



**Northern Ireland
Assembly**

Appendix 3

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**.

Name: Patrick Cunningham

Organisation: Belfast City Council, Building Control Service

Date: 10th October, 2016

Belfast City Council wishes to provide the following comments regarding the Licensing and Registration of Clubs (Amendment) Bill:

Additional hours at Easter

The Bill allows for later opening hours on the Thursday before Good Friday, which previously only permitted certain premises and registered clubs to stay open to midnight. The Bill now proposes to allow a normal late licence of 1.00 am on the Thursday night before Good Friday. Therefore, Good Friday, Easter Saturday and Easter Sunday remain unchanged.

It's worth noting that in comparison, supermarkets and off sales premises can sell alcohol from 8.00 am on Good Friday.

The Council recognises the significance of the Easter period for many people. However, it is aware that there is frustration in both the tourism and licensing industry that licensed premises are effectively closed at a time which tourists are likely to wish to take advantage of being off work on the Monday after Easter.

In addition to the restricted opening hours, there is no retail activity available on Easter Sunday. The Council is concerned that the combination of these factors may lead to tourists either staying away or not enjoying their visit and therefore being unlikely to return or recommend Belfast as a tourist destination. In those circumstances it is the Council's view that the proposed changes remain too restrictive and would suggest that consideration is given to permitting normal opening hours on the Saturday as well as the Thursday.

Extend “drinking-up” time for a trial period of one year in licensed premises and registered clubs

The proposal to extend drinking up time by another 30 minutes to 60 minutes drinking up time is, on balance, welcomed by the Council. However, some things that this might encourage is binge and excessive drinking, as people will have more time to consume their last drink, at last orders they buy more than they would have previously, if this is well managed it may facilitate a more gradual and steady dispersal of patrons, therefore reducing the collective impact of an exodus from an area. It may also prevent unnecessary confrontation and disorder with patrons as management may not have to persuade or remove drinks from them at closing time

However, the Council is concerned as to the rationale for this to be introduced on a trial basis. It is assumed that this is to assess and review how it works over the course of the year. However, in order for a successful and meaningful assessment to be conducted, it will involve reasonable details being recorded, collated and measured/reviewed accordingly. This cannot be done until the trial has been completed, yet the Bill does not allow for the trial to continue during the assessment period or during the process of making regulations to be made to confirm this extension on a permanent basis.

Given the draconian changes that are being proposed in relation to the restriction of entertainment to the permitted licensing hours, the Council is 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 1.30 am apart from 12 days of the year when it could be extended by an additional hour. The Council is therefore of the view that if this proposal is introduced it should be on a permanent basis.

Additional hours

The Council believes 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 but believes that the changes do not go far enough.

The extension of 12 times per year is not enough to address the change in consumer behaviour and provide an attractive alternative to home drinking and to visitors. This is a view also shared by the industry who consider that they should be able to have a late extensions for the sale of alcohol until 2.00 am twice a week.

One hour, twice a week would be a moderate increase that would help deliver staggered closing and attract people out of home drinking into licensed premises.

The principle of permitting those additional hours could be dealt with by the courts but left to PSNI to administer, which would ensure that they could control the system and be aware of which premises were authorised and when.

Removing carry out facility from premises during ‘drinking up’ time

The Council is concerned that the removal of this provision may have a negative effect 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.

Align intoxicating liquor and entertainment licences in licensed premises allowed late opening

The draft Bill proposes that entertainment cannot be provided any later than the permitted hours for the consumption of alcohol which, on the basis that drinking up time was extended, would be 1.00 am on a Sunday and 2.00 am the rest of the week. Entertainment until 3.00 am will only be permitted 12 nights per year for certain licensees who have applied for a court order to sell intoxicating liquor until 2.00 am.

The Council is extremely concerned by this proposal and is firmly of the view that it will cause more harm to the night time economy than any purported benefit by the extremely modest increase in permitted hours.

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.

The Council is also concerned about this inroad into the vires of local district councils without a full and meaningful consultation with the public. 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. If the PSNI have difficulties in enforcing certain provisions within the Licensing (NI Order 1996, it is suggested that the more appropriate approach would be to address those difficulties rather than stop all entertainment in Northern Ireland beyond 2.00 am for the vast majority of the year.

Furthermore, a mirror proposal formed part of a consultation issued by the Department of the Environment in 2015. That consultation was issued on foot of a Working Group which was set up to specifically review entertainment licensing. That Working Group had representatives from PSNI, councils, NIFRS and industry representatives. At that time Belfast City Council indicated its opposition to the proposal, as did the other local government representatives who sat on that Group. It is the Council's understanding that the proposal was not supported by the majority of those who responded to that consultation.

In those circumstances the Council is opposed to this provision and would seek an explanation of the rationale for its inclusion in this Bill together with sight of the evidence to support that rationale.

Permitting underage functions in licensed premises and removal of Children certificates

These changes are welcomed as it will permit hotels and other venues to host events and functions catering for the younger audience, provided there are strict controls in place, without fear of breaching their liquor licence.

This will help resolve the issue where a hotel hires its facilities for a school Formal and subsequently ends up being penalised despite the fact that the bar was closed and no alcohol was available. Whilst this is welcomed, concern has been raised that these functions have no lower age limit provided for and the event can run until 1.00 am. It may also enable venues to be able to facilitate other under age events subject to appropriate conditions which could be attached to an entertainment licence.

The removal of the requirement to have Children's certificates and the extension of a person under the age of 18 being allowed on the premises, now to 9.30 pm instead of 9.00 pm is welcomed.

Officers are aware that industry would further request to permit under 18's to remain after 9.30 pm when attending family events and the Council would support that position. If the Department were minded to include such a provision, the Council would suggest that 'family events' should be defined in the legislation to include events such as a wedding, wedding anniversary, christening and birthday parties.

Restrictions regarding the advertising of alcohol in supermarkets and off sales premises and prohibit the advertising of alcohol within the vicinity of a premises

The Council welcomes this proposal and consider it appropriate that with the current societal problems with alcohol that advertising and promotions be restricted from view in places and environments where children are likely to be present.

Place restrictions of the delivery of alcohol

The Council welcomes these proposals.

Approved Codes of Practice

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 refer to protection orders. Nor does it make it an offence to fail to comply with any such approved Code.

Whilst this provision is welcomed in principle, the Council is 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. The Council would reiterate its position that it is for PSNI to enforce liquor licensing legislation, not local district councils.

The Provisions of the Bill that apply only to registered clubs

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 maximise 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.

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.

However, many of these competitions and ceremonies are not just confined to the summer months and continue throughout the year.

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.

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.

General comments

The Council is of the view that there are a number of issues which the draft Bill do not address but would merit consideration as either a means to reduce alcohol misuse or as a positive measure which would support Northern Ireland's growing tourism and events offer.

Drinking on Buses

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.

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. The Council believes that introducing more powers for the PSNI to deal with this issue would reduce the issues associated with alcohol misuse at large scale events.

Micro or Craft Breweries

There is an increasing and popular market within Belfast and across the province for these type of products. Given the growing status of Northern Ireland as a tourism and conference/event destination, it is suggested that the Department considers the extension of occasional licences to permit the off-sale of alcohol at markets which are licensed by a local district council as well as at certain events held in hotels or conference centres.

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.

Special Events

The Bill has also failed to introduce a provision to be able to cater for a 'Special Event' Licence for events 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. The authority to grant this Special Licence could be given to a statutory body, such as Tourism NI, or alternatively at the discretion of the Minister.

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