertising of alcoholic drinks in supermarkets and off-sales. With a change to the law it would be possible to restrict advertising in or close to licensed premises.

The 2016 Bill included a provision to restrict the advertising of drinks promotions in supermarkets to the off-sales area, and restricting external advertisements for supermarkets or other off-sales premises to within 200 metres of the premises.

Do you think restrictions should be placed on the alcohol advertisements from supermarkets and off-sales? Please explain.

Yes ◯ **No** ◯

FSB fully supports responsible advertising as per industry standards and does not see a requirement for restrictions of this nature at this time. It is reasonable that small businesses are able to advertise a product and therefore FSB recommends a code of practice instead of a restriction.

Advertising of functions in clubs

Private members clubs, which hold a certificate of registration, may supply alcoholic drinks to members and guests.

Under current licensing law, only functions which involve a sport, game or physical recreation may be advertised in the media. All other functions can only be advertised on club premises.

Members of the public are allowed to attend functions where the whole proceeds of the function are donated to charitable or benevolent purposes.

The 2016 Bill included a provision to allow the advertising of functions in the media, provided the advertisement clearly states that the function is for members and guests only or where the whole proceeds are to be donated to charitable or benevolent purposes.

Do you think the current restrictions on advertising of functions in registered clubs should be amended? Please explain.

Yes ◯ **No** ◯

FSB supports a provision in the 2016 Bill to allow the advertising of functions in the media, provided the advertisement clearly states that the function is for members and guests only, or where the function proceeds are to be donated to charitable or benevolent purposes.

Provision of entertainment in restaurants

Under current licensing law, the sale of alcoholic drinks in a restaurant is ancillary to a main table meal. It must also be paid for at the same time and on the same bill as the main table meal. Licensed restaurants may not charge an admission or entrance fee to the premises.

There is evidence that some licensed restaurants have been operating into the early hours, providing entertainment and charging an entrance fee.

The 2016 Bill included a provision requiring a restaurant (whether stand alone or in a guest house) to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.

Do you think the law in relation to the provision of entertainment in restaurants should be changed? Please explain.

Yes ◯ **No** ◯

FSB does not support a change in the law of this nature based on the above information. Licence procedures should clearly outline the operational conditions required, and if there are occasions where these conditions are not being met, the communication of guidelines (including penalties) should be made more effective to ensure licensees are fully aware.

Self-Service

Current licensing law is silent on innovations such as pour your own pint tables or alcohol vending machines, self-service tills and click and collect lockers, which provide easier access, self-service options for customers.

Concerns have been expressed that self-service options may encourage underage and/or excessive drinking, allowing those who would otherwise not be served in a licensed premises, access.

The 2016 Bill included a provision preventing the use of self-service, ensuring the sale and supply of alcoholic drinks is only under the direct supervision of a licence holder or member of staff.

Do you think self-service of alcoholic drinks should be regulated? Please explain.

Yes ◯ **No** ◯

FSB supports the responsible protection of young people, however operators should be free and encouraged to innovate across a range of areas in their business. This includes the use of self-service methods as part of the visitor experience. FSB recommends that provision is made for self-service and the Department draws up a set of associated standards for future stakeholder feedback.

Codes of practice

Codes of practice represent a form of self-regulation which complement rather than replace statutory regulation. In Northern Ireland, The Responsible Retailing Code, developed by key stakeholders in the alcohol industry, is the primary vehicle for tackling irresponsible drinks promotions.

The 2016 Bill included a provision allowing the Department to formally approve a code of practice, meaning adherence to such a code could affect the granting and/or renewal of a liquor licence.

Do you think the Department should be allowed to formally approve industry codes of practice?

Yes ◯ **No** ◯

FSB fully supports the use of Industry Codes of Practice and it appears reasonable that the Department should be allowed to approve such Codes.

Remote sale of alcoholic drinks

Current licensing law provides for the categories of premises which may apply for a liquor licence. In face-to–face sales, the question of where the sale takes place is obvious. The law is silent however on the remote sale of alcoholic drinks (alcohol delivery service), online, via app, telephone etc.

Concerns have been raised that illegal sales of alcoholic drinks to the public are taking place via these methods, with the potential for young people in particular to access alcohol.

Other jurisdictions provide clarification in law that, where a sale is made online or by some other distance sale method, the premises from which the alcoholic drinks are dispatched for delivery must be licensed.

Do you think the law should be clarified in respect of the remote sale of alcoholic drinks? Please explain.

Yes ◯ **No** ◯

FSB supports a clarification in the law in relation to the remote sale of alcohol, and recommends the Department publishes suggested clarifications for Stakeholder feedback.

Loyalty schemes

Loyalty schemes are a recognised way of rewarding regular customers. Many supermarkets in Northern Ireland run such schemes, often allowing customers to gather points on the purchase of products which are then accumulated and exchanged for discount vouchers or "free" goods at a later date for members. Points can be gained from the purchase of alcoholic drinks and points may be exchanged for the same.

Some supermarkets however, within their own terms and conditions, will not allow the collection of points on spirits and liqueurs.

Some public houses in England run loyalty schemes, openly advertising that you can save up your points (rewarded with each purchase) and use them on a round of drinks.

The Licensing (Northern Ireland) Order 1996 is silent on the issue.

Do you think the law should be changed to ensure that alcoholic drinks cannot be used in loyalty schemes? Please explain.

Yes ◯ **No** ◯

FSB fully supports responsible consumption of alcohol, but does not recommend that Loyalty Schemes are prohibited, as this forms a part of the reasonable business practice of some members within the industry. FSB recommends that the Department publishes suggested approaches to this issue if necessary, for stakeholder feedback.

Are there any other aspects of liquor licensing law that you feel should be changed?

Maximum 350 words

In consideration of the overall process, FSB NI recommends that the Department:

1. Fully grasps the opportunity to reduce complexity and administration of new licencing laws following initiatives such as the 'Review of Business Red Tape' and 'Regulatory Reform in Northern Ireland', along with the NI Civil Service commitment to better regulation which contains the Small and Micro Business Impact Test (SAMBIT)

2. Allows stakeholders to further comment on draft or final licensing proposals upon return of the NI Assembly.

Furthermore:

3. As a part of a reduction in complexity and administrative burden, FSB supports more effective notification and communication to licensees around renewals or any other important part of the process. This should ensure that no licence holders are caught unaware and required, for example, to close in order to reapply beyond the 12 month 'grace period'.

4. As a part of the development of new licencing laws, FSB supports further clarity and effective publication of all associated matters via the Departmental website/NI Direct. This includes the use of case studies to illustrate complex areas of the law, which will assist both current and prospective licence holders, as well as those who advise clients in the sector.

5. Re: Article 44/45 FSB recommends that:

- the Article 44 'Extended Hours' late licence is amended to allow sale of alcohol on at least 104 nights per year, without requirement to use all of the designated nights granted i.e. removal of the 'use it or lose it' clause.
- the requirement to provide food or live entertainment is removed and left to the responsible discretion of the licence holder based on market demand or individual choice.
- holders of an 'Extended Hours' late licence should be able to apply for an Article 45 'Additional Hours' licence
- The definition of 'Entertainment' in this regard should be updated to include a wide variation of possibilities, as per the choice of the responsible licence holder.

//Ends

Do you have any relevant evidence that you think should be considered in relation to the impact of current licensing laws?

Maximum 350 words

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