



# IPH response to the consultation on Liquor Licensing Laws in Northern Ireland.

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## **The Institute of Public Health in Ireland**

The remit of the Institute of Public Health in Ireland (IPH) is to promote cooperation for public health between Northern Ireland and the Republic of Ireland in the areas of research and information, capacity building and policy advice. Our approach is to support Departments of Health and their agencies in both jurisdictions, and maximise the benefits of all-island cooperation to achieve practical benefits for people in Northern Ireland and the Republic of Ireland.

## Categories of license

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**

Whilst we have indicated that the current 12 categories of licence are adequate, we have identified several considerations for the Department in relation to some specific categories of licence.

IPH notes the special case that has been proposed in relation to local breweries and distilleries. However, where a brewery or distillery is operating as a public house, we believe such premises should have the relevant on-trade licence. Provision could be made for off-licence restrictions in line with opening hours of the visitor centre.

At present, there is a lack of clarity around the different conditions underpinning different categories of licence; there is a need for greater transparency around this.

We would caution against further expansion of licence category as this may edge towards further normalising alcohol use and repositioning activities of daily living as new drinking occasions, for example in relation to serving alcohol in cinemas, coffee shops or barbers. Expanding the categories would be considered contrary to the approach outlined in the New Strategic Direction for Alcohol and Drugs Phase 2 which seeks to further denormalise alcohol within our society.

In relation to the categories 'Seamen's canteens' and 'Refreshment room in public transport', we would question if a different licence is required for these premises; it would seem appropriate that they should fall within the 'Public house' category. Furthermore, the availability of alcohol within public transport waiting areas requires careful consideration given the potential for anti-social behaviour on public transport resulting from excessive alcohol consumption, which is a rising issue. There are important public health issues relating to passenger safety and we would question the requirement for an additional licence category for this type of alcohol outlet.

In addition, IPH would not recommend any changes to the surrender principle in terms of the number of licences granted in the region.

## 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**

IPH welcomes standardisation of licensing laws in Northern Ireland. However, we recognise that any changes in permitted hours for licensed premises may be associated with changes in the patterns of alcohol-related harms.

It is well established that alcohol plays a key role in violent behaviour, crime and disorder (Institute of Alcohol Studies, 2013). The number and nature of hours of sale in on-licence and off-licence alcohol retail outlets can be an important factor in determining alcohol availability and patterns of consumption and harm. Evidence is now suggestive that even minor changes to opening hours can affect the number of alcohol-related violent incidents (Popova et al, 2009; WHO, 2009). An Australian study found that higher volumes of high alcohol content beer, wine and distilled spirits were purchased in the licensed hotels<sup>1</sup> in Perth during later trading hours. Results showed a 70% increase in assaults in premises with later trading (1 or 2 additional hours of trading after midnight) and late trading was associated with both increased violence in and around Perth hotels and increased levels of alcohol consumption during the study period (Chikritzhs and Stockwell, 2002).

A subsequent study by Chikritzhs and Stockwell (2006) examined the impact of later trading hours for licensed hotels in Perth on levels of associated impaired driver road crashes and driver breath alcohol levels. Late trading was associated with increased levels of impaired driver road crashes and alcohol consumption, particularly high-risk alcoholic beverages. Greater numbers of patrons and characteristics specific to clientele of hotels which applied for late trading hours (i.e. younger age, greater propensity to drunk-drive, preference for high-

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<sup>1</sup> Australian public houses are usually known as hotels

risk beverages) were suggested as having contributed to this increase.

A review by Stockwell and Chikritzhs (2009) found that 11 out of 14 studies with baseline and control measures found that the balance of reliable evidence from the international literature suggests that extended late night trading hours lead to increased consumption and alcohol-related harms.

IPH notes that in the original consultation (DSD, 2012) a number of options were set out in relation to the maximum number of occasions per year in which additional late opening hours could be granted. It is interesting to note that the provisions of the Bill include the maximum number of occasions (up to 12) on which an additional later opening hours can be granted. IPH considers that a careful approach starting low rather than starting with high number may be a more cautious and pragmatic approach to implementing additional licensing hours.

IPH is concerned that additional late opening hours, on the basis that extensions in the number of hours/number of days that alcohol is available, has been associated with increases in alcohol consumption and harm (Popova, 2009; WHO 2009).

In England and Wales, ten years after its implementation, the Institute of Alcohol Studies conducted an assessment of the impact of the Licensing Act 2003 on the wider public. The evaluation found that late night opening has spread crime and disorder back into the early hours. It was reported that most Police forces had to re-arrange shift patterns and allocate increased resources to the night time economy to address this change. It was also reported that later night opening in itself has not increased the amount of time or money people spend in the night time economy, but rather it has shifted the time at which people begin to socialise later in the evening. This has probably led to an increase in pre-loading, as people has more time to drink at home before going out (Foster and Charalambides, 2016).

An evaluation by Hough et al (2008) reported that no real change in alcohol-related crimes was found until 03:00, but a 22% increase in crimes occurred between 03:00 and 06:00, reflecting the shift in alcohol-related crimes until later in the night/ early hours of the morning. Some studies reported little impact on the numbers of people treated for injuries sustained through assault (Sivarajasingam et al, 2006 and Bellis, 2006), whilst other studies demonstrated large increases in the number of number of night-time alcohol-related visits to accident and emergency departments (Newton et al, 2007).

The evaluation by Foster and Charalambides (2016) also highlighted the impact of the off-trade sector within the night time economy, including en-route loading, side loading and post loading, which could potentially be off-set by controlled and operational opening hours. It has been suggest that a relaxation of licensing hours would bring about a more relaxed drinking culture as evidenced in Europe. According to Foster and Charalambides (2016) there has been no evidence that the Licensing Act 2003 in England and Wales has contributed to a relaxing continental drinking culture developing, or that the Act has led to increased diversity within the night time economy (two key aims of the Act).

The UK Government *Licensing Act 2003* (Home Office 2003) which came into effect at the end of November 2005 abolished set licensing hours in England and Wales. Opening hours

of premises are now set locally through the conditions of individual licences. The Act gave licensing authorities new powers over licensed premises, whilst giving local people more of a say in individual licensing decisions (Hough et al, 2008). IPH would recommend that the Department considers what role might exist for local authorities and the local community in licensing decisions, particularly those pertaining to additional drinking hours.

It is our understanding that there is no public record of the number of police authorisations for extending drinks hours granted currently and that variation exists between policing districts. As this legislation is developed it will be important to put in place measures to monitor and collect data on the application and granting of extended drinking hours. IPH notes that the increase from 20 to 85 days appears excessive and that a compromise in the number of days should be considered.

As part of the overall access to licensing data, IPH would recommend that an electronic database of liquor licences is made publicly available and includes details of premises which have been granted additional drinking hours. This is an important feature in accountability and monitoring and will support the evidence base in determining the impact of extended hours on violence crime and demand for emergency services.

## 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**

It is our understanding that there is no public record of the number of police authorisations for extending drinks hours granted currently and that variation exists between policing districts. As this legislation is developed it will be important to put in place measures to monitor and collect data on the application and granting of extended drinking hours.

As part of the overall access to licensing data, IPH would recommend that an electronic database of liquor licences is made publicly available and includes details of premises which have been granted additional drinking hours. This is an important feature in accountability and monitoring and will support the evidence base in determining the impact of extended hours on violence crime and demand for emergency services.

## 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**

IPH considers there is little justification for different opening hours to pertain to these particular days on public health grounds, but recognises the symbolic importance of these Christian holidays. (see above comments relating to 'Permitted Hours').

## 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

In respect of this clause, IPH believes it is important that ‘drinking-up time’ is clearly defined within any new legislation as this term can be open to interpretation and may cause later difficulties in enforcement. It is important to note that ‘drinking-up time’ was removed from the Licensing Act 2003 in England and Wales. To the best of our knowledge, we have found no independent evidence that extending drinking-up time actually reduces alcohol-related harm.

IPH would caution that, at worst, the extension of drinking up time may account to little more than extended overall drinking time, leading to customers stock piling drinks before sales close with the potential for increased alcohol consumption.

The new UK Home Office *Alcohol Strategy* includes provision for extended powers to make Early Morning Restriction Orders from October 2012. These orders enable local areas to restrict alcohol sales late at night if problems are evident. In addition, Cumulative Impact Policies can be used to inform measures such as fixed or staggered closing times and this applies to both the on-licence and off-licence sector (Home Office, 2012).

IPH would encourage the Department to take heed of additional powers available in licensing legislation elsewhere, for example, Early Morning Restriction Orders in England and Wales. An Early Morning Alcohol Restriction Order (EMRO) is an uncommenced power in the Licensing Act 2003 that will enable licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives (Home Office, 2011).

**Flexible closing times** - In 2005 the UK Government introduced 24 hour opening times for licensed premises and flexible closing times. A review has concluded that the balance of reliable evidence suggests that extended late-night trading hours contributed over time to increased consumption and related harms (Stockwell and Chikritzhs, 2009). However, it is acknowledged that the introduction of 24 hour opening is considerably different to the extent of change being proposed in the Bill in Northern Ireland. A study examining data for violent incidents in Manchester between 2004 and 2008 identified little evidence that the deregulation of alcohol opening hours affected citywide violence rates. However, in reconciling these different perspectives it is important to note that a significant 36% increase in weekend violence was noted between 3am and 6am (Humphreys and Eisner, 2012).

## 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 (carry-outs bought in a pub but taken home later)? Please explain.**

**NO**

IPH believes the ability of pubs to sell ‘carry outs’ further increases the risk of alcohol-related harm, both to those drinking and potentially family members. We agree with the concerns outlined above that this provision may increase street drinking, resulting in anti-social behaviour, with the increased risk of violence and serious injury. The current provision provides further opportunity for someone to continue drinking excessively on returning home from the pub, placing family members at increased risk of alcohol-related harm. We support the proposal outlined in the 2016 Bill to prevent the removal of ‘carry outs’ during late opening.

## 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**

There is a strong association between gambling and alcohol consumption with significant public health impacts on the individual, family and wider society. There is little rationale for facilitating increased alcohol consumption in premises and facilities.

## 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**

IPH would advise that the precautionary principle should be applied in respect of public safety and health and we recommend that the Department should not be given the power to designate an event as a special event. We make this recommendation in the context of an extensive body of evidence linking increased alcohol availability and extended licensing hours with increased alcohol-related harms. We recognise that the current pattern of alcohol consumption in Northern Ireland is concerning and the current burden of health and social harms associated with alcohol remains substantial.

Should any change to the current legislation be introduced, it will be essential to review and monitor the public safety and public health impact of any new licensing arrangement in relation to special events. We would advise that a system is in place to allow for retraction of powers in the event that public safety and health was harmed by the change in regulations.

In particular, the current information does not specify whether events primarily targeted at children and young people would qualify as a special event. For example, the MTV Music Awards is mentioned which might reasonably be considered an event with significant appeal and attendance by young people including those under the legal age for purchase of alcohol. Facilitating the sale and supply of alcohol at these events would be of particular concern as there is no provision to provide additional protections for younger people from illegal sales and protect public safety of minors. Furthermore, the sale and supply of alcohol at youth focussed events is particularly inappropriate in the context of government commitments to denormalise alcohol use as a central feature of social, sport and cultural participation, as set out in Northern Ireland's New Strategic Direction on Alcohol and Drugs Phase 2, the Hidden Harm Action Plan underpinned by the Making Life Better Public Health Framework.

Furthermore, there is specific reference to a number of high profile sporting events. We would question the return to society from a de facto policy of enhancing alcohol availability at sporting events. These provisions can build strong associations between particular sports and alcohol brands. There should be clear delineation between family-friendly sporting events and drinking occasions. Creating the conditions for excess alcohol consumption at sporting events can drive increases in anti-social behaviour and disrupt enjoyment and visitor experience. Consideration should be given to how events designated as a 'special event' contribute to the goals and objectives of Sport Matters - the Northern Ireland Strategy for Sport and Recreation 2009-2019.

If the Department is given the power to designate a special event in the future, the Department should also be given powers to impose conditions on any such event.

It would seem appropriate and proportionate that for any conditions for a designated special event should be jointly agreed with both the Department of Health and Justice, or their appropriate agencies or regional/local representatives. This will ensure a balanced consideration of the public safety and public health implications in the unique context of each special event. The needs and experiences of local communities should also be taken into account in decisions on conditions, to include consideration of how providing additional opportunities for alcohol consumption at events can impact on noise, public nuisance, safety and enjoyment of those living in the local vicinity.

These conditions could include actions relating to:

- Restricting the availability of both lower price or high strength alcohol
- Restricting areas in the event premises and environs where alcohol can be consumed
- Restricting certain forms of alcohol promotions
- Restricting the use of certain marketing techniques, with particular regard to the vulnerability of children
- Training of event staff in issues relating to the supply of alcohol and appropriate response to acute alcohol-related issues

- Health and safety requirements relating to an increased likelihood of intoxicated persons
- Transport safety requirements relating to an increased likelihood of intoxicated persons
- Use of measures relating to personal and property safety relating to an increased likelihood of bodily harm and vandalism, including CCTV and policing.

The Department should work closely with colleagues in justice to enforce compliance with conditions and to systematically assess the community-level impacts of additional licensing hours or changes to licensing arrangements. These outcomes should be given at least parity of importance with the emphasis on economic and hospitality outcomes mentioned in the consultation document.

## 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.**

**NO**

Where additional late opening licences are granted, the alignment of alcohol and entertainment licences is welcomed.

## 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**

In our previous submission to the Committee for Communities, we highlighted current patterns of alcohol consumption among children and young and the impact of starting to drink early in life. IPH would recommend that all necessary safeguards are in place to protect children from the promotion to alcohol and prevent access to alcohol when in licensed premises. Alcohol is not an ordinary commodity, and therefore children's exposure to alcohol in social environments should not reflect this.

## 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.**

**NO**

IPH welcomes the provisions within the 2016 Bill which would require retailers to obtain documentary/ photographic evidence that the person taking delivery of alcohol is over 18 years old. However, IPH would add a note of caution in relation to the provision which seeks to criminalise children for taking delivery of alcohol. IPH would suggest that any responsibility surrounding for the delivery of alcohol should remain with the retailer and not the child. IPH would defer to legal experts in the area of child law on the aspect of this matter.

## 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**

The younger a person is when starting to drink, the greater their risk of alcohol-related harm not just in adolescence but across their lifespan (Kelly et al, 2012). This emphasises the need to carefully consider current practice on the sale of alcohol to minors and vulnerable persons as part of a consideration on availability. We would urge the Department to reflect on the meaning of the term 'underage functions' – they are children's events defined by their function to celebrate and enhance the participation of young people in their club and not defined by eligibility to consume alcohol. IPH would also suggest that the Department takes account of children's views on alcohol availability at such events.

IPH would also suggest that if venues wish to hold underage functions, this comes with the responsibility to creating areas within their premises that do not serve alcohol. Strict provisions should be in place regarding the concealment of bars in any licensed premises when underage functions are being held.

## 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**

**No comment**

## 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**

IPH has some concerns regarding the lack of congruence between changes to the alcohol licensing legislation and the core functions of sports clubs to promote health, community and social development. We would urge that careful consideration is given to the impact of the provisions of the Bill in the creation of drinking cultures within sports clubs.

Whilst alcohol availability may generate income for clubs; there is strong evidence supporting the link between increased availability and alcohol related harms. There are existing concerns within sports clubs about alcohol-related harm, particularly in male dominated team sports, which is supported from evidence internationally and in Ireland.

### **Sporting clubs: extension of premises**

Alcohol misuse has also been identified as a health risk associated with sports participation. Evidence shows that alcohol misuse is more common among young people and adults involved in sports than in non-sports playing children (Nelson and Wechsler, 2001; Martens et al, 2006; Khan et al, 2012). After taking into account demographics and other predictors of alcohol use, Mays et al (2010) found that greater involvement in sports during adolescence was associated with faster average acceleration in problem alcohol use over time compared with those who were less involved.

In a study carried out among male GAA players (n=936), O'Farrell et al (2010) found that 75% had a score on the Alcohol Use Disorder Identification Test that indicated harmful alcohol use. In addition, 87.6% reported one alcohol related harm.<sup>2</sup> The GAA have had the

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<sup>2</sup> This refers to answering 'yes' to 13 alcohol related harms including harming their work, in a fight due to

foresight to undertake such research, but this problem is not limited to that sport. Similar results have been found for New Zealand rugby players (O'Brien et al, 2005), and US college athletes (Nelson and Wechsler, 2001).

A systematic review of longitudinal studies, Khan et al (2012), found that 80% of the studies showed a positive relationship between alcohol misuse and sport participation. It has been suggested that excessive drinking among sports players is linked with ideas around the role of group drinking and team cohesion with peer influences playing a role (O'Brien et al, 2005).

A number of studies also show that alcohol marketing may also contribute to problematic drinking. A review of longitudinal studies found that young people exposed to alcohol advertising (not explicitly sports advertising) were more likely to have higher levels of alcohol consumption in later adolescence and early adulthood (Anderson et al, 2009a and 2009b; Smith and Foxcroft, 2009).

At a club level, research has found that university sports players in the UK whose team receives sponsorship from the alcohol industry were more likely to misuse alcohol (measure by the Alcohol Use Disorders Identification Test) than sports players in teams with no alcohol sponsorship (O'Brien and Kypri, 2008; O'Brien et al, 2014). Research also shows that this health risk was not limited to players; alcohol misuse was also prevalent among sports fans/spectators (Gee et al, 2013). Gee et al (2013) identify the complex links between alcohol promotion, sports sponsorship and the formation of drinking cultures as possible contributing factors.

Based on the evidence presented in this section, IPH has some concerns regarding the wider impact of additional licencing hours in clubs, where the evidence reveals some concerning relationships between sports participation and alcohol misuse. It is important to ensure that the primary focus of sports clubs remains the promotion of the health and wellbeing of its members and that the sports club remains a community asset to support active, healthy lives free from 'drinking culture', particularly among children.

IPH would question the need to extend the time in which children can remain in the bar area of sporting clubs premises from 10pm until 11pm during summer months.

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drinking, had an accident due to drinking, damaged public property, were verbally abusive, physically sick or harmed their home, family or relationships.

## 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**

IPH believes that the provision relating to off-sales drinks promotions requires further clarification in relation to what is meant by a 200m vicinity of the premises. As it is currently presented, this is open to interpretation as to whether it includes the car park area of a supermarket. Whilst we welcome the proposed restriction on off-sales drinks promotions in supermarkets etc, this is a relatively minor issue in the broader context of alcohol advertising and promotion activities. With the barrage of online and multi-media advertising, we believe further regulation of the extensive promotion of alcohol is a concern within alcohol policy in Northern Ireland, the Republic of Ireland and the UK.

In the Republic of Ireland, recently enacted [provisions](#) of the Public Health (Alcohol) Act placed restrictions on:

- Alcohol advertising in or on public service vehicles, at public transport stops or stations and within 200 metres of a school, a crèche or a local authority playground will be prohibited.
- Alcohol advertising in a cinema will be prohibited except around films with an 18 classification or in a licensed premises in a cinema.
- Children's clothing that promotes alcohol will be prohibited.

IPH would recommend that the Department considers the provisions of Public Health (Alcohol) Act when developing similar legislation in Northern Ireland.

## 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.**

### **NO**

In respect of this provision, IPH notes that many clubs are affiliated to national governing bodies in receipt of alcohol industry sponsorship. We are concerned that the legislation may inadvertently increase the scope for advertising by the alcohol industry at local sports club level - for example in supporting or sponsoring club events and linking such events to drinks promotions across the wider community. Alcohol advertising has a significant effect on consumption and attitudes towards alcohol, particularly among young people. A number of systematic reviews have demonstrated that alcohol marketing encouraged children and young people to start drinking at an earlier age and in greater quantities than they otherwise would (Meier et al 2008; Anderson et al 2009b; Science Group of the European Alcohol and Health Forum, 2009; Smith and Foxcroft, 2009; de Bruijn et al, 2012).

A number of studies also show that alcohol marketing may also contribute to problematic drinking. A review of longitudinal studies found that young people exposed to alcohol advertising (not explicitly sports advertising) were more likely to have higher levels of alcohol consumption in later adolescence and early adulthood (Smith and Foxcroft, 2009; Andersen et al, 2009a and 2009b).

The WHO recommended consideration could be given to regulating and limiting the content and volume of commercial communications on alcohol, ranging from a Europe-wide roll-out of the principles of the French Evin Law to a ban on all forms of commercial communications that appeal to children and adolescents. Statutory regulation of commercial communications seems to be more effective than self-regulation in limiting inappropriate exposure of commercial communications to young people. (WHO, 2009).

A European review of the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm also highlighted the importance of regulating alcohol advertising within a comprehensive alcohol policy (WHO, 2009).

## 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.**

**NO**

Where additional late opening licences are granted, the alignment of alcohol and entertainment licences is welcomed.

IPH welcomes the provision requiring restaurants and guest houses to display a notice of their licence conditions. This level of transparency will be important in ensuring adherence to the legislation. In addition, consideration should be given to how improved enforcement of this provision can be achieved.

## 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**

IPH supports the prohibition on self-service and alcohol sales by vending machines.

## 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?**

#### **NO**

IPH would recommend a statutory Code of Practice is introduced. We would suggest that the Department for Communities consult with the PSNI and Department of Health to determine the potential effects any such code would have on crime, disorder, demands on emergency services and health outcomes.

It has been argued that it is responsible in sales and marketing approaches and that self-regulation is effective. However, a systematic review by Savell and colleagues (2016) revealed there is no evidence that self-regulation and industry-government partnerships lead to reductions in alcohol-related harm.

Evidence outlined in the review supports the link between alcohol industry marketing and drinking initiation and drinking prevalence. It has also been argued by the alcohol industry that it does not market its products to children, but this has been shown to be misleading as alcohol marketing often targets and appeals to young people those below the legal drinking age (Savell et al, 2016).

Moves to put greater emphasis on self-regulation of the licensed trade via voluntary schemes have been viewed with concern and scepticism. There is a significant lack of evidence that such schemes are effective at reducing crime and disorder (Foster and Charalambides, 2016).

## 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**

IPH welcomes clarification of the law in respect of remote alcohol sales. As this method of purchasing alcohol increases, it will become even more important to ensure alcohol sales are conducted within the law and in particular, the necessary protections are in place regarding the sale of alcohol to minors.

## 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**

IPH supports the proposal to ensure alcoholic drinks cannot be used in loyalty schemes. The Public Health (Alcohol) Act in the Republic of Ireland includes provisions relating to this matter. IPH would suggest the Department for Communities consider the legislative approach taken in the Republic of Ireland.

## Are there any other aspects of liquor licensing law that you feel should be changed? (Max 350 words)

Licensing legislation has an important role in the protection and promotion of public health. Alcohol-related harm impacts not only in the individual, but their family and wider society. IPH notes that licensing legislation in England, Wales and Scotland is underpinned by licensing objectives which form an important basis upon which to develop legislation. In England and Wales, The Licensing Act 2003 is underpinned by four licensing objectives:

1. The prevention of crime and disorder
2. The protection of public safety
3. The prevention of public nuisance
4. The protection of children from harm

In Scotland, there is also a fifth objective:

5. The protection and promotion of public health

IPH would invite the Department for Communities to carefully consider the wider public health implications of alcohol consumption beyond those evident in terms of public order/alcohol-related crime in the night time economy. Among those that drink, the pattern of alcohol consumption in Northern Ireland is often harmful to health. Excess alcohol consumption is associated with a wide range of poor physical and mental health outcomes including obesity, cancers, psychiatric disorders and suicide. In addition excess alcohol consumption is associated with wider harms including relationship difficulties, domestic violence and child neglect. In order to minimise any potential harms associated with more and longer opening hours, the Department is encouraged to consider whether there is scope in the legislation to include public health as a defined licensing objective – as is current practice in Scotland. The inclusion of such an objective can provide a mandate for local health authorities to object to additional licensing hours where a threat to public health is envisaged or experienced.

**Do you have any relevant evidence that you think should be considered in relation to the impact of current licensing laws? (Max 350 words)**

In respect of liquor licensing legislation in Northern Ireland, IPH submitted [oral](#) and written evidence on the Licensing and Registration of Clubs Amendment Bill on 27 Oct 2016. We would refer all parties to the written and oral evidence from that time. Evidence presented in this consultation largely reiterates our position from 2016.

IPH welcomes the development of this new legislation as a means to standardise certain aspects of alcohol licensing policy and practice in Northern Ireland. Alcohol licensing laws are important from a public health perspective as they can directly influence alcohol availability, levels of consumption and patterns of alcohol-related harm. Alcohol licensing laws are also important in terms of their indirect influence they can have on cultural norms around alcohol consumption.

Unlike all other jurisdictions of the UK, and the Republic of Ireland, Northern Ireland does not maintain an electronic register of alcohol licences. Data is currently held by the local courts in a variety of formats. We would invite the Department to consider whether this new legislation could make provision for the development of a publicly available licensing register to ensure open access to information on the number and nature of licences granted in Northern Ireland. A lack of baseline information on the hours of opening at present means it difficult to predict how significant the additional hours proposed in the legislation may be from a public health perspective.

In the context of an underdeveloped information system to monitor the impacts of changes in licensing laws, and some international evidence linking increases in later opening hours with changes in patterns of alcohol-related harms, we would encourage the Department to adopt a 'start low, go slow' approach in terms of the maximum number of new additional hours granted by this legislation.

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