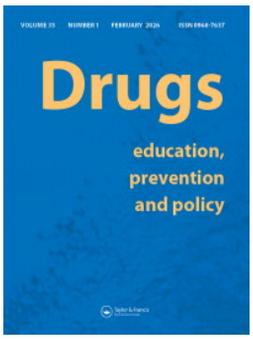

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The alcohol licensing system in Northern Ireland: Lessons learnt from a restrictive framework

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ABSTRACT

Background: The alcohol licensing system in Northern Ireland (NI) stipulates that a new pub or off-licence can only open if an existing pub or off-licence closes and 'surrenders' its licence. In 2022, the NI Department for Communities commissioned a statutory, independent review of this system. This paper summarizes key findings, highlighting suboptimal outcomes and identifying lessons for future licensing design.

Methods: A mixed-method study, including: manual analysis of licensing records; geospatial mapping of outlet density; interviews with national and local stakeholders; community focus groups; and observational visits to outlets in selected areas.

Results: Our study identified a range of suboptimal outcomes, including: a persistent increase in numbers of off-licences relative to pubs; the *de facto* operation of licences as private assets; monopolization of supply by international producers; lack of outlet diversity; widespread anti-competitive practices, including use of objections to extract payment; weak enforcement and limited scope to revoke licences.

Conclusion: While capping specific outlet types, the 'surrender principle' produces outcomes that benefit incumbent businesses and large producers, while doing little to promote public health or support diverse social spaces. Several lessons can be learnt to support better regulation in similar legal environments elsewhere.

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Introduction

In February 2025 the international supermarket Lidl was granted a licence to open a public bar in their store in Limavady, Northern Ireland (NI) (Anon,2024). A prior application for an 'off' licence had been rejected on the grounds that there were already an 'adequate' number of such outlets in the local area, following a legal challenge from a major off-licence chain (O'Hanlon, 2025). Critically, in NI a pub licence also allows sales of alcohol for consumption off the premises (NI Executive,1996). Lidl's application was approved after a local bar 'surrendered' its licence and closed, meaning the Lidl outlet would not add to the number of pubs in the area. This decision, which introduces the first public house operating inside a UK supermarket, can only be understood in the context of NI's unique licensing system.

This paper presents selected findings from a statutory review of the NI alcohol licensing system, conducted for the NI Department for Communities (Nicholls et al., 2024). It summarizes key findings, while drawing out lessons that are applicable to licensing policy and practice more broadly. Licensing systems vary considerably globally, and present many opportunities for policy learning in jurisdictions where reform, or the creation of entirely new control systems, is being considered. While substantial consideration has been afforded to the public health threats posed by permissive approaches, there is less focus on the potential risks and unintended consequences of restrictive regulatory mechanisms. The following discussion seeks to outline what, if any, those risks may entail.

A key feature of the NI licensing system is the so-called 'surrender principle': a one-in-one-out rule for pub and off-licences requiring that a new licence can only be granted if an existing (or 'subsisting') licence is first relinquished to the issuing court. This system dates back to the early twentieth century when a range of restrictive licensing models were adopted across Great Britain, partly in response to pressure from a politically influential

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temperance movement (Nicholls, 2010). Such mechanisms generally targeted outlets where alcohol retail was the only, or primary, purpose—meaning restaurants, hotels and other places where the provision of alcohol was, in theory at least, auxiliary to the main business were usually exempt. The 'surrender principle' was formalized with the creation of NI following the partition of Ireland in 1923. The system initially operated on a one-in-two-out basis in order to reduce the number of pubs per population, but was relaxed in 1971 (Northern Ireland Assembly Research & Information Services, 2009). As a result, and because some licences are simply not renewed, the total number of outlets subject to the rule has declined over the past 50 years despite population growth (Foley, 2021; Nicholls et al., 2024)

From a public health perspective, restricting alcohol availability per capita is a key goal (Babor et al., 2010; World Health Organization [WHO], 2022). However, this paper explores potentially negative consequences of the unusually restrictive system operating in NI. This provides an opportunity to examine the risks and drawbacks of poorly-designed availability controls and draw lessons for alcohol (and other licensing) policy that promotes public health objectives, including effective controls on availability, while protecting transparency, fairness, accountability and good governance.

Licensing regimes and availability controls

Globally, retail licensing is one of the most common methods for regulating the supply of alcohol (WHO, 2022). In its simplest form, this involves grant of a permission to sell alcohol to a private retailer on behalf of state authorities. Retail licensing allows for controls on the number and type of outlets in a given location, but also—depending on the specific regulations—the ability to place obligations on retails practices through the inclusion of conditions on licences that are granted. Licensing systems vary significantly in different jurisdictions, and a full review is beyond the scope of this paper. However, key components often include:

- A specified licensing authority (this may be local councils, courts or a dedicated agency)
- Formal criteria against which applications are assessed
- Provisions for objections to new licences to be raised
- Provisions for the suspension or revocation of licences in the case of criminal activity or poor practice
- Some provision for considering levels of overall availability when deciding on an application (though these can be very limited)
- Provision for establishing or regulating permitted days and hours of sale

From a public health perspective, licensing is primarily valuable for its capacity to limit or reduce overall alcohol availability—given strong consensus on the relationship between availability and public health harms (Babor et al., 2023). Critically, availability concerns not only simple licence numbers but also the type and size of outlets—since a large supermarket may create much more availability than a small pub (something that, as will be discussed below, the NI system is poorly equipped to address). However, this is not the only (and is often one of the least considered) dimensions of licensing in practice. Crime and disorder considerations, market governance, competition control, public safety and economic investment are often dominant in both policy debates and practice (Nicholls, 2015). In parts of the UK, there have been efforts to establish a stronger public health voice in licensing, and for availability controls to be more widely and strongly applied—with varying levels of success (de Vocht et al., 2022; Fitzgerald et al., 2024; Martineau et al., 2014; Nicholls et al., 2022; O'Donnell et al., 2025; Reynolds et al., 2019; Rogerson et al., 2024).

Northern Ireland provides an opportunity to consider how availability controls can be effectively designed while reducing the risk of unintended consequences. While it is an unusual system globally, licensing in Northern Ireland involves individual components that are common in other jurisdictions, and principles of strict numerical controls that align to a considerable degree with the regulatory approaches endorsed by the WHO and others (World Health Organization, 2024). By scrutinizing the practical outcomes, specifically those that run counter to the goals of public health promotion and fair and equitable governance, this paper aims to support better policy design when developing or proposing systems that, nonetheless, seek to place limits of availability in the interests of public health.

Alcohol consumption and regulation in NI

Per capita alcohol consumption in NI is comparable to elsewhere in the UK (Corrigan & Scarlett, 2023). However, alcohol-related mortality is higher than England and Wales (E/W), and similar to Scotland (Office for National Statistics, 2024). As in other settings, alcohol-related harms tend to be highest in the most deprived areas, even where consumption levels are similar to elsewhere (Jones et al., 2015; Northern Ireland Statistics & Research Agency, 2024; Probst et al., 2020).

Research consistently links alcohol availability with increased alcohol-related morbidity and mortality (Campbell

et al., 2009; Gmel et al., 2016; Popova et al., 2009). Importantly, availability involves not only raw numbers of outlets but also their type and density, and associated impacts on pricing strategies and the strength of alcohol being sold (Holmes et al., 2014). Widespread availability of cheap, strong alcohol, especially sold in the off-trade, can be a particular driver of harm in communities (Her et al., 1999; Holder et al., 1998; Karlsson et al., 2020).

While E/W, Scotland, and NI operate distinct licensing regimes, major legislative reforms were introduced in E/W in 2003 and Scotland in 2005 (Scottish Parliament, 2005; UK Parliament, 2003).[1] Under these systems alcohol retail licences are issued by local council sub-committees (in Scotland, 'boards'), with a presumption in favor of approval unless objections are raised. Licensing decisions are guided by statutory 'licensing objectives', including preventing crime and disorder, promoting public safety, preventing public nuisance, protecting children, and, uniquely in Scotland, protecting and improving public health.

The NI system differs significantly, and is more similar to the system in the Republic of Ireland—both having been formalized around the partition of Ireland in 1923. Most notably, the 'surrender principle' is highly unusual in both a UK and international context (Burton et al., 2026). While several jurisdictions impose caps on the numbers of alcohol outlets, these are typically population-based or tied to proximity to sensitive locations (e.g. schools), rather than a fixed one-in-one-out system (Burton et al., 2026). Importantly, the NI 'surrender principle' applies only to pubs and off-licences. Other premises types licensed to sell alcohol—including restaurants, hotels, guest houses, conference centers, and registered clubs—are exempt, meaning their numbers can increase without constraint.

Unlike Great Britain (GB), where licensing sits in local councils and there is a presumption in favor of approval, NI operates a court-based system which assumes applications will *not* be granted unless:

- A subsisting licence has been surrendered
- The applicant is 'fit and proper' to hold a licence
- The number of licences of the same category in the vicinity of the premises applied for is 'inadequate'
- The premises are suitable and meet planning requirements

Objections to licence applications must relate to one or more of these criteria. They can be lodged by the local police or district council, anyone 'owning, or residing or carrying on business in, premises in the vicinity', and anyone with a legal interest in, or ownership of, the licence being surrendered (NI Executive, 1996). Licences are renewed every five years and objections can be raised at renewal. If renewal is denied, or not sought within 12 months of the renewal deadline, the licence is extinguished.

Another difference to GB policy is that NI licences are not issued with conditions (e.g. requirements for CCTV, age verification policies etc.). Furthermore, while courts can suspend or deny renewal of licences, there is no statutory provision for their revocation. In this respect, the NI system has fewer 'teeth' than in GB, where revocation is possible, albeit rarely used. Finally, licensing records are paper-based and there is a charge for public access, in contrast to the digitized, publicly accessible systems in both many GB areas and in the Republic of Ireland (e.g.(Birmingham City Council, 2025; Irish Tax & Customs, 2025)).

Methods

As part of a larger mixed-methods study, we carried out 45 recorded interviews, 8 community focus groups (101 participants in total), an online survey of on-trade licence holders, a comparative analysis of historical licensing data supplied by the Northern Ireland Statistical Agency, and a manual analysis of all licensing records going back to 2014 (n = 1,789), which were held in paper form in 13 separate courts across NI.

The manual analysis of licensing records, designed to systematically track the *movement* of surrendered licences in terms of both type (e.g. how many pubs licences became off-licenses) and location (e.g. where did surrendered licences move from and to), was carried out by JN, JM, NS and RVB. It involved accessing all physical licence records held in courts in NI. Licence records are held on paper cards, with further documentation held in separate folders. Key data from the cards and records was uploaded to a single spreadsheet, consisting of address; date of grant; and (where available) location of the licence surrendered. Licence surrender location was not routinely recorded in the court records, and identification often involved cross-tabulating records from different courts.

Interviews were carried out in person and via Teams. Participants were selected purposively to provide representation from across key stakeholder groups including policymakers, public health officials, national trade representatives, police, local authorities and treatment services. Focus groups took place in locations systematically selected to represent a diverse range of communities by geography, economics, urban/rural and other demographic indicators. Participation was advertised via local Facebook pages. Focus groups and interviews were recorded, transcribed and uploaded to

NVivo. Initial, inductive thematic analysis was carried out by JM and MC. Final codes were agreed by JM, MC, JN and NF. Further coding and thematic synthesis were carried out by JM and MC, with input from JN and NF. Intercoder reliability was tested by JM, MC and JN who each coded four of the same transcripts to ensure consistency and agreement in using the codes.

The online survey was designed and tested iteratively within the research team. Using data from the manual review of licences, invitations to complete the final survey were sent by post to all premises holding a pub licence in NI ($n = 1372$). Only pub licensees were included as both preliminary interview data and prior public discourse suggested pub-owners were very strongly opposed to any reform. We sought to test this claim, and the nature and depth of opposition in this group specifically. Response rates for the survey were low: 103 respondents started the survey, but only 73 responded to the key question concerning views on the surrender principle. Therefore, we did not include quantitative findings in this analysis. However, free text comments form part of the qualitative data analyzed here.

Results

Trends in outlet numbers and types

Between 1981 and 2021 the number of licences subject to the surrender principle fell by 270, with a net figure of about 680 pubs closing and 415 new off-licences opening (NISRA, provided directly). Over this period the adult population grew by around 200,000.[2] Consequently, pub density fell from around 14 per 10,000 adults to 7.7, while off-licences increased from around 1.6 per 10,000 adults to 4.2. For comparison, there are currently around 8 pubs and 11 off-licences per 10,000 adults in E/W, and 7.6 pubs and 9 off-licences per 10,000 adults in Scotland. Thus, on-trade availability in NI is now in line with the GB average, while off-trade availability, despite increasing by over 160%, remains low by comparison.

Robust data covering all licensed outlets (i.e. including those not subject to the surrender principle, such as restaurants and hotels) was only available from 2010. Between 2010 and 2020 the number of pubs fell by 213, while off-licences increased by 112.[3] However, there was a net increase of around 100 licensed restaurants in the same period and registered clubs—licensed to supply alcohol to members and guests—fell by close to 100. Including registered clubs, the total number of licensed alcohol outlets fell by 3.75% from 2010 to 20 (Table 1).

While there is a global shift from on- to off-trade retail (O'Connor & Waehning, 2023; Tomlinson & Branston, 2014; World Health Organization, 2022), we explored whether the surrender principle exacerbates this trend (Northern Ireland Assembly, 2021a). Our analysis found that between 2014 and 24 (the period covered by our manual analysis), 100 of 132 pub licences were surrendered to off-licences, whereas just 2 of 38 surrendered off-licences went to pubs (Table 2).

The surrender principle is clearly associated with a relative increase in the number of off-licences compared to pubs. We also considered trends by geography and outlet type, finding that the largest number of licence acquisitions were by small-to-medium sized grocery franchises, and that pub licences were surrendered from a range of locations (Table 3).

Most interview participants felt that although most surrendered pub licences went to the off-trade, this was not the primary factor behind pub closures more generally. Rather, it was seen as a consequence of wider market and cultural forces that were making pubs less attractive to drinkers:

> *It's market […] It's a bit like people will say to me, 'Oh there's a country pub there', and 'Oh if he sells off the licence and the premises separately, there can never be a pub there again'. If it was viable, he'd sell it as a going concern, because it would be worth more money as one entity than two.* [Interview 8, Trade (Other)]

Table 1. All alcohol retail licence types in Northern Ireland 2010–2020.

Licence type	2010	2020	% Change (10+ outlets only)
Public house	1437	1224	−14.8%
Off-licence	513	615	19.9%
TOTAL subject to surrender only	1950	1839	−5.7%
Restaurant	513	614	19.7%
Hotel	156	159	2%
Guest house	47	30	−36.2%
Conference center	19	32	68.4%
Theatre	14	20	42.9%
Higher educational institute	13	21	61.5%
Refreshment room	8	7	
Racetrack	2	1	
Seamen's canteen	1	1	
Non-seagoing vessel	1	4	
Indoor arena	1	1	
Outdoor stadia	0	2	
Ballroom	0	0	
TOTAL all licensed premises	2725	2731	0.22%
Registered clubs	577	485*	−15.9%
TOTAL all licensed premises AND registered clubs	5,252	5,055	−3.75%

*2019 figure. The 2020 figure for clubs is unavailable due to Covid.

Table 2. Licences confirmed as surrendered 2014–2024.

Type of licence surrendered (total number surrendered)	Surrendered to an off-licence	Surrendered to a pub	Surrendered to unknown premises
Pub (132)	100	23	9
Off-licence (43)	38	2	3

Table 3. Geographical movement of pub-to-off licence by area type.

Movement type	Large town/ city* to small town/ rural	Large town/ city to large town/city	Small town/ rural to large town/ city	Small town/ rural to small town/ rural
Pubs to off-licences	26	23	14	37

*Large town = 10,000+ population.

Pubs in NI were viewed by interview participants as subject to similar social and economic forces that are contributing to the decline in pubs in many advanced economies. However, the surrender principle was seen as entrenching this decline in an inflexible way.

Licences as private assets

In NI, licences are sold on the private market for significant sums of money, reportedly between £70-120,000—though we heard that some sold for far more. There is no public record of prices paid, so the market value is assumed and unpredictable. We were told that licensees '*have always looked upon their licence as a long-term retirement investment*' [Survey respondent]. The assumed value of existing licences was variously described to us as a '*nest egg*', a '*pension pot*', '*get out of jail card*' and '*the golden ticket*' [Focus Group 3, Belfast; Focus Group 8, Ballymena].

> *It's a big investment. And […] that's why the licence then is like an asset. So, I suppose those people are, in some way, comforted by the fact that they have something there that could be sold, or could be used, that has a value rather than all that cost for nothing.* [Interview 3, Licensing Stakeholder (Private Sector)]

Assumed licence values strongly incentivized incumbent holders to support retention of the current system. The price of licences also raised entry costs for new, potentially competing, businesses. One participant described licence acquisition as a '*very high stakes*' business [Interview 3, Licensing Stakeholder (Private Sector)], with additional legal costs rising to around £100,000 if the application went to appeal. Another participant estimated they had recently spent around £145,000 on licence purchase and legal costs to open a new pub.

Arguments for retaining the status quo

Support for the surrender principle was strongest among incumbent licence holders and trade bodies representing the hospitality industry. The most commonly cited reason was that abolition would threaten business viability by increasing competition and reducing the assumed value of licences:

> *A lot of the small pubs would say that the value of their liquor licence is what keeps them afloat because that's the only collateral they have. You know, and if you take away the surrender principle … they've nothing on which the banks will lend them any money.* [Interview 23, Licensing Stakeholder (Public Sector)]

> *Given the decline in numbers and trade around the city centre, creating more licensed premises would effectively make operating a bar or a club unsustainable. There aren't enough customers to go around at present. Introducing even more operators would be disastrous. [Survey respondent]*

Some industry participants argued that increased outlet numbers would lead to excessive price competition and poor retailing practices, often pointing to the GB market as an example: '*if you saturate a market with outlets, it's just a race to the bottom.*' [Interview 8, Trade (Other)]. Furthermore, high barriers to entry were described as ensuring responsible business operations. However, these arguments were less common than those related to competition and asset value.

Both public health professionals and treatment providers supported fixed limits on outlet numbers to limit availability and visibility. However, there were mixed opinions on whether the surrender principle was the most effective means of achieving these controls given its associated market distortions. Nevertheless, there was agreement on the need for a system that *'puts those parameters around the number of licensed premises so we don't find ourselves in a situation where we have exuberant numbers of applications*' [Interview 7, Health].

Opposition to the status quo: outlet diversity

While the surrender principle was strongly supported by incumbent alcohol retailers and trade bodies, it was opposed by independent producers, retailers and venues who felt it created a monopoly that shut out competition and stifled innovation. A significant number of participants felt the surrender principle limited diversity in both venue and product types. The relative lack of nightclubs and dedicated music venues across NI, including the major cities of Belfast and Derry/Londonderry was noted frequently:

> '*There is nowhere for young people to go and dance like no-one is watching*' [Interview 28, Politician].

It was also suggested that a disproportionate number of existing pubs catered primarily to an older, male

demographic, creating an oversupply of '*old man pub[s]*' [Focus Group 7, Ballymena].

> *There's no variety of where to go out. There's nothing catering for different groups of the community. No cocktail bars, no wine bars, nowhere…* [Focus Group 10, Derry/Londonderry]

> *I don't mind watching the sports but […] there is a gap in terms of that more typically childfree, maybe LGBT positive group who don't want to sit in the typical men's bar.* [Focus Group 4, Belfast]

Among community focus groups it was widely felt that the surrender principle specifically was causing the reported lack of diversity, rather than other conditions.

Organizations representing live and electronic music promotion reported that the significant cost of acquiring a licence made it very difficult to establish creative, alternative or 'pop-up' venues, especially when the margins for operators were low.

> *But [the costs of licence acquisition] is very prohibitive, and I think that you aren't able to enable the diversity in the organisations if you have such a high bar, such a closed, like shop, if you will.* [Focus Group 11, Licensing Stakeholders]

The live and electronic music sector has been actively advocating for reform of the surrender principle on these grounds for a number of years (Free the Night, 2022). However, their view that outlet diversity was currently stifled accorded with similar opinions expressed in community focus groups and interviews with noncommercial actors.

Opposition to the status quo: product preferences

Beer supply in NI is dominated by a small number of major producers, and on-trade beer prices are among the highest in the UK (Deeney, 2025). Several participants suggested that high prices exacerbated the wider shift toward home drinking:

> *It's, kind of, hard to justify going out for a pint now, do you know what I mean, when you can go to Sainsbury's or whatever and get a 24-pack.* [Focus Group 3, Belfast]

> Participant 1: *You walk into Tesco there and buy a… what, 20…I don't know, 20 Carlsberg or 20 Coors. How much is 20 Coors?*
>
> Participant 6: *Sixteen pounds*
>
> Participant 7: *How much would the same number of pints cost you, do you know what I mean?*
>
> Participant 1: *A hundred quid.*
>
> [Focus Group 8, Ballymena]

While 'craft beer' is a common feature of markets across the world, NI is distinctive in having only very limited sales of independent and locally-produced beers in its pubs. We were told by several participants that over 95% of on-trade beer is supplied by large multinationals, primarily Diageo, C&C, Molson Coors and Heineken. Previously, local producers had reported feeling 'locked out' of the pub trade, stating it was 'nigh on impossible' to compete with multinational producers on a level footing (Northern Ireland Assembly, 2021b, 2021c). We heard similar arguments:

> *And I think our licensing system doesn't help that [access to market] because it's, you know, the big…the two or three big brewers, Diageo, which owns Guinness, Tennent's which is C&C, and Heineken are, you know, quite… extremely jealous, they jealously guard pubs.* [Interview 13, Politician]

We heard that multinational suppliers held leverage over publicans partly because they often provided loans for refurbishment and startup costs. Suppliers also maintain key equipment such as lines, taps and gas supply. We heard from several publicans that this was partly because there is no recent tradition of cask beer in NI, so staff often lack key cellar maintenance skills. On several occasions, we heard that suppliers would actively—sometimes aggressively—discourage landlords from diversifying their product range.

Many incumbent licence holders argued there is minimal demand for craft products, and that drinkers in NI have a fixed preference for lager and stout. By contrast, craft producers argued that they did not have the opportunity to bring their products to market and test latent demand:

> *The access to market is completely taken away. [Craft beer producers] have no way of getting in.* [Interview 2, Producer/On-trade]

> *But in terms of taps [in pubs], it's a horror show in terms of available craft taps.* [Interview 30, Trade (Other)]

It remains impossible to determine who is right on this point while access to alternative products remains severely limited. The status quo, however, clearly benefits the multinationals who dominate the market as it stands.

Adequacy criteria and business objections

Under NI licensing law new applications can be rejected if the court determine that the 'number of licensed premises of the kind specified in the application which are in the vicinity of the premises is … adequate' (NI Executive, 1996). Among participants, the provision for incumbent licensed businesses to object

to new applications on these grounds was highly contentious. Participants reported that it not only allowed incumbents to stifle competition, but also that objections were often lodged solely in the expectation that applicants would pay to have them withdrawn. This practice, which was referred to as, among other things, '*enterprise objections*' and the '*brown envelope*' trade [Interview 3, Licensing Stakeholder (Private Sector); Focus Group 2, Belfast], was described in a previous review of the NI licensing system as 'perverse' (Grant Thornton LLP, 2007). We heard that applicants would settle this way because the costs of fighting an objection in the courts outweighed those of paying 'compensation':

> *In terms of the back handers and pay offs and so on, that is a thing because it's a lot easier for you if you're wanting to move into an area to pay somebody off rather than potentially get adjourned beyond your 12-month window.* [Interview 2, Producer/On-trade]

> *But then you will have lots of objections and […] there is no system around how that objection process works. For instance, you could settle with an objector for £100, you could settle with an objector for £100,000, you could settle with an objector for £1,000,000 there is no regulation around that.* [Interview 4, Licensing Stakeholder (Private Sector)]

We also heard that courts lacked clear criteria for differentiating between different outlet types when making adequacy determinations. For instance, a cocktail bar, craft beer outlet, LGBTQ+ venue, or alternative music club could be challenged on adequacy by a traditional pub despite serving distinct demographics. There is also no general rule in law for defining 'vicinity', with methods for determining this relying solely on case law ("Lidl v Winemark," 2008). This leads to sometimes extended disputes over determining the vicinity of a proposed outlet, with competing definitions often being submitted to the courts.

The current objections system also has no formal process for other stakeholders, including health bodies, to engage in the decision-making process. Because health considerations are not a criterion for licensing decision-making, and because health bodies are not specifically identified as potential objectors to licence applications, there is '*no mechanism for public health to hang their hook on*' [Interview 6, Health]. Consequently, health professionals felt largely excluded from the licensing system as a whole.

Other licence types

The NI licensing system is notable for its variety of licence types. Most recently, the 'Producers Licence', created under the 2021 Act, which allows independent brewers and distillers limited on-premises sales from the site of production. Few of our respondents were satisfied with the arrangement. By the end of data collection, eight such licences had been issued, seven of which were distilleries. Independent brewers argued that the restricted hours made 'taproom' sales economically unviable, while existing on-licence holders felt it effectively allowed new pubs to open without the high startup costs of standard outlets.

The variety of licence types also risked exacerbating a '*blur between pubs that sell food and restaurants*' [Interview 27, Police]. Several participants discussed restaurants and hotels that, in effect, operated as pubs:

> *And we have had restaurants who have stopped serving at nine o'clock, but the bar will be open 'till one a.m., you know, abusing the system.* [Interview 27, Police]

While restaurants are not subject to the surrender principle, meaning there is no cap on the numbers that can open, some participants felt that the clear historical distinctions between pubs and restaurants, as reflected in the system definitions, was increasingly hard to sustain.

In NI, entertainment licences operate under a completely separate regime to alcohol. In order to provide live or recorded music, publicans must obtain an entertainment licence from their District Council. Unlike alcohol licences, these are granted with conditions routinely attached and require annual renewal:

> *Entertainment licensing is primarily about the protection of people in entertainment venues in the event of an emergency. So, it's getting them out safely. Liquor licensing doesn't look at public safety, entertainment licensing does.* [Interview 23, Licensing Stakeholder (Public Sector)]

Annual renewal creates regular opportunities for objections or for new conditions to be introduced. Because entertainment licences cover music, they address a number of common public nuisance concerns. However, several participants, including elected representatives, said it was very difficult for local residents to challenge entertainment licences in practice, and that courts generally found for incumbent businesses:

> *There's sometimes a feeling amongst councillors that it doesn't matter what we try to do. Whether we try to support the resident, or we try to support, you know, it's the courts, no matter what, will overrule us and judge in favour of the business owner […] I realise that you're, sort of, on a hiding to nothing here, no matter what you do.* [Interview 31, Politician]

In this respect, while entertainment licensing offers a more flexible regulatory tool, especially around issues

such as noise nuisance, its effectiveness is constrained by the tendency of court rulings to protect business interests.

Enforcement and penalties

Alcohol licences are subject to a penalty points system, with potential suspensions of up to three months, but here enforcement is also a challenge. Police and legal specialists reported difficulty in securing convictions even where breaches occur.

> *You could get their licence suspended, like technically. You'd need to prove it first. You'd probably need a criminal conviction first; and the fine [they would get] would be ludicrous, like, it would be very small. [The Public Prosecution Service], probably wouldn't [take the case] … they'd probably say it wasn't in the public interest…* [Participant 2, Interview 10, Police]

Our findings suggest that the 'high stakes' nature of the system—not only the cost of starting up, but the potential financial loss of losing a licence—may discourage authorities from imposing severe penalties and exacerbate the courts' reluctance to rule against licensees. In this sense, the restrictive framework unintentionally weakens enforcement as available sanctions may be seen to disproportionately harm business owners who have made significant investments.

Discussion

From the narrow perspective of controlling raw licence numbers, Northern Ireland's one-in-one-out policy for pubs and off-licences may appear a simple and effective approach. However, a range of suboptimal outcomes were identified in our analysis. We summarize these as six lessons below.

Lesson 1: placing fixed quantitative limits on only certain categories of outlets, and without regard to type or size, may encourage a higher proportion of outlets associated with health harms

Our analysis confirms that the surrender principle has been effective in limiting (indeed, reducing) the total number of outlets subject to the rule per capita in NI. However, this masks a long-running growth in off-licences. Furthermore, because exempt licence types, especially restaurants and hotels, have increased, the overall number of outlets selling alcohol has remained relatively stable in recent years. Critically, raw outlet numbers only partially measure true availability (Holmes et al., 2014), and replacing a small pub with a supermarket is not equivalent in terms of either access to alcohol or exposure to alcohol marketing. The current system lacks any robust mechanism to account for availability in these terms, and it is associated with a clear and persistent proportional increase in the number of off-licences compared to pubs.

Lesson 2: inflexible caps on outlet numbers benefit incumbents and can lead to monopolization and reduce diversity

By far the strongest support for the status quo came from incumbent licensees and trade bodies with ties to the multinational producers who dominate supply. This is unsurprising since the system creates both high barriers to entry, thus limiting competition, and a high scarcity value for licences. In this instance, a system originally designed to limit alcohol supply now strongly benefits powerful suppliers while embedding an incumbent advantage (by severely limiting competition) that would be unusual in other markets. While this may prevent the kind of unchecked price competition and poor retail standards that can emerge in overly permissive markets, it also stifles diversity and innovation that could encourage mixed-use venues which are less reliant on volume sales of alcohol alone (such as licensed music, arts or cultural venues). At the same time, the requirement for pubs to be actively trading in order to surrender their licences means there are numerous pubs that only open for one or two nights a week, which are clearly no longer serving a customer base but which remain open in order to protect the licence value.

Creating prohibitive startup costs may prevent a proliferation of low-quality operators entering the market. However, it may also benefit large producers by incentivizing the provision of loans tied to supply agreements. As a result, large producers can monopolize supply while smaller operators, possibly targeting more a more diverse range of consumers, are prevented from entering the market.

Lesson 3: unless re-sale is prevented by legislation, quantitative caps can transform licences into private assets

Our findings also raise concerns about the principle of licences acting as *de facto* private assets. Although granted on behalf of the community, and in the interests of the public good, they function in practice as privately traded commodities. Their private sale occurs without transparency or regulatory oversight, creating information gaps that benefit incumbent holders and

sales agents, but disbenefit both purchasers and the public. This privatization of a public permission introduces market distortions and creates no wider economic benefit: the value gained by the seller is merely lost by purchasers, and none of the investment in licence purchase is returned to the communities who otherwise bear both enforcement costs and crime and health impacts. It also weakens regulatory tools, including revocation. Revoking a licence does not simply withdraw permission to trade but is perceived as imposing an additional financial penalty equivalent to the licence value—thus creating regulatory hesitance.

Lesson 4: allowing potentially competing incumbent businesses to object to licence applications can lead to anti-competitive practices and de facto bribery

The ability to object to licence applications is essential for community involvement. However, our analysis shows the system is open to abuse. In particular, businesses can object to applicants in order to protect commercial interests—or simply to extract 'compensation' payments. There is no clear justification, from a public protection perspective, in shielding established commercial retailers from competition, especially in a market dominated by multinational alcohol suppliers. New Zealand recently reformed its alcohol licensing system to prevent trade competitors from objecting on commercial grounds to address a similar problem (Parliamentary Counsel Office (New Zealand), 2023).

Lesson 5: court-based estimations of consumer 'need' can lead to opaque and subjective decision-making, while shifting focus away from potential harms

The concept of 'adequacy' may appear to present a simple mechanism for restricting availability on defensible grounds. It was previously used in the UK more widely and applies in other jurisdictions including the Republic of Ireland (Light & Heenan, 1999; Tracey, 2017). However, we found that its use in NI presented legal and practical challenges. The Lidl Limavady decision described at the start of this paper highlights the difficulty of basing judgements on speculative consumer demand and the extent to which commercial interests can drive decision-making processes. In contrast, other jurisdictions, including GB, structure licensing decisions around the prevention of clearly defined harms (rather than expected consumer demand). While in E/W and Scotland, these powers are severely curtailed by the wider permissive principles, such an approach has the potential to shift the focus of licensing decision-making from anticipating consumer preferences to evaluating potential risks to health, safety and community wellbeing (Davoren & O'Brien, 2014). Moreover, adequacy principles based on inflexible definitions of outlet type may create barriers to the development of venues serving minority or marginalized communities, particularly where criteria lack sensitivity to social and cultural context.

Lesson 6: regulation requires clear statutory purposes to achieve targeted public benefits

The lack of clear and explicit objectives reduces the ability of the NI system to function strategically. Currently, statutory goals are described as seeking to 'strike a balance between facilitating the sale of alcoholic drinks, public safety and the public interest' (Northern Ireland Assembly, 2022). However, these aims are not directly operationalized through the criteria on which licensing decisions are made. Consequently, the system's social goals are not clearly articulated in practice—leaving a system in which suboptimal outcomes have become embedded.

Our findings suggest several key principles to inform the design of licensing systems going forward:

- Disallow the sale of licences as private commodities
- Replace 'adequacy'-type assessments of consumer demand with evidence-based assessments of potential risks and harms
- Ensure both scale (size and expected turnover) and type (including diverse types of similar outlet categories) is a core consideration in assessing availability and cumulative impacts
- Address outlet diversity in strategic planning
- Provide formal and meaningful mechanisms for health bodies to engage with licensing strategy and decision-making
- Disallow objections to licence applications from potentially competing businesses
- Disallow loans for startup costs or refurbishment that are tied to supply agreements
- Maintain comprehensive and accessible public records of existing licences, including (if a form of 1-in-1-out applies) details of licence movement
- If operating fix quotas, disallow the direct exchange of on-trade licences for off-trade
- Avoid incentives (such a licence re-sale values) for outlets to remain in operation when no longer viable

Although not a broad design principle, we would also suggest that the digitization of licensing records is essential to supporting democratic accountability. Paper-based systems require physical access to court records, and mean data comparison or capture involves time-consuming manual processes. This makes information less accessible to the public, prevents rapid error-checking, and places significant practical barriers in the way of data analyses that allow for key features of alcohol supply—such as spatial patterning or licence movement—to be analyzed.

Conclusion

Controlling alcohol availability is a critical strategy for reducing alcohol-related harm. This analysis does not dispute that reality but highlights some of the risks that may arise where density controls are not subject to careful policy design. These risks include the emergence of monopolies that favor large commercial interests, the exclusion of smaller or community-oriented businesses, the development of a private market in licences, reduced retail sector diversity, anti-competitive and potentially corrupt abuse of objections processes, and an amplification of home drinking if on-trade costs rise.

Mitigating these risks doesn't require deregulation, but rather the design of effective policies that reflect the increasing complexity of alcohol retail markets. The NI market is almost unrecognizable compared to when the current framework was established, and it is not unique in that respect. Therefore, while the NI system is unusual, it offers important lessons for future reform—highlighting how licensing policies can support public protection while avoiding structural weaknesses through which unintended outcomes may become entrenched.

Notes

1. The United Kingdom comprises of England, Wales, Scotland and Northern Ireland. Great Britain comprises of only England, Wales and Scotland. England and Wales operate under a single licensing regime (hereafter England/Wales). Licensing in Scotland is broadly the same, with minor differences, to England/Wales. Hereafter, England/Wales and Scotland combined will be referred to as GB.
2. For these calculations 'adult population' means people aged 15 and above. This is because Northern Ireland Statistics and Research Agency (NISRA) groups census age data into 5-year bands, of which the first including adults is 15–19. For consistency, we applied a cutoff of 15+ for England and Wales census data.
3. NISRA provided figures for all licence types to 2020 to the research team. More recent data is available publicly, but only for pubs and off-licences. Our manual analysis only included pubs and off-licences.

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