

PORTMAN GROUP RESPONSE TO

NI Department for Communities: Consultation on liquor licensing laws in Northern Ireland

Executive Summary

- The Portman Group welcome's the Department's recognition that any revisions to regulation should be proportionate and balanced between protecting public health and order and fostering a vibrant and diverse alcohol sector in Northern Ireland, and we are committed to playing our part in helping to reduce the harms related to alcohol and promoting responsible drinking.
- We consider that the vast majority of licensed premises sell alcohol responsibly and that this is supported by an increasing trend towards responsible drinking amongst Northern Ireland drinkers.
- The Portman Group is also able to give guidance to both retailers and on-trade licensees about ensuring their promotions are responsible and do not encourage immoderate consumption or drunkenness.
- Overall, we would advocate an evidence-based and proportionate common-sense approach to alcohol licensing is followed, to balance protecting underage and vulnerable people with the freedom for adults to choose to drink responsibly.
- This includes ensuring that existing laws to reduce access to underage and intoxicated people are thoroughly enforced and industry best practice, such as 'Challenge 25, is followed.
- Existing self-regulatory systems have been effective in regulating the marketing and promotion of alcohol in Northern Ireland, and we would encourage the Northern Ireland Executive to encourage licensees to work with the Portman Group to ensure alcohol is marketed in a socially responsible way and sign up to support our Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

The Portman Group

The Portman Group (PG) is the responsibility body for drinks producers across the whole of the UK.

Our role is to:

- Lead on best practice on alcohol social responsibility through the actions of our member companies;
- Regulate the promotion and packaging of alcoholic drinks sold or marketed in the UK through our Code of Practice (the 'Code');
- Challenge and encourage the industry to market its products responsibly.

The Portman Group is a not-for-profit organisation funded by eight member companies¹ who represent every sector of drinks production and collectively account for more than half of the UK alcohol market.

Portman Group remit

1. The Portman Group welcomes the opportunity to respond to this consultation and welcome's the Department's recognition that any revisions to regulation should be proportionate and balanced between protecting public health and order and fostering a vibrant and diverse alcohol sector in Northern Ireland.
2. The Portman Group is a producer organisation and its scope, as explained above, is focused on the regulation and best practice of producers. While producers have some influence over the way in which their products are promoted

¹ Budweiser Brewing Group UK&I, Bacardi Brown-Forman Brands, Carlsberg, Diageo, Heineken, Mast-Jägermeister UK Ltd, Molson Coors, Pernod Ricard

at point-of-sale (for example, they control their packaging and may additionally offer point-of sale display material, etc), this influence is limited.

3. Producers nonetheless have a significant interest in the way in which their products are presented for sale and consumed in terms of alcohol's wider impact on society concerning harm, irresponsible consumption and underage drinking, and we at the Portman Group have considerable positive experience of self-regulation. It is in this context that we make our response.
4. As best practice, the Portman Group encourages producers to take all necessary steps to ensure that their brands are not used as part of irresponsible promotions. To this end, we advise that they should review the terms and conditions of supply and promotion contracts to tie retailers as strongly as possible to responsible standards of brand promotion.
5. The Portman Group is also able to give guidance to both retailers and on-trade licensees about ensuring their promotions are responsible and do not encourage immoderate consumption or drunkenness, to ensure that the UK Government's lower-risk drinking guidelines are followed.
6. We consider that the vast majority of licensed premises sell alcohol responsibly and that this is supported by an increasing trend towards responsible drinking amongst Northern Irish drinkers.
7. UK annual alcohol consumption has fallen 15% since 2004 and the population now drinks less alcohol than 30 years ago.² Statistics from the latest Health Survey Northern Ireland show that the majority of people in Northern Ireland who choose to drink do so responsibly, with 77% drinking below the Chief Medical Officers' lower-risk weekly guidelines (excluding the 23% of adults who do not drink).³ There has been a 25% fall in the number of those drinking at an 'increased risk' above guidelines since 2010, most notably amongst younger drinkers (36% fall among 18-24 year olds).
8. Further figures show a 43% fall in underage drinking in Northern Ireland since 2000,⁴ a 14% fall in alcohol-related violence since 2012 in the region,⁵ and a 44% fall in those saying that people being drunk or rowdy in public places is a big problem in their area.⁶
9. We believe that this success, in part, has been achieved through industry responsibility and would urge that producers and retailers be allowed to self-regulate, where possible, to achieve high standards.
10. We recognise, however, that self-regulation cannot eliminate all irresponsible practices and promotions and therefore support proportionate and evidence-led state interventions where necessary, targeted at those drinking at the most harmful levels and to address practices which may encourage alcohol misuse.
11. We believe that some of these proposals will complement our own Codes of Practice, which already disallow drinks marketing and sponsorship from having a particular appeal to under-18s or encouraging irresponsible or immoderate consumption.

Drinking-up time: Do you think the current 30 minutes drinking-up time is adequate?

12. We note that the previous 2016 Bill proposed extending the allowable drinking-up time from 30 minutes to 1 hour.
13. We support the previous Bill's intention to allow extra time for a more gradual and orderly dispersal of customers, especially from larger premises, and ease the immediate impact of closing upon neighbouring residents and businesses.
14. We believe this will help discourage the rapid consumption of products and allow consumers to leave of their own accord.
15. We also encourage licensees to adopt best practice and use any extra time to encourage nightlife safety – such as allowing customers to wait inside for taxis or lifts home.

² [WHO Global Health Observatory](#)

³ [Health Survey Northern Ireland](#)

⁴ [Northern Ireland Statistics and Research Agency – Young Persons' Behaviour & Attitudes Survey](#)

⁵ [Police Service of Northern Ireland – Police Recorded Crime Statistics](#)

⁶ [NI Department of Justice – Northern Ireland Crime Survey](#)

Removal of off-sales: Do you think alcoholic drinks, which are bought before 11.00pm, should be allowed to be removed from the premises between 11.00pm and 1.00am (carryouts bought in a pub but taken home later)?

16. Whilst we believe there is merit in exploring restrictions on 'carry outs' during late openings, and acknowledge concerns regarding excessive consumption, street drinking and anti-social behaviour, we would urge further research is undertaken to understand the scale of the issue before legislative steps are taken.
17. We would be cautious in introducing new restrictions which may have any unintended consequences, such as penalising responsible drinkers or encouraging irresponsible consumption. For example, preventing a bottle of wine being removed from the premises for later consumption (i.e. the next day) could encourage excessive consumption to finish the product on premises. Enabling products to be resealed for transport could help alleviate concerns around excessive drinking and encourage products bought on premises to be consumed over a greater length of time.

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

18. Whilst current laws setting drinking up times and the end of alcohol sales should be thoroughly enforced, the provision of entertainment beyond the closure of the bar, again allows more time for the gradual dispersal of patrons and discourages rapid consumption of products as patrons leave.
19. The provision of late-night entertainment also underscores the findings of the Portman Group's previous research, which shows a shift in UK nightlife away from clubbing to a late-night pub culture.⁷
20. The provision of entertainment beyond bar closing shows venue are not just geared towards drinking but a greater range of inclusive activities, changing the dynamic of a venue and attracting a more diverse crowd of drinkers and non-drinkers alike.
21. This could be supplemented by the continued provision of alcohol alternatives after the bar closes – i.e. low and no products, soft drinks and coffees/teas.

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

22. We support the previous 2016 Bill which would have taken a common-sense approach to allow underage functions in licensed premises beyond 9pm, as long as alcoholic products are not served and strict conditions are met to safeguard under-18s.
23. This would allow commonplace activities – such as school formals and birthday parties – to take place responsibly and without fear of contravening the law and ensuring that under-18s have no access to alcohol.

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

24. Similarly, we would advocate a common-sense and proportionate approach to family functions beyond 9pm, allowing flexibility in the law to formalise the legality of children's presence at family functions in licensed premises, such as the suggested examples of wedding reception or birthday party.
25. The present restrictions ensuring that children are seated away from the bar and accompanied by an adult could ensure that children are safeguarded.
26. Further safeguards such as operating a 'Challenge 25' policy should ensure minors do not have access to alcohol.

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

27. We support the previous 2016 Bill which would have taken a common-sense approach to allow one 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 – as long as appropriate safeguards are in place to ensure no access to alcohol – such as operating a 'Challenge 25' policy, appropriate adults supervision and seating under-18s away from the bar.

⁷ [The Portman Group: Encouraging a thriving and diverse night-time economy](#), 2015

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

28. We believe further restrictions on advertising are currently unnecessary, as the UK (including Northern Ireland), has some of the most effective self-regulatory codes through the ASA (paid for advertising) and the Portman Group (producer-led marketing and promotions) to ensure alcohol is marketed responsibly and not to children.
29. The Advertising Standards Authority covers paid-for alcohol marketing (such as outdoor billboards), whilst the Portman Group's Code of Practice applies to producer-led promotions. Our Code of Practice does not apply to retailer-led promotion materials or activities unless the retailer is defined as a producer⁸.
30. However, as best practice, we encourage producers to take all necessary steps to ensure that their brands are not used as part of irresponsible promotions. To this end, they should review their terms and conditions of supply and promotion contracts to tie retailers as strongly as possible to responsible standards of brand promotion.
31. The Portman Group is also able to give guidance to both retailers and on-trade licensees about ensuring their promotions are responsible and do not encourage immoderate consumption or drunkenness, to ensure that the UK Government's lower-risk drinking guidelines are followed.
32. The vast majority of retailers and producers are committed to ensuring that their advertising efforts are targeted appropriately and only at those who are old enough to drink, and those who cross the line are able to be swiftly dealt with by the ASA and the Portman Group.
33. As the above statistics show, under the current system of effective self-regulation Government statistics show continuing downward trends for overall alcohol consumption, binge drinking and underage drinking in Northern Ireland.
34. Whilst, critics believe alcohol marketing encourages people to start drinking earlier or to drink more, several studies indicate there to be no or a modest link between marketing expenditure and aggregate demand. Furthermore, a 2014 Cochrane review of existing evidence on alcohol advertising restrictions concluded that the quality of existing evidence is low and did not show a clear effect for or against banning or restricting alcohol advertising.⁹
35. The Portman Group fears that restricting advertising risks commoditising alcohol to the point that it can only be marketed primarily on price rather than brand position.

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

36. The Portman Group would back greater explicit restrictions in line with current licensing requirements on the use of self-service alcohol dispensers, such as pour your own pint tables and alcohol vending machines, so that their use does not encourage immoderate consumption or inadvertently provide access to under-18s.
37. We do not believe such innovations should be banned, as they may serve to allow adult consumers to enjoy drinking responsibly in a novel way, but that their use should take place in a controlled environment where the license holder or member of staff is able to fulfil their license requirements to ensure that the consumer is of legal age and/or drinking responsibly.
38. This can include ensuring self-serve taps are disabled by default and access is only given after age and intoxication can be checked by a member of staff (either at the venue entrance or table) and alerts can be utilised for staff to check on consumers after a certain volume is dispensed / time elapsed.
39. Taps can also have set dispensing measures to guard against immoderate consumption.
40. In terms of self-service, retailers already enforce 'Challenge 25' in terms of alcohol in self-service tills and we would advise similar policies take place until appropriate age-verification technologies are installed in vending machines.

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

41. The UK has some of the most effective self-regulatory codes to ensure alcohol is marketed responsibly through the Portman Group, the ASA, and Ofcom, as well as the Responsible Retailing Code in Northern Ireland.

⁸ Under the Code of Practice a 'producer' is defined as a company, including a wholesaler or retailer, which holds the trademark rights for a brand or has contractual rights to distribute a brand within the UK, or produces a pre-packaged product which includes an alcoholic drink (i.e. a gift pack containing alcohol) even if they have no rights pertaining to that alcoholic brand.

⁹ [Cochrane, November 2014](#)

42. The Portman Group operates the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and the Code of Practice on Alcohol Sponsorship to ensure alcohol is marketed in a socially responsible way, only to those aged 18 and over, and in a way that does not appeal particularly to those who are vulnerable.
43. The Codes apply to all alcohol marketing (including naming, packaging, sponsorship, point-of-sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the ASA or Ofcom. The Responsible Retailing Code NI refers complaints about producers to the Portman Group in the first instance and covers other aspects not explicitly covered in the Portman Group remit.
44. The UK Secretary of State's initial Guidance on the Licensing Act in 2004 commended the Portman Group Code: "The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Secretary of State commends the Code to licensing authorities and recommends that they should commend it in their statements of licensing policy" - which was subsequently adopted by local authorities across the UK in their licensing policies.¹⁰
45. The updated Guidance in 2018 calls on licensing authorities "consider whether it is appropriate to impose conditions on licensees that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins" – which publicises products ruled by the Independent Complaints Panel to have breached the Code and calling on retailers and wholesalers to cease stocking these products.¹¹
46. We encourage retailers and pubcos to show their support for the Code by signing up to become a Code Signatory, which agree to:
 - Be bound by the provisions of the Code;
 - Support the decisions of the Independent Complaints Panel and to not stock any products falling foul of the Code.
 - Accept that details of complaints will be published and made available to Government, interested parties, the media and general public.
47. There are currently over 130 Code signatories, including producers, importers, wholesalers, retailers and trade associations, and we would encourage the Northern Ireland Executive to encourage signing up to the Code in any license guidance document it produces.
48. Separately, we would also encourage local authorities in Northern Ireland to participate in - and encourage licensee participation – in industry-funded local alcohol partnership schemes, to showcase effective industry best practice in ensuring a safe and prosperous local night-time economy.
49. These schemes include Community Alcohol Partnerships, which aim to deliver a co-ordinated, localised response within local communities to the problems of underage drinking and associated anti-social behaviour through co-operation between alcohol retailers/licensees and local stakeholders. Such a scheme has successfully operated in Derry City Council.
50. The Purple Flag scheme, which is operated by the Association of Town and City Management working the Purple Flag Advisory Committee, is an accreditation programme to raise the standard and broaden the appeal of town centres between 5pm and 6am. Such schemes have operated successfully in partnership with Ards Borough Council, Derry City Council, Fermanagh District Council and Newry and Mourne District Council.
51. Other schemes include Best Bar None – an accreditation scheme supported by the Home Office and drinks industry aimed at promoting responsible management and operation of alcohol licensed premises – and Pubwatch – a national network of licensees, supported by the Police, to help achieve a safe, secure and responsibly led social drinking environment in all licensed premises throughout the UK.

**Portman Group
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¹⁰ [Kettering Borough Council: Statement of Licensing Policy for Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol, 2004](#)

¹¹ [Home Office: Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018](#)