



Subject:	The Licensing and Registration of Clubs (Amendment) Bill
Date:	19th October, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
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Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report/Summary of main Issues
1.1	Members may be aware of the Licensing and Registration of Clubs (Amendment) Bill (hereinafter referred to as the Bill), which was formally introduced to the Northern Ireland Assembly by the Department for Communities on 19th September, 2016.
1.2	<p>A summary of the key areas of the Bill are as follows:</p> <ul style="list-style-type: none">• to place restrictions on the advertising of intoxicating liquor in supermarkets and off sales premises;• to introduce occasional additional late opening for certain licensed premises and modest changes to the Easter opening hours for certain licensed premises and registered clubs;• to extend “drinking-up” time for a trial period of one year in licensed premises and registered clubs;• to align intoxicating liquor and entertainment licences in licensed premises;• to remove requirement for children’s certificates in licensed premises and registered clubs;• to permit underage functions in licensed premises and registered clubs provided certain conditions are met;• to require licensed restaurants to display a notice in relation to their licence conditions;• to place a requirement on delivery persons to record details of identification shown (if there is any doubt that the person to whom the alcohol is delivered is not 18 years of age or over);• to permit formal approval for codes of practice on responsible retailing; and• to make some other minor changes to the law affecting private members’ clubs.
1.3	The Council has been invited to make written submission and provide evidence on the Bill, as have other councils across NI. However, the Service only received notification of this after your meeting in September. The closing date for responses is 19th October 2016.

1.4	Following approval by the Assembly at the Second Stage on 27th September, 2016, the Bill has now been referred to the Committee for Communities, which has responsibility for the Committee Stage of the Bill.
1.5	The Bill, and supporting documentation is available at: http://www.niassembly.gov.uk/assembly-business/committees/communities/legislation/
1.6	Members will be aware that the current legislation regarding liquor licensing is the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996, which are the responsibility of the Department for Communities.
1.7	Members may also be aware that, in 2012, the Council was consulted and provided a response to a similar Bill regarding proposed changes to the liquor licensing laws by the then Minister for Social Development, Mr Nelson McCausland. For your information and reference, the Council's response to that Bill is attached at Appendix 1.
1.8	Members will also be aware that there was reference made to aligning entertainment licensing hours to liquor licensing hours in the recent consultation on the review of entertainment licensing. The relevant extract of the Committee's response to that consultation is attached at Appendix 2.
2.0	Recommendation
2.1	The Committee is requested to consider the draft report before the Committee and agree the submission of the Council response subject to any amendments arising from your discussions.
3.0	Main Report
	<u>Key Issues</u>
3.1	The Bill is an update and carry over of the previous consultation introduced in 2012 by the then Minister for Social Development, Mr Nelson McCausland. As advised, the Council was consulted and provided a response regarding proposed changes to the liquor licensing laws.
3.2	Members will be aware that there is a need to modernise licensing legislation to reflect the needs of a modern market and underpin ambitious plans to grow the tourism and hospitality sectors, whilst maintaining a safe, sociable and vibrant night time economy.
3.3	This Bill impacts on several key issues for the Council, such as: public health, anti-social behaviour, employment and tourism in conjunction with the night time economy. The views of other Services across Council have been sought to provide a combined Council response. Officers have also engaged with the industry as well as NILGA and other councils.
3.4	The Bill and our draft response has also been discussed and considered by Legal Services through the Town Solicitor and Divisional Solicitor. A copy of the draft response is attached at Appendix 3.

Societal and Economic Issues

- 3.5 Changes in the social and economic situation locally have had a significant impact on the licensed trade. In particular competition from off-trade retailers of alcohol, including supermarkets, and their selling of large volumes of low price alcohol have had a significant impact on on-sales. The resultant increase in the number of people drinking at home (often referred to as 'pre-loading') has given rise to concerns surrounding alcohol misuse and irresponsible drinking.
- 3.6 Addressing and reducing alcohol misuse and the problems it causes are essential to create a safer and healthier city. The Council is represented on the Belfast Strategic Partnership group initiated by the Belfast Health and Social Care Trust. A key driver for the group is looking at admissions data collated by hospitals for those patients attending due to alcohol related accidents and emergencies.
- 3.7 Data gathered from hospitals indicate that the peak incident times are after 11.00 pm and beyond with particular problems from 2.00 am onwards. The data also showed that most incidents take place on Saturday and Sunday into the early hours of Monday. Other analysis of the people that attended hospital showed that in almost 100% of cases 'preloading' had occurred with 48% of alcohol being purchased from supermarkets.
- 3.8 Whilst the data only represents emerging findings at this stage, the issue of 'preloading' and drinking at home along with the social attitudes to alcohol is still a significant element of any ability to control the situation and experts advise that it is likely to only get worse if not tackled.
- 3.9 However, it must be remembered that not all those who drink do so irresponsibly. In addition, it is important to consider how these proposals will impact upon tourism and the night time economy. Tourism is a major contributor to economic development in Northern Ireland, particularly in Belfast. In 2013 the visitor economy of Belfast was valued at £438.4m, with £2.08m from tourists who spent at least one night in the city. Belfast City Council's Integrated Tourism Strategy for 2015-2020 identifies the younger markets as being a key priority to attracting tourism and meeting the targets set out in the Programme for Government to increase visitor numbers and tourist revenue. It is also estimated that some 60,000 jobs in Northern Ireland are reliant on the hospitality industry.
- 3.10 It is, therefore, clear that a balance has to be struck between dealing with alcohol misuse and encouraging tourism, together with the growth of the night time economy. In those circumstances, the draft response generally welcomes the additional opening hours and flexibility contained within this Bill but officers are extremely concerned by the proposal to align entertainment licensing hours to liquor licensing. This will cause more harm to the night time economy than any purported benefit by the extremely modest increase in permitted hours.
- 3.11 Officers are also concerned about this inroad into the vires of local district councils. This particular proposal is highly likely to be controversial with some sections of the community and it is unclear why this fundamental change to council powers is being proposed in legislation which primarily relates to PSNI functions and has not been subject to fuller consultation.
- 3.12 Furthermore, the proposal to align the hours of entertainment to liquor licensing has already formed part of a consultation issued by the Department of the Environment in 2015. That consultation was issued on foot of a Working Group set up to specifically review entertainment licensing, That Working Group had representatives from PSNI, councils, NIFRS and industry representatives. It is officer's understanding that the proposal was not supported by the majority of those who responded to that consultation.

Proposals

Easter Opening

3.13 The draft Bill proposes normal opening hours on the Thursday before Good Friday but that the hours for Good Friday (5.00 pm – 11.00 pm) remain unchanged, as do the hours for Saturday (11.30 am - midnight) and Easter Sunday (12.30 pm – 10.00 pm).

3.14 As the Committee will see, the draft response welcomes these changes. However, whilst recognising the significance of the Easter period, the draft response suggests that the proposed changes remain too restrictive for tourists visiting the city at this time. It, therefore, suggests that consideration be given to permitting normal opening hours on the Saturday as well as the Thursday.

Additional Hours

3.15 The draft Bill proposes the ability of premises which operate to 1.00 am to apply to the court for permission to sell alcohol until 2.00 am on 12 times a year. There is also provision for premises which only operate until 11.00 pm on certain nights to apply to the PSNI for authorisation to operate until 1am (midnight on Sundays) for up to 85 days per year. The proposed amendments in relation to additional hours also prohibits sealed containers of intoxicating liquor being taken from pubs during 'drinking-up time'.

3.16 The draft response states that the Council is of the view that flexibility in opening hours is important in promoting tourism and the night time economy and in that context welcomes the ability to apply for additional hours. However, it does express caution at the proposal to remove carry out facility from premises during 'drinking up' time as it is a further deterrent to people visiting licensed premises and by extrapolation will encourage people to consume alcohol within the home environment to the cost of both the tourism and hospitality industry.

Alignment of Entertainment Licensing to Liquor Licensing

3.17 The draft Bill proposes that entertainment cannot be provided any later than the permitted hours for the consumption of alcohol, which would be up to 2.00 am on weekdays and 1.00 am on a Sunday. Entertainment until 3.00 am will only be permitted 12 nights per year for certain licensees who must apply to the court for an order permitting it to sell alcohol until 2.00 am on those nights. In effect, this legislation will stop all entertainment in the city at 2.00 am all year apart from those 12 nights.

3.18 The Committee will remember that, in its response to the review of entertainment licensing in June 2015, it indicated its opposition to the alignment of liquor licensing to entertainment licensing. Whilst the proposed changes may afford the PSNI some comfort that licensee's will not have the opportunity to breach liquor licensing legislation, it does not permit any flexibility for a Licensee who wishes, with good and justifiable intentions, to provide entertainment beyond the hours of their liquor licence. In those circumstances the draft response states that the Council is opposed to this provision and would seek an explanation of the rationale for its inclusion in this Bill, together with any evidence which has been presented to support that rationale.

Extending 'drinking up' for one year on a Trial Basis

3.19 The extension of 'drinking up' time from 30 minutes to 60 minutes is welcomed but it is unclear why this change is on a trial basis when all other proposed changes are permanent. Given the draconian changes that are being proposed in relation to the restriction of entertainment to the permitted licensing hours, officers are concerned that if this extension is not made permanent the provision of entertainment will be even further restricted. In effect, if the trial is not made permanent then entertainment would have to cease at 1.30am

apart from 12 days of the year when it could be extended by an additional hour.

Young People

3.20 The draft Bill proposes the removal of the requirement for children's certificates to permit children to be on premises until 9.00 pm. It also provides a mechanism by which licensed premises can apply to the court for permission to hold underage functions provided there are arrangements in place to ensure those young people do not have access to the part of the premises used to sell alcohol.

3.22 It also makes it an offence for a licensee or a member of staff to make a home delivery of alcohol to any person under 18 years of age and also makes it an offence for a person under 18 years of age to knowingly accept a home delivery of alcohol. The draft response welcomes these changes.

Restrictions on drinks promotions in supermarkets

3.23 The draft Bill restricts the advertising of drinks promotions in supermarkets to the area in which alcohol may be displayed. Supermarkets and off-sales will also be prohibited from advertising drink promotions within 200 metres of the boundary of the premises. Again, the draft response welcomes these proposals.

Code of Practice

3.24 The draft Bill allows the Department to formally approve a Code of Practice in relation to the display or sale of alcohol, as well as any activities designed to promote the sale of alcohol. Whilst the draft Bill requires a court to be satisfied that a licensee is aware of the Code upon the grant, transfer or renewal of a licence it does not make it an offence to fail to comply with any such approved Code. Whilst this provision is welcomed in principle officers are concerned that the fact it is not an offence to fail to comply with the Code will render the provision meaningless, or alternatively that PSNI and others will seek to enforce this Code through the prism of entertainment licensing and the resources of local district councils.

3.25 Other minor proposals contained within the draft Bill relate to the prohibition on self-service and sales by vending machine and the requirement for restaurants and guesthouses to display their liquor licence conditions.

The Provisions of the Bill which apply only to Registered Clubs

3.26 A sporting club will be able to apply on six occasions per year to extend the area of its premises licensed to supply alcohol, provided that certain conditions are met. This will allow sporting clubs to take advantage and maximize events being held at their clubs. It will also encourage the introduction of others, such as captain's day at golf clubs, which attract large numbers of members and guests, by extending the area where they can supply alcohol on club grounds.

3.27 It further helps that young people will be permitted to remain in the bar area of a registered club until 11.00 pm during the summer months, 1st June to 31st August, or to attend an awards ceremony on one occasion in a calendar year. This will allow young people to avail of the full range of sporting activities open to them during the summer months, which often extend into the evening. An awards ceremony allows sporting clubs to celebrate the success of young people who participate in the sporting activities offered by a club.

3.28	<p>However, many of these competitions and ceremonies are not just confined to the summer months and continue throughout the year and that has been pointed out in the draft response.</p>
3.29	<p>A registered club will be allowed to advertise any function outside a club premises where the advertisement clearly states that only members of the club and their guests may attend. Currently, members of the general public are permitted to attend functions where the proceeds are devoted to charitable or benevolent purposes. However, the law prohibits a registered club from publicly advertising the function.</p>
3.30	<p>This Provision will ensure that there are no restrictions on the advertising of such events as many non-members and general public may prefer to attend events within a local club environment.</p>
<p><u>Additional Comments</u></p>	
3.31	<p>Officers are aware of problems regularly being experienced across Northern Ireland as a result of people drinking on buses coming to nightclubs, or large outdoor music events, and the associated problems when they get off the bus. Unfortunately, there is no legislation to stop on-board drinking taking place except for those going to Class A events.</p>
3.32	<p>Officers have been working extensively with the PSNI, promoters, and bus operators across the UK and Ireland to try to tackle this problem but the absence of robust enforcement powers has hampered those attempts. Officers believe that introducing more powers for the PSNI to deal with this issue would reduce the issues associated with alcohol misuse at large scale events.</p>
3.33	<p>The Committee will note that the draft response also raises an issue in relation to the sale of alcohol at markets and other such venues. Given the growing status of Northern Ireland as a tourism and conference/event destination, officers have suggested that the Department considers the extension of occasional licences to permit the off-sale of limited amounts of alcohol at markets which are licensed by a local district council as well as at specific events held in hotels or conference centres.</p>
3.34	<p>In light of cuts to NITB funding, it is increasingly necessary to seek private sponsorship and involvement in developing events. As well as adding to the visitor offer, this would also help small local breweries showcase their wares on a national or international stage.</p>
3.35	<p>A further suggestion has been to make provision for a special licence for international events that are of regional economic significance that require a liquor licence but fall outside normal trading hours or outside the scope of an existing licence type. As Northern Ireland, and in particular Belfast, seeks to establish itself on a global scale it is important that there is flexibility for international events which are of regional economic significance. It has been suggested that the authority to grant a special licence could be given to a statutory body, such as Tourism NI, or alternatively at the discretion of the Minister.</p>
<p><u>Next Steps</u></p>	
3.36	<p>Members will be aware of the meeting which took place between the Chief Executive, a group of cross-party delegates from the Council and the Minister for Communities, Mr Paul Givan on 13th September, 2016. At that meeting, a number of key items were discussed, including entertainment and liquor licensing laws, and the Minister was advised that the Council was keen to work with the Department on those issues.</p>

3.37	Following that meeting, the Chief Executive sent a letter to the Minister listing the items which had been discussed. The letter acknowledged the proposed Bill and advised that the Council would welcome the opportunity to contribute to the review and development of new Entertainments Licensing and Liquor Licensing Laws, through formal consultation or by the provision of evidence at Committee Stage, in the Assembly.
3.38	The Chief Executive also requested an update on the anticipated next steps in respect of the reviews. A copy of the Chief Executive's letter is attached at Appendix 3.
3.39	The Committee for Communities has agreed a list of key stakeholders from which it will begin to take oral evidence before the call for written evidence closes. The Committee will schedule additional oral evidence sessions, as required, following consideration of written submissions after the call for written evidence closes on the 19th October.
3.40	However, the Committee has since advised that it wishes officers of the Building Control Service to make oral representation to the Committee for Communities on Thursday 20th October.
	<u>Financial and Resource Implications</u>
3.41	There are no financial and resources implications associated with this report.
	<u>Equality and Good Relations Implications</u>
3.42	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	<p>Appendix 1 – 2012 Consultation Response to proposed changes to the Law Regulating the Sale and Supply of Alcohol in NI</p> <p>Appendix 2 – Extract from 2015 Consultation Response to the Review of Entertainment Licensing</p> <p>Appendix 3 – Draft Consultation Response to current Bill</p> <p>Appendix 4 – Chief Executive's letter to the Minister for Communities, Mr. Paul Givan MLA</p>