



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill: Department for
Communities

8 October 2020

could have Second Stage. Second Stage will involve a full debate on the principles of the Bill, and all Members will, obviously, have the opportunity to speak at that point.

Following Second Stage, the Bill, assuming that it passes of course, will stand referred to the Committee. The Committee will then take on the scrutiny role and take evidence from stakeholders before getting into clause-by-clause scrutiny, which will involve us sitting here for many hours to go through all the details.

The Chairperson (Ms P Bradley): Hours on end.

Mr Quinn: I will hand over to Carol, who will go through the content of the Bill.

Ms Carol Reid (Department for Communities): Good morning everyone. Thank you, Chair. Can you hear me ok?

The Chairperson (Ms P Bradley): I can, Carol; go ahead.

Ms Reid: Great. Previously, I gave a high-level policy overview to the Committee, and a number of the clauses in the Bill will require very little more explanation. Obviously, for those that are a lot more complex in certain areas, I will pull out the key points.

The Bill is medium sized, with 36 clauses and two schedules, which deliver the Minister's policy proposals. I will start with Part 1 of the Bill, which relates to the amendment to the 1996 Licensing Order.

Clause 1 is entitled, "Removal of additional restrictions at Easter". That will apply to all restrictions that currently apply over the Easter weekend to both on- and off-sales, and it will mean that the permitted hours are the same that weekend as they are for any other weekend throughout the year.

Clause 2, entitled "Public houses and hotels: further additional hours", provides that a licence holder for a pub or hotel can go to a court and ask for 2.00 am opening on up to 104 nights in a year. In practice, that will mean Friday and Saturday nights in most of the town and city centres. The PSNI, councils and local residents can object to that additional hour, and the courts can add conditions. On top of that, the courts will have an opportunity to amend or revoke an order for further additional hours should the need arise.

Clause 3 is entitled "Alignment of closing time for liquor and entertainment". In a nutshell, that ensures that entertainment stops at the end of drinking-up time. So, if an entertainment licence is granted beyond that time, any additional hours that have been granted for that premises are invalidated and no alcohol can be sold after 11.00 pm.

Clause 4, entitled "Police authorisations for additional hours", will see a number of late openings available for smaller pubs that cannot provide food and/or entertainment. That will increase from 20 to 85. It will also allow larger pubs, which do provide food and entertainment, to apply to the police for late opening on a night that is not included on their own late-opening orders. That will only be on 20 occasions per year, and on those occasions, they would still have to provide food and/or entertainment as normal.

Clause 5, entitled "Extension of 'drinking-up time'", simply extends the drinking-up time from 30 minutes to an hour. It also provides the power to revert to 30 minutes, through regulations, at any point in the future.

Clause 6, entitled "Major events", will add two new articles to the Licensing Order. The Department will be given the power to make an order that designates an event as being a major event and specify the permitted hours for that event. The Department will be required to consult with appropriate persons before making an order. The intention is that there will be consultation with the PSNI, local councils and the like of Tourism NI before making any decision.

Clause 7 entitled "Licensed race tracks: Sunday sales", is pretty self-explanatory and will allow licensed racetracks to sell alcohol on Sunday, which they currently cannot do. A licensed racetrack is part of the public entertainment category, so the sale will be restricted to 30 minutes before and 30 minutes after the entertainment, and it will only be permitted between the hours of 12.30 pm and 10.00 pm on those Sundays.

Clause 8, entitled "Licence for off-sales", relates to the local producers of alcoholic drinks such as beers, ciders and spirits. A new category of licence for those premises will be created. A local producer's licence — we will call it that for the moment — will permit three things. It will allow local producers to sell their own products from their own premises for consumption off the premises, and that will include online sales. A sample will be permitted to be provided for consumption on the premises following a tour. The volume of that sample will be set by regulation. It will also allow local producers to sell their own products from certain other licensed premises for consumption off the premises at events such as food and drink fairs. The BBC 'Good Food Show' that was held in the Waterfront Hall is an example of such an event, and samples may be provided in those cases.

Finally, it will allow local producers to sell their own products from unlicensed premises for consumption of the premises at events such as food and drink fairs. A number of conditions must be met for this scenario as it relates to unlicensed premises, and this includes receiving approvals from the local senior police officers.

Clause 9 is "Requirement for off-licence". This will require that, where a sale takes place other than in person, such as over the phone, the internet or an app, the place the alcoholic drink is dispatched from must be licensed under the Licensing (Northern Ireland) Order. Where a delivery driver is not acting on behalf of a licensed premises, it will require that the delivery has to be made without delay, and the relevant receipt must be carried from the licensed premises along with the purchase. An example of this is a taxi driver who is making a collection of alcoholic drinks for someone.

Clause 10 is "Removal of requirement for children's certificate, etc". This is a straightforward clause. There will no longer be a requirement for licensed premises to apply to the court to hold a physical children's certificate. However, all the safeguards and conditions for under-18s in licensed premises must remain.

Clause 11 is "Underage functions". This will allow the court to make an order saying that part of the premises is suitable for an underage function. In doing that, the court must be satisfied that the part of the premises is structurally adapted to hold functions in the first place. Appropriate steps must be taken to ensure the safety for under-18s at such a function. Under-18s must not have access to any other part of the premises that is used for the sale of alcohol.

The court will also be able to make an authorisation for specific individual functions. That order can specify the hours for the function, but it will not be allowed to go on beyond 1.00 am. Alcohol dispensers must be out of operation, and access to any other alcohol, for example in fridges or behind the bar, must be prevented. Any over-18s on the premises at that time will not be permitted to buy or consume alcohol at that function, and no gaming machines will be allowed to be present.

Clause 12, "Private functions", will allow under-18s to remain on licensed premises beyond the current 9.30 pm restriction if they are attending a private function. The public must not have access to that function. The person under the age of 18 must be in the company of a parent or someone with parental or caring responsibility for them. At least a main course must be served, and that meal cannot be consumed at a counter that is being used as a bar.

Clause 13, "Delivery of intoxicating liquor to young persons", amends the Licensing Order to make the home delivery of alcohol to anyone under the age of 18 an offence.

Clause 14 is on restaurants and guest houses. A licence holder must display a notice detailing information about the conditions under which alcohol may be sold. The information can be prescribed by regulation, and the notice must be displayed in each part of the premises that is set aside for food and drink service. The notice must be visible to anyone who wants to buy an alcoholic drink.

Clause 15, "Prohibition on self-service and sales by vending machines", means that alcoholic drinks that are sold without direct supervision are prohibited. A power will be included to allow sales by vending machines, by regulation in the future, for guests in public houses that offer accommodation, hotels and guesthouses.

Clause 16 is about the restriction on off-sales drink promotions in supermarkets. Advertising for drinks promotions in a supermarket will be restricted to the alcohol display area. In most supermarkets, this is the little area behind the turnstile. Off-sales premises will not be permitted to advertise drinks promotions within 200 meters of any off-sales premises. The distance of 200 meters can be amended by regulation in the future.

Clause 17, "Prohibition of loyalty schemes", is another self-explanatory clause. Loyalty points will not be awarded or redeemed for the purchase of alcoholic drinks.

Clause 18 is about occasional licences and conditions. The district commander from a district where an occasional licence is being sought will be able to go to court and request that terms and conditions be placed on an occasional licence. Failure to comply with the terms and conditions will be an offence.

Clause 19 is a code of practice. The Department will have the power to approve a code of practice for the display, sale or promotion of alcoholic drinks. The Department must consult with the PSNI before approving a code. Once a code has been approved, a court must be satisfied that an applicant or a licence holder is aware of their responsibilities under that approved code when considering the grant for the transfer of a licence. Where a licence holder is renewing a licence, the court has to be satisfied that the licence holder has been complying with that code.

Clause 20, "Body corporate: change of directors", is another pretty straightforward one. A body corporate licence holder must notify the court and the police of any change of its directorship within 28 days of that change.

Clause 21 deals with the removal of an exemption for angostura bitters. That follows the removal of duty exemption for angostura bitters by HMRC. It will now be included in the definition of intoxicating liquor — it is currently exempt — and therefore must be sold only in licensed premises.

Part 2 of the draft Bill amends the Registration of Clubs Order. Clause 22 relates to sporting clubs. Sporting clubs will be permitted to apply to the police to extend the area of the premises that is registered to supply alcoholic drinks for the purposes of holding a function. Therefore, the police can grant an authorisation up to six times in any year, and each authorisation should last one day. However, in exceptional circumstances, the police can decide that one authorisation can last up to five days. The number of authorisations, up to the six times, can be amended by regulations if necessary going forward.

I have grouped clauses 23 to 28 of the draft Bill together. They correspond to earlier clauses relating to similar provisions for licensed premises. They make changes for registered clubs, similar to those for licensed premises, in respect of the removal of restrictions over Easter weekend; the extension of drinking-up time; major events; removal of the requirement for a children's certificate; underage functions; and under-18s at private functions.

Clause 29 is on young people being prohibited from bars. Young people will be permitted to stay in the bar area of a sporting club up to 11.00 pm during the summer months. That is currently set at 1 June until 31 August. They will also be able to attend one award ceremony at any other time of the year. Provision has been made in the draft Bill for clubs that hold more than one award ceremony a year.

Clause 30 is on prohibition on self-service and supply by vending machines. That clause mirrors the provisions in clause 5 for licensed premises and prevents the supply by any means other than under direct supervision.

Clause 31 is on restrictions relating to advertisements. Registered clubs will now be able to advertise a function outside the club premises, which they currently cannot do, provided that the advertisement clearly states that only members and guests may attend. Advertisements relating to functions where the proceeds are donated to charitable or benevolent purposes will remain not subject to those restrictions.

Clause 32, "Code of practice", creates similar provisions to those in clause 19 for licensed premises in that it, basically, allows the Department to approve a code of practice.

Part 3 of the draft Bill deals with general provisions on interpretation, minor and consequential amendments, repeals and commencement dates. With regard to commencement dates specifically, at this time, only provisions that relate to Easter will be commenced immediately. The intention is that the remaining provisions will come into effect at the commencement date of October 2021. However, that is obviously subject to the length of time that it takes the Bill to complete its legislative passage and, ultimately, the date that it receives Royal Assent.

That is the draft Bill in a nutshell. I will pass over to you, Chair.

The Chairperson (Ms P Bradley): Thanks for that, Carol. That was great. If only, when we get the Bill in our hands, we could get through it so speedily. *[Laughter.]* I am not going to ask anything, because I know that when we get that lovely blue Bill in our hands in paper form — I am quite excited about it — we will be able to do our clause-by-clause scrutiny and ask specific questions on every little thing. I imagine that clause 8 will cause a little bit of conversation in the Committee room about local producers.

Fra and I sat on the Committee from 2011 to 2016. During that time, we had two Ministers. We remember the Licensing Bill, as it was then, and all the witness sessions. Liam and Carol, have any matters been highlighted by the Health Department? I remember that, at that time, the Chief Medical Officer had a few issues with some of the stuff that was in previous drafts.

Mr Quinn: Yes. Back in 2012, the Department consulted on a number of issues that the Chief Medical Officer was quite keen on, but the Minister decided not to include them in the Bill. Therefore, for example, one of the proposals was that there would be alcohol-only tills in supermarkets —

The Chairperson (Ms P Bradley): I remember that.

Mr Quinn: — which would mean that you would queue up and buy your groceries and, then, you would have to queue up separately at another till to buy any alcoholic drinks. The supermarkets were obviously very concerned about the impact that would have on people doing their shopping and flowing through the premises.

The Chairperson (Ms P Bradley): I remember that. It was for over-18s only, and I remember the argument asking what if you had a child with you. You would have to leave you child to one side while you went through and it was just not going to work. I have déjà vu on this. I have no doubt that, when the Committee does its clause-by-clause consideration, we will have representation from Health in again.

Mr Quinn: We will, yes. One of the other things that touches on the Licensing Order is minimum unit pricing. Our Minister has met Minister Swann to discuss that issue, and the Health Department has already publicly said that it intends to consult on the principle of minimum unit pricing and potentially the price as well.

The Chairperson (Ms P Bradley): I remember that was an issue when we discussed it in the previous Committee. Do you remember the young man who died after a drinks promotion?

Mr Quinn: Joby Murphy.

The Chairperson (Ms P Bradley): That was very timely, and I remember us discussing that with the issues around minimum pricing. I imagine that we will have vast and varied evidence sessions on all of this.

I want to go back to what Carol said about Easter opening, if I heard her right — maybe I did not. I do not know — the Easter opening will go ahead before Royal Assent? Did I get that wrong? Would you explain that briefly?

Mr Quinn: You were very close. Those provisions for clubs and the rest of hospitality would come into effect the day after Royal Assent. The Minister is quite keen to try to get those provisions in place for Easter 2021, if at all possible, given the way that things are with the hospitality industry at the moment. It would be a bit of a boost for hospitality if we could give it that long weekend with normal trading hours. To speed that up, rather than waiting for a separate commencement order, the Bill has been drafted in such a way that those provisions come into effect the day after Royal Assent.

The Chairperson (Ms P Bradley): That is good to know. I just wondered whether it was before or after Royal Assent. It was good that you clarified that for me.

Finally, with the situation around COVID, we know that our pubs and clubs have suffered greatly, absolutely, through this and will continue to suffer. Have they come back to the Department at all with any other easements that they wanted to see that have not been put in the Bill, or are they pretty-much happy with what is there?

Mr Quinn: I think that they are pretty-much happy, Chair, to be honest. The big change for them was the removal of all the Easter restrictions, and the 104 late nights. The Bill in 2016 offered 12 late nights, which was one a month. We are now offering 104, which, as Carol said in her presentation, gives you most weekends, if that is what you want to do.

Easter is huge. The industry has carried out research about the loss of revenue over that weekend, where we have very tight restrictions at the moment. It affects the Thursday, Friday, Saturday and Sunday, and most people are then off on Monday for the bank holiday. That is a big issue for the trade.

The Chairperson (Ms P Bradley): It is also a big issue for our tourism industry, which we hope to see back in full swing again, if not next year, the year after. I know, from being in Belfast and from living in greater Belfast, that when you see the number of tourists, you just think, "Do not to go to Belfast over Easter, because you cannot do X, Y and Z", and that is the feedback you will see on Tripadvisor and the various forums. Therefore, I do see how it would make a big difference.

Mr Quinn: The other thing to highlight, Chair, is that they removed the restrictions on pubs on Good Friday in the South just last year. That means that if you are planning a weekend away, Donegal or Dublin might be a lot more attractive over Easter nowadays than it was a few years ago, when they were closed completely on Good Friday.

The Chairperson (Ms P Bradley): That is OK. I was determined not to ask you anything about any of the clauses, but I am going to ask, *[Laughter]* and I am saying to everybody that this is not clause by clause.

Mr McCann: For somebody who said you had no questions to ask, you are getting through it rightly.

The Chairperson (Ms P Bradley): I know. I am only going to ask you one other, and it is to do with clause 16 — advertising and alcohol display. I understand how that works in supermarkets, but how does that work if you are an independent retailer or part of a chain, out on the high street, and your windows are blazing?

Mr Quinn: The windows are fine, but —.

The Chairperson (Ms P Bradley): The windows are fine; it is just that something cannot be put out beyond the window? That is OK.

Mr Quinn: Yes, it is any A-boards or anything like that placed on the pavement.

The Chairperson (Ms P Bradley): I am not going to ask you another question on any of the clauses after that. I am going to move on. Fra, you had your hand up first.

Mr McCann: I will be brief. You touched on quite a lot of it. With regard to Easter, it makes sense because many of the laws are outdated, and the new legislation would have a huge impact on tourism across the board. I can just picture a single stall for selling alcohol at a supermarket, and you could have a two-mile queue. You can imagine it for groceries, but a two-mile queue for alcohol *[Laughter.]* I know that we have probably discussed this about six times — every time that we got close to it — but is there a timeline for completion and the Bill being introduced to the Assembly?

Mr Quinn: When get past First Stage and Second Stage, it will be up to the Committee. The ball is really in your court after that, and you can take as long or as short a time as you want.

Mr McCann: This question may have been asked a couple of weeks ago, but did it equal out with the people who responded to the consultation?

Mr Quinn: I do not have the results of the consultation with me, but a consultation is not referendum. People who have an interest seek out the consultation and respond. Some people respond only to the bits that they are particularly interested in. If people have strong religious views, they might seek out the consultation and respond, "I am very much opposed to any changes to Easter", but they may not complete the rest of the consultation document. The consultation document is really about gathering views and evidence. We go through the responses to pick out the areas that we may not be aware of

or to explore things further with individuals. We always publish the figures and the percentages, but it is not a representative sample.

The Chairperson (Ms P Bradley): We found that when we looked at the consultation on gambling as well.

Mr Quinn: The consultation on gambling was very much like that. Sports clubs responded in great numbers because they were interested in local lotteries, but they had no views at all on casinos, bookmakers or other issues around gambling.

The Chairperson (Ms P Bradley): We know that when it comes to consultations.

Ms Armstrong: I will not go through the clauses at all. Like many members, I am sure, I have been asked about what is not in the Bill. The number of licences is not included, so is the Department looking at that?

Mr Quinn: No, Kellie. We looked at that a few years ago. There are two elements: the restriction cap on the number of licences; and the needs provision, whereby, once you have obtained a licence, you have to demonstrate to the court that there is a need for a bar or an off-licence in that area. That is a way to try to control a proliferation of bars in particular areas. The evidence that we gathered at that time, which we shared with the Committee in 2016, was inconclusive. There was strong evidence that it would have an adverse impact on existing licensed premises, but it was inconclusive. There certainly was not sufficient evidence for a Minister to take a risky decision, in that it might have had an adverse impact on a lot of jobs, trade and companies that were operating as hotels and bars. You would want to be very sure that what you were doing was for the benefit of general society. We can share the evidence. It was quite difficult to gather all the evidence. I was not involved in it at the time, but I have been through the papers. You are trying to find out how small private businesses operate, and it can be difficult to get under the bonnet and examine what exactly is happening in a small family firm in which people are working long hours and perhaps not recording them and things like that. The Ministers who looked at the issue at the time all said that it was high risk. You would be making policy and changing laws in the hope that it would benefit society without having a strong evidence base.

Ms Armstrong: I was thinking about microbreweries, for instance, when we come to the clauses. Will that be a consideration for them in getting their type of licence? Is that a competition? It should not be.

Mr Quinn: No. They are a different category of licence. We have introduced a new category of licence for those who produce alcoholic drinks, and it sits separately from off-licences and bars.

Ms Armstrong: OK. We will go through this, but will the application process allow a supermarket or a bar to object because it is a detriment? They probably will.

Mr Quinn: They may try to object, but that would be for the courts to decide.

Ms Armstrong: Thank you. We have a lot of work to do.

The Chairperson (Ms P Bradley): Is there anything that you want to ask, Jonny?

Mr Buckley: I am content to wait until the clause-by-clause scrutiny of the Bill.

The Chairperson (Ms P Bradley): Do any other members wish to ask questions? Mark has his hand up; go ahead.

Mr Durkan: Thank you for the update. I am content to wait until the clause-by-clause consideration of the Bill. As always, I declare an interest in the subject.

The Chairperson (Ms P Bradley): OK. You got off pretty lightly there.

Mr Quinn: We will not get off lightly in future.

The Chairperson (Ms P Bradley): No, you will not. This will be the current Committee's first Bill. I am excited about getting the blue pack in my hands and scribbling all my notes on it. I have kept every one of them, Fra. I know that you cannot wait either.

Mr McCann: I cannot wait to read your memos. *[Laughter.]*

The Committee Clerk: Paula, we have the Pension Schemes Bill.

The Chairperson (Ms P Bradley): Yes, we still have that Bill. We have not received the blue copy yet.

Mr Quinn: Hopefully, we will get that after 19 October.

The Chairperson (Ms P Bradley): OK. I am looking forward to it. It will be good to have that in our hands.

Mr Quinn: We look forward to working with you all.

The Chairperson (Ms P Bradley): Thank you, Liam and Carol.