



Northern Ireland  
Assembly

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Irresponsible Drinks Promotions**

13 January 2011

**NORTHERN IRELAND ASSEMBLY**

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SOCIAL DEVELOPMENT**

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**Members present for all or part of the proceedings:**

Mr Simon Hamilton (Chairperson)  
Mr Sydney Anderson  
Mrs Mary Bradley  
Mr Jonathan Craig  
Ms Anna Lo  
Mr Fra McCann

**Witnesses:**

Ms Caroline Hobson ) Department for Social Development  
Mr Liam Quinn )

**The Chairperson of the Committee for Social Development (Mr Hamilton):**

Joining us from the Department are Liam Quinn and Caroline Hobson. You are very welcome.

In members' information packs are the Department's paper on the outcome of the irresponsible drinks promotion consultation, an Assembly Research and Library Service paper on minimum alcohol pricing, an Executive summary of a briefing note on the Alcohol etc. (Scotland) Bill, and correspondence from the Northern Ireland Drinks Industry Group, and a summary of its response to the Department's consultation. Liam and Caroline, I invite you to brief members on

the consultation, and then to take questions.

**Mr Liam Quinn (Department for Social Development):**

I attended the Committee on 30 September 2010 to advise that the Minister intended to issue a consultation document on irresponsible drinks promotions. The Committee was broadly supportive of that initiative.

The consultation ended on 6 December 2010, and we had 94 responses. About two thirds supported the Minister having a power to ban irresponsible promotions. The key organisations in favour of the Minister taking that power included local councils, the Minister of Health, Social Services and Public Safety, and the Public Health Agency. The trade was also very supportive: Pubs of Ulster, the Wine and Spirit Trade Association, and the British Retail Consortium were all in favour.

The Minister has considered the responses, and has decided to proceed with a proposal. An amendment to the Licensing and Registration of Clubs (Amendment) Bill has been drafted, and is in members' information packs. Subject to Executive approval, the Minister intends to move that amendment at Consideration Stage.

We thought that we could insert a fairly broad power, giving the Minister the authority to determine what constituted an irresponsible promotion. However, the Office of the Legislative Counsel advised that that was too broad, and would probably be criticised as such. Therefore, it recommended that we include in the amendment examples of what an irresponsible promotion may look like. Should that amendment and the Bill be passed, regulations will be drawn up, which the Minister will approve. Those would then go to public consultation, and the regulations will set out in detail what type of promotion will be banned.

Following the public consultation, there will be a resolution of the Assembly to bring those regulations into effect. Members have the list of potential irresponsible promotions. Those are simply examples, which will limit the scope for any Minister to bring in regulations. A Minister will not be able to go beyond the scope of the type of examples on the list. That does not mean that every example in the amendment will be banned by the regulations. That is a step further

down the line.

The Chairperson spoke about minimum pricing. The Minister has been concerned for some time, as has the Minister of Health, Social Services and Public Safety, about the cheap cost of alcohol, available mainly in supermarkets. The Minister for Social Development met Nicola Sturgeon, the Scottish Cabinet Secretary for Health and Wellbeing, this week. He listened carefully to her arguments in favour of minimum pricing. He intends to discuss with Minister McGimpsey in the very near future what they can maybe do jointly on behalf of the Executive to try to tackle that problem.

**The Chairperson:**

Thank you. I welcome the generally positive consultation feedback. The Committee was generally supportive of the Department's direction of travel, and we are, by and large, supportive of what has come out of the consultation. I have a couple of issues. Too general an amendment that bans whatever the Department thinks is irresponsible is not the way to go, and I am glad that that is not happening.

The proposed amendment spells out suggested irresponsible promotions, some of which evidence would show are not happening here anyway, although I suppose that that is in case they may happen, or to dissuade people from running them in the first place. I want to raise the issue of what irresponsible drinks promotions are, and what may be caught by future regulations but would not be deemed by any reasonable person as irresponsible.

I also have a concern about one element of the amendment. Everybody here understands that irresponsible drinks promotions equate to those that encourage people to drink to absolute excess, thus harming themselves, and creating social health problems as a result, or that encourage people to drink to excess, resulting in antisocial criminal problems. We all know in our own minds what irresponsible drinks promotions are. However, what could potentially be caught in the amendment?

New article 57B, on pricing of intoxicating liquor, states that regulations may:

“restrict the price at which the holder of a licence or the licence holder's servant or agent may sell on licensed premises a package containing two or more intoxicating liquor products.”

At one level, that may sound as if that may capture irresponsible drinkers. So, that means that you cannot buy in a bar four heavily cut-price drinks. That would be OK in those circumstances.

However, if people drive past Winemark or another off-licence, they may see that two bottles of some brand of wine are on sale for £12. I will not name any brands; I am probably already in trouble for mentioning Winemark. That is a discount, but you would be hard pushed to consider it an irresponsible drinks promotion. Most people will avail themselves of a bargain. However, a lot of the people who you imagine or see drinking underage, or in public, do not drink those brands of wine. I do not think that anyone who loads up with alcohol before going out and causing merry hell and chaos drinks that type of product, yet it could be caught.

Equally, certain supermarkets have promotions whereby, if you buy something, you get a bottle of wine free. Indeed, a restaurant beside my constituency office does a meal for two for £30 with a bottle of wine thrown in. “Thrown in” makes it sound irresponsible, but you know what I mean: the wine is part of the package.

I do not think that anyone should be against people who drink alcohol responsibly availing themselves of such offers, promotions or modest discounts. There is another end of the scale that we want to clamp down on. However, we do not want to catch decent, law-abiding people who like a drink, perhaps when they are out for a meal, and who avail themselves of that sort of promotion. How can you assure me, the Committee and the wider public that those people will not be caught? It concerns me that the first offer that I outlined may be caught.

**Mr Quinn:**

You are quite right. That concern was raised during the consultation, and there are others aspects of it too. There is a range of alcohol promotions. There are occasions on which you go into a supermarket, a public house or a hotel where someone is promoting a new brand of wine, for example. They offer a very small taster for free, and that is free alcohol. At the other end of the scale of free alcohol, double vodkas may be given out free every time a team scores a goal. There is a spectrum of alcohol promotions.

This power covers all aspects to ensure that, when the regulations are drawn up, the Minister

has the power to regulate that type of promotion. You referred to new article 57B(1)(b). An example could be an off-licence selling a bottle of high-strength cider for £1, but five bottles for £3. That may be considered irresponsible, because cider tends to appeal to younger people. It is high strength, and, therefore, people could damage their health if they drink a lot of it. At the same time, I take your point that selling two bottles of wine for £12 is not necessarily irresponsible. The people who avail themselves of that type of bargain will not necessarily go out and cause mayhem in the streets, nor will they damage their health if they drink the wine sensibly over a period of time.

The regulations will have to specify very clearly what will be captured under that clause. That is why we have to consult on those regulations and come back to the Assembly for its resolution.

**The Chairperson:**

I urge caution. If you were to draft a regulation along the lines of the new clause, the irresponsible promotion will be banned but so will — I do not want to call it the responsible promotion — but the one that everyone thinks is fine. That needs to be managed very carefully.

**Mr Quinn:**

It does, Minister — Chairperson. Sorry; I just promoted you.

**The Chairperson:**

Not yet. *[Laughter.]* There is shock and horror on the faces of everyone else.

**Mrs M Bradley:**

You will be allowed back, Liam. *[Laughter.]*

**The Chairperson:**

Remind me to give you that fiver after the meeting — or two bottles of wine.

I urge caution. It is not that I am against any of the measures — far from it. I just think that we need to be mindful of not punishing people whom there is no need to punish.

**Mr Quinn:**

You are absolutely right, Chairman, and the Minister is aware of that.

**Mr F McCann:**

Chairman, the alcohol industry may offer you a job if you ever leave politics.

The point made is valid across the board. In the centre of Belfast, a pint may cost £3.50, but because the industry is struggling, in other communities the price is £2 a pint.

**Mrs M Bradley:**

Where do you go for a pint?

**Mr F McCann:**

I am a man of the world, Mary. I travel far and wide to get my pints.

**The Chairperson:**

What he is saying is that he does not know where he ends up.

**Mr F McCann:**

That is a different matter. A happy medium must be found. One part of proposed new clause 3A states that an offence:

“relates specifically to any intoxicating liquor likely to appeal largely to persons under the age of 18”.

That could cover every element of alcohol; it is very broad. I take it that the intention is to find that happy medium. I recall the publicity when the Minister first made his announcement. It was focused on nightclubs and the way that they organised two-for-one drinks promotions or £10 entry with all drinks for nothing. Legislation must not impact on the local publican who just has a steady trade and is finding it difficult to survive. By the way, people of all ages drink cider.

**Mr Quinn:**

Absolutely. I take on board what Fra said, and he is right. The amendment is proposed largely in response to irresponsible promotions through licensed premises that call themselves nightclubs, even though in Northern Ireland there is no such thing as a nightclub licence.

**Mr S Anderson:**

Drinks companies that supply supermarkets and the pubs package much of their stuff. Has there been any dialogue with them? They instigate the offers seen by young people in supermarkets and off-sales, such as selling six tins in a package. Where does the blame game stop?

**Mr Quinn:**

If the regulations come into force, the retailer who sells the drink will be responsible. If they receive a discount, it will still be illegal to sell discounted alcohol that falls outside the regulations.

**Mr S Anderson:**

Will that, then, impact on the suppliers?

**Mr Quinn:**

Yes, but the retail sale to the public would be the offence, should all of this go ahead. Interestingly, in the Republic, a similar power was brought in. It was fairly wide ranging and did not specify what an “irresponsible promotion” was. In the South, the drinks industry and the retail trade came up with a code of practice to which they adhere, and the regulations have never been brought in. Therefore, the overhanging threat of the regulations forced the retail trade and the suppliers to come together to come up with a code of practice, which seems to work fairly well, according to my information from officials in the South.

**The Chairperson:**

Have you had any conversations along similar lines here? The amendments would give the Department non-specific powers to act. Is there a window or an opportunity to have such a discussion?

**Mr Quinn:**

Yes. The Minister has met the drinks industry, including Irish Distillers. We have also had a request for a meeting from the Northern Ireland-based drinks industry, so there is an opportunity there. That will probably not happen during the mandate of the current Assembly, but any new



Minister, post election, may wish to go down that avenue. I cannot second-guess what a new Minister may do, but that is an option.

**The Chairperson:**

There is almost a feeling that we do not want to legislate just for the sake of it. If there were an opportunity to reach an agreement that was proven to work, it may be a much more preferable approach. Have you any further question on that, Sydney?

**Mr S Anderson:**

It is really a broader issue. It is a matter of qualifying the impact on retailers, but we will probably see them become more aware, and drinks companies will have to change their attitudes about how they supply drinks to the retailer.

**The Chairperson:**

Yes. That is a fair point.

**Mr F McCann:**

One of the graphs that I saw this morning showed a huge increase in the numbers of people who are drinking at home. That highlights the fact that the bulk of alcohol is being bought in off-licences.

**The Chairperson:**

Or in supermarkets.

**Mr F McCann:**

The other 30% is sold on premises that end up being engaged in a constant battle.

**The Chairperson:**

There is a lot of pressure on the industry.

**Mr Craig:**

You will be glad to know that I am quite happy with that.

**Mr F McCann:**

We knew that.

**Mrs M Bradley:**

Two young people died in Derry recently after drinking in houses. One was buried on Christmas Eve, and the other on the day after Boxing Day. More and more people are drinking heavily at home, but how can you control it?

**Mr F McCann:**

The entertainment industry as a whole is changing, and most people seem to drink before they go out.

**Mrs M Bradley:**

One of those young people was 19 and the other was 27.

**Mr Craig:**

I accept that those patterns are changing dramatically. The threat of this measure or its actual introduction may help that scenario. Let us be honest about it: it is the vast volumes of cheap drink being consumed at home that is the problem. That is not the fault of responsible drinkers.

**The Chairperson:**

Everyone accepts that this is only one leg of the stool. Is the Committee content to support the amendment in so far as we are talking about targeting irresponsible drinks promotions?

*Members indicated assent.*

**The Chairperson:**

Liam and Caroline, thank you very much.