

MODERNISATION OF LIQUOR LICENSING LEGISLATION, November 2019
(HU Policy Paper 1h)

IN SUMMARY

Hospitality Ulster is the professional body supporting the Hospitality Industry in Northern Ireland. With a focus on food and drink, our membership includes pubs, bars, café bars, restaurants, hotels, visitor attractions and airports.

The Hospitality Industry in Northern Ireland sustains c.60, 000 jobs and forms the backbone of the developing Tourism offering in Northern Ireland. However, the commercial viability of the industry is now at a critical point due to rising costs and the lack of opportunity to increase consumer numbers, market share and attract tourists. These factors are placing many of the small businesses that make up the majority of the industry under severe financial pressure.

Hospitality Ulster does not propose or support wholesale deregulation of licensing legislation. We recognise alcohol is a controlled substance, and welcome the fact that the sale of alcohol is regulated by the courts, and anyone breaching the legislation will face the full weight of the law. Having led the introduction of the Responsible Retaining Code (RRCNI) in Northern Ireland, the only such code in the UK or ROI, Hospitality Ulster continues to play an active role in promoting the responsible sale and consumption of alcohol. Providing the secretariat for the RRCNI, working proactively with the PSNI and leading the campaign for the introduction of a Minimum Unit Price for alcohol.

We do not seek to encourage people to over consume; instead our aim is to modernise the regulation of the Hospitality Industry to meet the needs of both the evolving domestic market and the growing Tourism economy, which have been hampered by the outdated liquor legislation. In the last two years alone, record numbers of pubs and licensed

restaurants closed (82 pubs and 52 licensed restaurants closed between 2016 and 2018) with considerable job losses, the modernisation of the legislation is now vital to the sustainability of the hospitality industry.

(Due to the complexity of our liquor licensing legislation, we have included explanations of current legal requirements in the 'In Detail' section of this paper and appendices that explain 'Late Licenses' and 'Easter hours').

Hospitality Ulster calls on the Government to create a regulatory environment that can support the responsible sale and consumption of alcohol, whilst stimulating growth in the Hospitality and Tourism sector in Northern Ireland. By amending the liquor licensing legislation as follows (ranked in order of the October 2019, DfC consultation document):

1) Categories of licence:

We support the introduction of an additional '**Category of licence**' that will allow craft breweries, distilleries and cideries to sell alcoholic products manufactured on their premises as part of a visitor centre experience. This should have a limited provision for 'consumption for tasting' free of charge, or as part of the visitor experience entrance fee and a limited off-sales facility, with the ability to transfer their licence on a set number of occasions annually. They should be able to facilitate the sale of the products they manufacture at designated cultural / tourism events, with limited free consumption for tasting, or as part of the event entrance fee.

It is important that any new licence category does not duplicate the abilities legislated for within existing licence categories as this would undermine the current marketplace- which is already under considerable pressure. Record numbers of pubs and licensed restaurants are closing (82 pubs and 52 licensed restaurants closed between 2016 and 2018 alone), with considerable job losses to date. Licensing small brewers / distillers for the consumption of alcohol on their premises, beyond that to facilitate 'tasting', would undoubtedly further exacerbate those job losses, and would not replace them on the same scale.

2) Permitted hours

We call for a modest increase in the 'Permitted hours' granted under an Article 44 (late licence) for pubs and hotels, from the current 1am to 2am. This would allow the hospitality industry to cater for changing consumer behaviour, with people going out later, dining later and wanting later entertainment. These changes would also support the growth in tourism, with international visitors also looking for later entertainment and the sustainability of the hospitality industry.

3) Additional hours – small pubs

We call for an increase in 'Additional hours' under Article 45 (late license) from the current 20 nights per year to 104 nights per year for small pubs. This is a measure to support the sustainability of small (often rural) pubs, which provide a community hub, help to tackle rural isolation and provide local jobs. Registered Clubs, which are not commercial businesses (but often compete for business) had their additional hours increased from to 80 nights per year in a previous licensing bill. Therefore the increase to 104 for commercial premises is important to restore the balance.

4) Easter opening

We call for the 'current opening hours' for Easter, which date back to 1833 (amended 1924), and place additional time restrictions on the sale and consumption of alcohol on the Thursday, Friday, Saturday and Sunday at Easter, to be brought into line with normal opening hours (normal Permitted hours). To allow them to meet the demands of a changing marketplace, developing tourism economy and the rising costs of running a business.

5) Drinking up time

We call for an increase in the 'Drinking up' time by 30 minutes to allow for a more controlled consumption of the last drinks, better management of people leaving the premises, a longer period of entertainment and an alleviation of the pressure caused by the shortage of taxis at peak times. This would not increase the amount of alcohol being sold.

6) Removal of off-sales

We DO NOT support limiting the 'Removal of off-sales' to 11pm. We believe that doing so would result in customers leaving premises early and increase home drinking. This would also place an unacceptable burden on the licensee and the Police Service of Northern Ireland (PSNI), in relation to monitoring / searching customers in/or leaving the premises after 11pm.

7) Places of Public Entertainment

We believe that the legislation for racecourses under 'Places of Public Entertainment' should be amended to include the sale of alcohol on a Sunday, with the provision that alcohol can only be sold as part of a main meal (similar to licensed restaurants).

8) Major events

We support the introduction of powers to vary licence conditions to support the viability / sustainability of 'Major Events' of regional economic or cultural significance taking place in Northern Ireland. As part of an increase in the Permitted hours and drinking up time to support the viability / sustainability of the wider industry in Northern Ireland.

We believe that these powers should also include the power for the Department to vary licence conditions for sporting events of regional significance taking place both in and outside Northern Ireland.

9) Alignment of entertainment and liquor licenses

We cannot currently support the 'Alignment of entertainment and liquor licenses' that would require entertainment to finish at the end of drinking up time. This proposal would currently limit the maximum time for entertainment to 1.30am, given that consumer trends are for people to go out later, dine later and then look for entertainment. However, if drinking up time was extended by 30 minutes and an additional hour for the sale of alcohol until 2am was introduced, Hospitality Ulster would reconsider its position and most likely back this proposal.

10) Children's Certificate

We believe that the need for a separate Children's Certificate, which results in additional paperwork, costs and some confusion should be removed and that the same conditions be included in the main liquor licence.

11) Deliveries of alcohol

We support the introduction of legislation to require proof of age to be shown for 'Deliveries of alcohol'. Due to the growth of online alcohol sales and deliveries to home addresses, removing the level of supervision provided by over the counter sales, it has become even more important to put measures in place to ensure persons under 18 cannot access alcohol through deliveries

12) Underage functions

We believe the legislation should be changed to allow young persons under 18 years into licensed premises to attend underage functions on the condition that alcohol is not being sold.

13) Family functions

We believe the legislation should be a changed to allow young persons under 18 years into licensed premises to attend family functions, such as weddings and birthday parties without time restrictions, on the condition that they are supervised by an adult family member at all times.

14) Young people in sporting clubs

We recognise the important role that sports clubs have in our community, and support changes to the licensing laws that would allow 'Young people in sporting clubs' for a bona fide awards night and until 11pm during summer months.

15) Restrictions on Advertising in Supermarket and Off-sales

We believe that placing restrictions on advertisements in and close to supermarkets and off-sales would have little to no impact on individuals drinking to excess.

16) Advertising of functions in clubs

We would support changes to the law that would allow Registered Clubs to advertise functions. Provided that all adverts, in all media;

- a. Include the wording 'strictly members only' in bold black text
- b. Is clearly visible and is easy to read
- c. Account for no less than 10% of the advert

17) Provision of entertainment in restaurants

We believe the illegal trading of a small group of irresponsible licensed restaurants damages the commercial viability of the other law abiding restaurants, hotels and pubs. However, a requirement to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in licensed restaurants would have absolutely no impact on the illegal activity of the small group of restaurants that trade outside the restrictions of their licence.

18) Self service

We support the introduction of regulations making it illegal to sell alcohol through 'Self-Service' and require all sales to be under direct supervision of a licensee or member of staff. Alcohol is a controlled substance and therefore should be sold in a controlled environment and under the supervision of staff to ensure persons under 18 years cannot make a purchase.

19) Codes of practice

Hospitality Ulster has championed the campaign for the Responsible Retailing of Alcohol, which has led to the introduction of the Joint Industry Code for the Responsible Promotion of Alcohol (NI), we believe that the Department should be allowed to formally approve industry codes of practice.

20) Remote sale of alcoholic drinks

We support the proposal to provide clarification on the 'Remote sale of alcoholic drinks' specifying that the premises from which the alcoholic drinks are dispatched must be licensed.

21) Loyalty schemes

Irresponsible promotions and marketing practices that encourage or incite individuals to drink to excess have no place in the licensed trade. However, responsible promotions and marketing practices, including loyalty schemes, are a legitimate way of maintaining and developing business. We believe licensed premises should be allowed to include alcohol sales in 'Loyalty schemes', provided there is no time limit with regard to the redemption.

22) Other aspects of licensing legislation that should be changed (not covered in the 2019 DfC consultation)

- a. We believe that the legislation relating to an Article 44 'Permitted hours' (late licence) on Sundays, which currently only allows for the sale of alcohol until 12 midnight, should be brought into line with Permitted hours for the other late nights granted for the premises under the Article 44.
- b. We believe that the definition of entertainment under the Article 44 'Permitted hours' (late licence) should be amended to reflect modern entertainment and the requirement for the performer to be live should be removed. e.g. to include a DJ, watching a live streamed concert, watching a Ulster Rugby play on live TV.
- c. We believe that the legislation should be amended to allow licensed premises with an Article 44 'Permitted hours' late licence to apply for an Article 45 'Additional hours' late licence on night not covered by the Article 44.
- d. We call on the Government to implement the findings of the DETI Review of Red Tape into Liquor Licensing Legislation to simplify and remove unnecessary cost from

the grant, renewal and amendment processes for liquor licensing with additional powers and consequences for licensed premises involved in illegal trading.

- e. We believe that Northern Ireland's rural communities could benefit from changes to the regulations that would allow pubs to provide community services, similar to Post Offices, local shops, community libraries etc., working in partnership with the charity, 'Pub is the Hub'. Hospitality Ulster calls on Government to amend the licensing regulations to facilitate licensees to widen their community role as part of the Pub is the Hub scheme.

Appendices:

Appendix 1- Late Licences explained – Page 23

Appendix 2- Easter Hours Explained – Page 24

MODERNISATION OF LIQUOR LICENSING LEGISLATION, January 2019
(HU Policy Paper 1h)

IN DETAIL

Hospitality Ulster is the professional body representing the Hospitality Industry in Northern Ireland. With a focus on food and drink, our membership includes pubs, bars, café bars, restaurants, hotels, visitor attractions and airports.

The Hospitality Industry in Northern Ireland sustains c.60, 000 jobs and forms the backbone of the developing Tourism offering in Northern Ireland. However, the commercial viability of the industry is now at a critical point as rising costs and the lack of opportunity to increase consumer numbers and market share are placing many of the small businesses that comprise the majority of the industry under severe financial pressure.

Whilst the opportunities from tourism have grown with Northern Ireland emerging as a new destination in the global market place, our outdated and overly restrictive liquor licensing legislation has limited the ability of the hospitality industry to fully capitalise on this opportunity.

Core to the sustainability and growth of the industry is the ability to meet market demand in both the domestic and global markets, allowing the industry to service the domestic market and attract visitors to our towns and cities across the province. In the last two years alone, record numbers of pubs and licensed restaurants closed (82 pubs and 52 licensed restaurants closed between 2016 and 2018) with considerable job losses, the modernisation of the legislation is now vital to the sustainability of the hospitality industry.

The following policy has been developed in consultation with our members and industry stakeholders, and with the consideration of both our common and unique issues in comparison with other parts of the United Kingdom and the Republic of Ireland. This Policy Paper sets out the background arguments and key facts, and makes recommendations on what needs to be done to support the sustainability and growth of the hospitality industry, whilst ensuring the responsible sale and consumption of alcohol.

Policy Background

Hospitality Ulster does not propose or support wholesale deregulation of licensing legislation. We recognise alcohol is a controlled substance and welcome the fact that the sale of alcohol is regulated by the courts, and anyone breaching the legislation will face the full weight of the law. Having led the introduction of the Responsible Retaining Code (RRCNI) in Northern Ireland, the only such code in the UK or ROI, Hospitality Ulster continues to play an active role in promoting the responsible sale and consumption of alcohol. Providing the secretariat for the RRCNI, working proactively with the PSNI and leading the campaign for the introduction of a Minimum Unit Price for alcohol.

We do not seek to encourage people to over-consume, but simply to allow the responsible sale and consumption of alcohol. Supporting the commercial viability of our members businesses, which is now at a critical point due to rising costs and the lack of opportunity to increase consumer numbers and market share, is leaving many of them in an unsustainable financial position.

Hospitality Ulster has worked with elected representatives and the relevant agencies to highlight the areas of the Liquor Licensing Legislation (Northern Ireland Order 1996) that currently act as a block on industry development, and create an unfair playing field in the face of competition from home drinking and other tourism locations.

In addition, Hospitality Ulster acted as the lead organisation in the Review of Business 'Red Tape', taken forward by the Department of Enterprise, Trade & Investment and which was supported by both the Northern Ireland Executive and UK Government. The Review, which focused on a number of regulatory areas within the hospitality industry, included a review of the complexity, effectiveness and cost associated with liquor licensing (not the hours for sale). The findings of this Review have still to be brought forward for consideration by the Northern Ireland Assembly.

Hospitality Ulster calls on the Government to create a regulatory environment that can support the responsible sale and consumption of alcohol, whilst stimulating growth in the Hospitality and Tourism sector in Northern Ireland. By amending the liquor licensing legislation as follows (ranked in order of the October 2019, DfC consultation document):

1) Categories of licence:

Hospitality Ulster supports the introduction of an additional ‘**Category of licence**’ that will allow craft breweries, distilleries and cideries to sell alcoholic products manufactured on their premises as part of a visitor centre experience. This should have a limited provision for ‘consumption for tasting’ free of charge, or as part of the visitor experience entrance fee and a limited off-sales facility, with the ability to transfer their licence on a set number of occasions annually. They should be able to facilitate the sale of the products they manufacture at designated cultural / tourism events, with limited free consumption for tasting, or as part of the event entrance fee.

It is important that any new licence category does not duplicate the abilities legislated for within existing licence categories as this would undermine the current marketplace- which is already under considerable pressure. Record numbers of pubs and licensed restaurants are closing (82 pubs and 52 licensed restaurants closed between 2016 and 2018 alone), with considerable job losses to date. Licensing small brewers / distillers for the consumption of alcohol on their premises, beyond that to facilitate ‘tasting’, would undoubtedly further exacerbate those job losses, and would not replace them on the same scale.

With regards to consumption for tasting on the premises as part of the visitor experience, it is important to remember that the premises are primarily a manufacturing facility. Which allow visitors a tour of the facility, and are not similar to a pub, bar or licensed restaurant, where the primary focus includes the consumption of alcohol and which have considerably more controls and much higher operational costs. Therefore, the sale of alcohol on these premises is similar to an off-sales, and any on-premises consumption must be limited to sampling. People visiting the brewery or distillery should

not be allowed to buy alcohol for consumption beyond that which is provided for tasting free of charge or included in the visitor experience entrance fee. The tasting sample size should be as specified for Off-Sales in the Guidance to Joint Industry Code for Responsible Retailing of alcohol in NI (extract below).

Extract: Guidance on the Implementation of the Responsible Retailing Code (3rd Edition January 2018)

OFF-TRADE

- *There is a fundamental difference between sampling in the on- and off-trade. In the off-trade, the customer is thinking about purchasing and not consuming, unlike in the on-trade. Sampling in the off-trade is therefore a spontaneous decision based on the offer presented at the time, and the majority of customers are likely to be driving.*
- *All sampling must be conducted in accordance with the principles of responsible serving.*
- *Alcohol should not be left unattended in the designated area, and water should be provided on sampling stands.*
- *Sampling should only be done in the licensed area.*
- *A total limit equivalent to 1 standard drink (10g of pure alcohol) is the MAXIMUM which should be offered in the off-trade –*

No. of samples	1	2	3	4
Product	<i>Maximum Sample Size in ml</i>			
<i>Beer/Cider</i>	284	142	95	71
<i>Spirits</i>	35.5	18	12	9
<i>Wines</i>	100	50	33	25
<i>Sherry</i>	71	36	24	18

Sampling personnel should advise consumers that the total alcohol in all the samples combined does not exceed a maximum of 1 standard drink.

(1 standard drink = half a pint of beer/cider = 1 pub measure spirits= 1 small glass wine)

This new category should also have a facility similar to the Temporary extension Notifications in GB (TEN), that would allow the licence to be transferred (with Police approval) to facilitate the sale of products they manufactured, at designated cultural / tourism events (for consumption off premises), with limited free 'consumption for tasting' or as part of the main event admission fee (sample size as detailed in the Responsible Retailing Code NI for off-sales).

2) Permitted hours

Hospitality Ulster calls for a modest increase in the 'Permitted hours' granted under an Article 44 (late licence) for pubs and hotels, from the current 1am to 2am. This would allow the hospitality industry to cater for changing consumer behaviour, with people going out later, dining later and wanting later entertainment. These changes would also support the growth in tourism, with international visitors also seeking later entertainment and the sustainability of the hospitality industry.

Currently licensed premises may apply to the courts for an extension to Permitted hours (a late licence) under Article 44, permitting the sale of alcohol until 1am (12 midnight on a Sunday) provided it is ancillary to the main event, i.e. it requires food or live entertainment to be provided.

The commercial viability of the industry is now at a critical point, due to rising costs and the lack of opportunities to increase consumer numbers, market share and attract tourists. This is placing many of the small businesses, which comprise the majority of the industry, under severe financial pressure. Changing consumer trends and the dramatic increase in home drinking has resulted in consumers going out less often, going out later and dining later in the evening. In addition, the opportunity to maximise the return from tourists, who are now a new potential customer base, is limited as they are often deterred by our limited opening hours.

3) Additional hours – small pubs

Hospitality Ulster calls for an increase in ‘Additional hours’ under Article 45 (late license) from the current 20 nights per year to 104 nights per year for small pubs. This measure would support the sustainability of small (often rural) pubs, which provide a community hub, help to tackle rural isolation and provide local jobs. Registered Clubs, which are not commercial businesses (but often compete for business), had their additional hours increased to 80 nights per year in a previous licensing bill. Therefore, the increase to 104 nights for commercial premises is important to restore the balance.

Currently licensed premises that do not have their ‘Permitted hours’ extended under an Article 44 (late licence), which is granted by the court, can apply to the PSNI for ‘Additional hours’ under an Article 45 (late licence) for a maximum of 20 nights per year.

Small pubs, particularly in rural areas, play an important role by providing employment and, in many cases, acting as the local community hub. However, with many facing financial challenges and falling footfall, it is not economically viable for them to provide food or entertainment as required under a ‘Permitted hours’ Article 44 late licence. Therefore, many are forced to use an Article 45 ‘additional hours’ late licence, which is limited to a maximum of 20 nights per year.

4) Easter opening

Hospitality Ulster calls for the ‘current opening hours’ for Easter, which date back to 1833 (amended 1924) and place additional time restrictions on the sale and consumption of alcohol. On the Thursday, Friday, Saturday and Sunday at Easter to be brought into line with normal opening hours (normal Permitted hours).

Currently the sale of alcohol in pubs, hotels and restaurants is restricted to midnight on the Thursday and Saturday before Easter; 5pm – 11pm on Good Friday and 12.30am – 10pm on Easter Sunday. Supermarkets and off-sales can sell alcohol from 8am on Good Friday, but cannot open on Easter Sunday.

Hospitality Ulster respects the religious sensitivities surrounding the Easter period. But we believe the current restrictions on 'opening hours', which limit the sale of alcohol over the four-day period, and with no consistency across the types of licensed premises, is an anomaly in the legislation.

For example, on Good Friday, alcohol can be bought in a supermarket at 8am to be consumed at home or indeed in unlicensed restaurants. But a public house, licensed restaurant or hotel cannot serve alcohol until 5pm (restrictions do not apply to hotel residents).

The hospitality industry already provides choice for employees of all faiths, to choose not work on days of religious significance to the individual, and this includes Good Friday, as it is not a public holiday in Northern Ireland.

With the Easter weekend being a major local holiday and the start of the visitor season, we estimate that the restricted 'opening hours' over the four-day period result in losses in the region of £20m. As many businesses in the hospitality sector operate on a 20% margin, this effectively means they make no profit that month. This situation has been further exacerbated by the fact that the Republic of Ireland has now removed all additional restrictions on the sale and consumption of alcohol over the Easter period, with the result of an additional loss of trade across the border.

5) Drinking up time

Hospitality Ulster calls for an increase in the 'Drinking up' time by 30 minutes to allow for a more controlled consumption of the last drinks, better management of people leaving the premises, a longer period of entertainment and an alleviation of the pressure caused by the shortage of taxis at peak times. This would not increase the amount of alcohol being sold.

Currently drinking up time is limited to 30 minutes after the permitted hours for the sale of alcohol, i.e. when sales finish at 11pm, all alcohol must be consumed by 11.30pm. Likewise, when sales finish at 1am, all alcohol must be consumed by 1.30am. This

causes problems removing drinks from customers, encourages binge drinking and means customers all leave the premises at the same time, with limited availability of taxis.

6) Removal of off-sales

Hospitality Ulster does NOT support limiting the 'Removal of off-sales' to 11pm. We believe that doing so would result in customers leaving premises early and increase home drinking. This would also place an unacceptable burden on the licensee and the PSNI, in relation to monitoring / searching customers in or leaving the premises after 11pm.

Presently, customers may purchase carry outs in a pub/bar before 11pm and keep it with them until they leave the premises. If introduced, these proposals would require customers take any carry out purchases off the premises by 11pm, e.g. if a customer purchases a bottle of wine (for their lunch the following day) they will be required to leave the licensed premises at 11pm.

Given that off-sales in pubs are considerably more expensive than those from supermarkets, and therefore small in quantity, it is difficult to see how a claim that it fuels street drinking can be justified.

7) Places of Public Entertainment

Hospitality Ulster believes that the legislation for racecourses under 'Places of Public Entertainment' should be amended to include the sale of alcohol on a Sunday, with the provision that alcohol can only be sold as part of a main meal (similar to licensed restaurants).

Currently premises that operate under a 'Places of Entertainment' licence are not allowed to sell alcohol on a Sunday. However, this places severe restrictions on their ability to include a dining experience as part of their business offer on days without racing.

8) Major events

Hospitality Ulster supports the introduction of powers to vary licence conditions to support the viability / sustainability of 'Major events' of regional economic or cultural significance taking place in Northern Ireland. This is part of an increase in the Permitted hours and drinking up time to support the viability / sustainability of the wider industry in Northern Ireland.

With international events playing an increasing role in the Northern Ireland tourism offer, there have been a number of events that have been negatively impacted by the lack of ability to vary the hours for the sale and consumption of alcohol when the event falls outside the scope of the current licensing legislation. There is now a clear need for the ability to have controlled flexibility of licensing provision to support the viability / sustainability of events of regional economic significance.

Hospitality Ulster believes that these powers should also include the power for the Department to vary licence conditions for sporting events of regional significance taking place both in and outside Northern Ireland.

However, any changes must be accompanied by an increase to the Permitted hours and drinking up time to support the viability / sustainability of the wider industry.

9) Alignment of entertainment and liquor licenses

Hospitality Ulster cannot currently support the 'Alignment of entertainment and liquor licenses' that would require entertainment to finish at the end of drinking up time. This would currently limit the maximum time for entertainment to 1.30am, given that consumer trends are for people to go out later, dine later and then look for entertainment. However, if drinking up time was extended by 30 minutes, and an additional hour for the sale of alcohol until 2am was introduced, Hospitality Ulster would reconsider its position and most likely support this proposal.

Currently the hours granted under an entertainment licence and the hours granted under a liquor licence are not legally aligned. Some years ago this led to illegal trading by irresponsible premises. However, this is no longer a common practise / problem.

10) Children's Certificate

Hospitality Ulster believes that the need for a separate Children's Certificate, which results in additional paperwork, costs and some confusion, should be removed and that the same conditions should be included in the main liquor licence.

Currently licensed premises must apply for a separate Children's Certificate, which permits children on licensed premises and imposes set conditions (e.g. they must be dining, they must be accompanied by an adult and they must leave the premises by 9pm).

The need to protect and regulate access to alcohol by children is important. However, the current system for issuing a Children's Certificate is over complicated and adds additional/unnecessary complexity and costs.

11) Deliveries of alcohol

Hospitality Ulster supports the introduction of legislation to require proof of age to be shown for 'Deliveries of alcohol'. As the growth of online alcohol sales and deliveries to home addresses is removing the level of supervision provided by over the counter sales, it has become even more important to put measures in place to ensure persons under 18 years cannot access alcohol through deliveries.

12) Underage functions

Hospitality Ulster believes the legislation should be changed to allow young persons under 18 years into licensed premises to attend underage functions on the condition that alcohol is not being sold.

Currently, persons under the age of 18 years are only permitted on licensed premises (hotels, restaurants and public houses) if they are dining and accompanied by an adult, and they must leave the premises by 9pm.

This situation means that licensed premises cannot hold, for example, an under 18 disco, school formal, careers convention for under 18s or even a church function or service for under 18s, even if the bar is closed and no alcohol is for sale. Whilst there is no desire to change legislation to allow the consumption of alcohol by persons under 18, it is ludicrous that having a teenage disco has, in the past, led to the prosecution of the owner of a host venue.

13) Family functions

Hospitality Ulster believes the legislation should be a changed to allow young persons under 18 years entry into licensed premises to attend family functions, such as weddings and birthday parties, without time and meal restrictions on the condition that they are supervised by an adult family member at all times.

Currently persons under the age of 18 years are only permitted on licensed premises (hotels, restaurants and public houses) if they are dining and accompanied by an adult, and must they leave the premises by 9pm.

This situation means that persons under 18 years are only permitted to attend family events that include a main meal (accompanied by an adult) and that they must leave the licensed premises by 9pm. In most cases, this would mean that the accompanying adult will also have to leave the function and impact the overall experience of the event.

14) Young people in sporting clubs

Hospitality Ulster recognises the important role sports clubs play in our community, and support changes to the licensing laws that would allow ‘Young people in sporting clubs’ for a bona fide awards night and until 11pm during summer months.

15) Restrictions on Advertising in Supermarket and Off-sales

Hospitality Ulster believes that placing restrictions on advertisements in and close to supermarkets and off-sales would have little to no impact on individuals drinking to excess.

Responsible promotions and marketing practices in both the on and off trade are a legitimate way of maintaining and developing business. On the other hand, irresponsible promotions and marketing practices that encourage or incite individuals to drink to excess have no place in the licensed trade.

16) Advertising of functions in clubs

Hospitality Ulster recognises the important role sports clubs play in our community and that the majority of clubs operate within the conditions of their liquor licence. However, a sizeable number of registered clubs operate outside their licence restrictions, trading as public houses and restaurants, but without the significant associated costs that come with a commercial property. This results in unfair commercial losses to the surrounding pubs, restaurants and hotels.

However, Hospitality Ulster would support changes to the law that would allow Registered Clubs to advertise functions. Provided that all adverts, in all media;

- d. Include the wording 'strictly members only' in bold black text
- e. The text is clearly visible and is easy to read
- f. Account for no less than 10% of the advert

17) Provision of entertainment in restaurants

Hospitality Ulster believes the illegal trading of a small group of irresponsible licensed restaurants damages the commercial viability of other law abiding restaurants, hotels and pubs. However, a requirement to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in licensed restaurants would have absolutely no impact on the illegal activity of the small group of restaurants that trade outside the restrictions of their licence.

Restaurants play an important role in the Northern Ireland food and beverage offering and, whilst the majority of restaurants operate within the licensing legislation, (which requires alcohol to be sold as part of dining and included on the main table bill), licensed restaurants are not allowed to charge an entrance fee.

There are a small but persistent number that trade similar to a pub or hotel without the associated costs that the other licensing categories incur (i.e. business rates based on receipts and expenditure), with their actions giving them a competitive advantage and increased profits when compared to the majority of law abiding restaurateurs.

18) Self service

Hospitality Ulster supports the introduction of regulations making it illegal to sell alcohol through 'Self-Service', and requires all sales to be under direct supervision of a licensee or member of staff. Alcohol is a controlled substance and therefore should be sold in a controlled environment and under supervision of staff to ensure persons under 18 years cannot make a purchase.

19) Codes of practice

Having supported the campaign for the Responsible Retailing of Alcohol, which has led the introduction of the Joint Industry Code for the Responsible Promotion of Alcohol (NI), Hospitality Ulster believes the Department should be allowed to formally approve industry codes of practice.

20) Remote sale of alcoholic drinks

Hospitality Ulster supports the proposal to provide clarification on the 'Remote sale of alcoholic drinks' specifying that the premises from which the alcoholic drinks are dispatched must be licensed.

21) Loyalty schemes

Irresponsible promotions and marketing practices that encourage or incite individuals to drink to excess have no place in the licensed trade. However, responsible promotions and marketing practices, including loyalty schemes, are a legitimate way of maintaining and developing business. Hospitality Ulster believes licensed premises should be allowed to include alcohol sales in 'Loyalty schemes' provided there is no time limit with regard to the redemption.

22) Other aspects of licensing legislation that should be changed (not covered in the 2019 DfC consultation)

- a) Hospitality Ulster believes that the legislation relating to an Article 44 'Permitted hours' (late licence) on Sundays, which currently only allows the sale of alcohol until 12 midnight, should be brought into line with Permitted hours for the other late nights granted for the premises under the Article 44.

- b) Hospitality Ulster believes that the definition of entertainment under the Article 44 'Permitted hours (late licence) should be amended to reflect modern entertainment and the requirement for the performer to be live should be removed. e.g. to include a DJ, watching a live streamed concert, watching a Ulster Rugby play on live TV etc.

- c) Currently licensed premises with an Article 44 'Permitted hours' late licence cannot apply for an Article 45 'Additional hours' late licence to operate on nights that are not covered by the Article 44 'Permitted hours' late licence. For example, a licensed premises with an Article 44 'Permitted hours' late licence for a Thursday, Friday and Saturday cannot take advantage of 'one off' events, such as a birthday party booking for a Monday night, as it cannot sell alcohol after 11pm on that night.

Hospitality Ulster believes that the legislation should be amended to allow licensed premises with an Article 44 'Permitted hours' late licence to apply for an Article 45 'Additional hours' late licence on night not covered by the Article 44.

- d) The Northern Ireland Hospitality and Tourism industry is competing in a global, cost sensitive market place, and the impact of high taxation and additional costs of unnecessary, disabling regulations and outdated legislation directly impacts on our industry's ability to compete.

Hospitality Ulster calls on the Government to *implement the findings of the DETI Review of Red Tape into Liquor Licensing Legislation to simplify and remove unnecessary cost from the granting, renewal and amendment processes for liquor*

licensing, with additional powers and consequences for licensed premises involved in illegal trading.

- e) Pub is the Hub is a UK-based not for profit organisation of specialist advisors for communities and licensees who are thinking of broadening their range of services. It encourages communities, licensees, pub owners, breweries and the private sector to work together to match community priority needs with additional services, which can be provided by the local pub and a good licensee.

Many pubs are still at the centre or hub of community life, and the Pub is the Hub programme has helped pubs in Great Britain to provide essential services beyond the usual drinks, food or entertainment. These include Post Offices, community libraries, village shops – as well as initiatives to tackle loneliness and social isolation in rural communities.

Hospitality Ulster believes that Northern Ireland's rural communities could benefit from changes to the regulations that would allow pubs to provide community services such as post offices, local shops, and community libraries whilst working in partnership with the charity 'Pub is the Hub'. Hospitality Ulster calls on Government to amend the licensing regulations to facilitate licensees to widen their community role as part of the Pub is the Hub scheme.

Appendices:

Appendix 1- Late licences explained – Page 23

Appendix 2- Easter Hours Explained – Page 24

Appendix 1- Late Licences Explained:

- A '**Permitted Hours**' late licence that allows the sale of alcohol after 11pm on designated nights, is granted by the court under Article 44 of the Liquor Licensing Legislation. It requires food or live entertainment to be provided. The maximum time alcohol can be sold is midnight on a Sunday and 1am on other nights (other restrictions also apply).
- An '**Additional Hours**' late licence that allows the sale of alcohol after 11pm on up to 20 nights per year, which is granted by the Police under Article 45 of the licensing legislation. This does not require food or live entertainment to be provided. The maximum time alcohol can be sold is midnight on a Sunday and 1am on other nights (other restrictions also apply).

NOTE:

- Premises with an Article 44 'Permitted Hours' late licence granted by the court, with a limited number of designated nights per week, cannot apply for an 'Additional Hours' late licence from the Police. This means they cannot take advantage of one-off opportunities that arise outside the nights designated by the court. For example, premises granted late opening on Thursday, Friday and Saturday by the courts under an Article 44 Permitted Hours late licence cannot apply to the Police for an Article 45- Additional Hours late licence to open on a Tuesday night for a birthday party.

Appendix 2- Easter Hours Explained

Permitted Hours for the Sale of Intoxicating Liquor at Easter

Date	Hours for Sale of Intoxicating Liquor	Late Extensions & Other Information
Thursday	11.30am – 11.00pm	Finish at 12 midnight + 30 minutes drinking-up.
Good Friday	5.00pm – 11.00pm Off-Licences: 8.00am – 11.00pm 5.00pm – 11.00pm	<p>No late extensions. 30 minutes drinking-up allowed. Premises can open earlier than 5pm for the sale of goods other than intoxicating liquor, e.g. lunches & soft drinks.</p> <p>Normal hours</p> <p>Off-licences attached to a public house (unless an Article 43 – ‘Alternative Permitted Hours’ for off-sales is in place)</p>
Saturday	11.30am – 11.00pm	Finish at 12 midnight + 30 minutes drinking up
Easter Sunday	12.30pm – 10.00pm Off-Licences: Closed	<p>No late extensions. 30 minutes drinking-up allowed.</p> <p>Off-Licences cannot open</p>
Easter Monday	11.30am – 11.00pm	Normal extensions to 1am apply.