



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill:
Safeguarding Board for Northern Ireland

18 February 2021

NORTHERN IRELAND ASSEMBLY

Committee for Communities

Licensing and Registration of Clubs (Amendment) Bill: Safeguarding Board for Northern Ireland

18 February 2021

Members present for all or part of the proceedings:

Ms Paula Bradley (Chairperson)
Ms Kellie Armstrong (Deputy Chairperson)
Mr Andy Allen
Mr Mark Durkan
Mr Alex Easton
Ms Sinéad Ennis
Ms Karen Mullan
Mr Robin Newton

Witnesses:

Ms Bernie McNally	Safeguarding Board for Northern Ireland
Mr Andrew Thomson	Safeguarding Board for Northern Ireland

The Chairperson (Ms P Bradley): I welcome Bernie McNally and Andrew Thomson. Bernie, you have up to 10 minutes in which to provide an oral briefing.

Ms Bernie McNally (Safeguarding Board for Northern Ireland): Good morning, everyone. I am the chair of the Safeguarding Board for Northern Ireland (SBNI). Our 10-minute presentation will be in two parts. I will make comments on the context of the Safeguarding Board and the issues around licensing laws in relation to that, and Andy will make more specific comments on some of the changes that are being proposed.

As most of you will know, the Safeguarding Board is a membership organisation. It is made up of 27 members. That membership includes representatives from the police, social services, education, the Probation Board, the Youth Justice Agency and the voluntary and community sector. It is a membership partnership, and its main function is to safeguard and promote the welfare of children in Northern Ireland by coordinating the work of the various membership organisations and ensuring the effectiveness of each of the organisations. We try to make sure that the organisations do not work in their own silos and that they work collaboratively and collectively on matters of safeguarding. We are not a regulator, because there are regulators, such as the Policing Board or the Regulation and Quality Improvement Authority (RQIA), associated with the various organisations. We are more of an enabler to enable the organisations to work effectively.

The Safeguarding Board's most recent strategic plan contains three key priorities: the mental health and well-being of children and young people; domestic violence; and the neglect of children. As you can imagine, alcohol is a factor in all three of those key issues. Generally, we say that anything that increases the accessibility of alcohol to the parents or the children will have an impact on those three

issues. The Safeguarding Board and all its members are acutely aware of the dangers of alcohol misuse among children and their parents. There is no good news story on that. We have issues related to domestic violence, risky behaviour by children, suicide, health issues and public order issues. We deal on a day-to-day basis with the fallout from those issues.

On the positive side, the research indicates that there are some positive trends in relation to alcohol consumption by children and young people. The trends are all downwards: children are drinking less; they are drinking less frequently; and, when they drink, they are drinking with less binge-like behaviour, although they still binge. Those trends are all downwards, so we are quite positive about that. There has been a 40% increase in the number of children who describe themselves as teetotal. Those are really positive things.

With the proposed legislation, it is all about building in safeguards. I will hand over to Andy Thomson, who is the chair of one of our committees, to give us more specific detail on that.

The Chairperson (Ms P Bradley): OK. Thank you, Bernie.

Mr Andrew Thomson (Safeguarding Board for Northern Ireland): Thank you, Bernie. Thank you, Chair, can you hear me OK?

The Chairperson (Ms P Bradley): I can indeed, Andrew.

Mr Thomson: Lovely, thank you very much. First, I thank the Committee for having us before it today. I will look at some of the specific proposed changes that especially affect the laws around children on licensed premises and the accessibility of alcohol. Those are the attendance of children at underage functions after 9.00 pm, children remaining at family functions after 9.00 pm, and sporting clubs extending the time that children can remain, especially during summer months. The Safeguarding Board is ever mindful that any extension to the time that children may stay in licensed premises could influence their relationship with alcohol. However, the board also considers the positive impact that various social and cultural experiences can have on the child.

If the functions highlighted in the proposed amendments are appropriately considered and approved, with regulated restrictions enforced to ensure the safeguarding of those children in attendance, the board feels that there are benefits to children in developing their social interactions in an environment that is safeguarding aware. That is one with identified individuals who are trained and experienced in child protection. Most clubs and event locations will now have a child protection officer who is trained and vigilant in safeguarding children. Functions that are closed to outsiders and that have regulated oversight could be beneficial locations for children to socialise in, as opposed to the unseen and unregulated alternative. Family functions that have the proper controls would allow children to be more fully involved in the major family occasions and celebrations that are highlights in the family calendar. Sporting clubs provide a refuge of fitness, exercise, teamwork and companionship. Often, in summer months, games like golf, football and GAA will not end until after 9.00 pm, and the opportunity for under-18s to engage for a short time to conclude their event and the day should be seen — again, if properly regulated in the complete sense of the word — as opportunities for children to develop physically and emotionally.

Premises such as those mentioned in the proposed changes to the regulations are those with experience in children being present, with appropriate limitations, and are generally seen as safe places. Organisations like Sport NI have worked tirelessly to enhance child protection awareness and training. Safeguarding policies are commonplace, and the social experiences are valuable lessons for children. Well-managed and regulated events can be used to reduce the draw of the unseen and unregulated actions that some children are attracted towards.

I turn to some of the other specific items. Self-service vending machines in locations or premises where children could have access to alcohol are not facilities that the SBNI could support.

Formal approval and oversight by the Department of Health of regulated codes of practice, of which a breach could have licensing consequences, are a positive approach. Self-regulated codes of practice lose some element of public confidence over those seen as formal, where non-compliance has possible consequences. That, in the first stage, would, hopefully, encourage compliance, but, if not, it would at least allow for action to remove from the marketplace those who increase risk.

On the particular point about the clause regarding advertising, the SBNI sees that as a good reminder of the rules regarding clubs and admission. That is in regard to the specific advertising of events. On a more general point about advertising, the SBNI believes that advertising alcohol in a child-friendly environment is questionable. Research tends to show that advertising increases awareness and cultural acceptance. The view of the SBNI is that less advertising of alcohol is generally a better thing in the world of children. It is accepted that a considerable level of financial support and funding is created from this activity and that many organisations benefit from the income. However, we should remember that it was said that snooker would collapse after sponsorship by Embassy was removed from the world championship and that Formula One would go under if Marlboro's involvement and support were excluded.

This is not just a child safeguarding debate in relation to advertising, and many others will have a significant view and a different approach. The view of the SBNI is that things that are good and wholesome like sport should not have the obvious and calculated attachment of alcohol. With the awareness that advertising is a key element and driver of demand and has a significant cultural influence, our view is directed purely at possible influence on children that openly advertising alcohol could have, especially with the absence of any controls over content and location or limitation on audience access.

The SBNI's general position to the Committee today is that we are not pro-alcohol and we are not anti-hospitality. Society should be open to change in a managed and safe fashion. The SBNI has a safeguarding stance: children need safeguarding, well-being and protection. If we can provide well-being in line with safeguarding, that should be our goal. With the correct positive measures, improving the social lives of children would be physically and emotionally beneficial. Family life and safely derived peer events in children's lives are good for mental and general well-being. Social experiences and development are good for children. The importance is the balance between facilitation of these experiences and ensuring built-in legislative protective measures that ensure adult oversight and adherence to a safe environment. The question is of whether we think that the Bill achieves this. I think that, given the move to replicate the current positive examples in places like sporting clubs, that is a good place to start.

Some of the things that we like are the codes of practice, identified individuals responsible for safe practice, the exclusion of alcohol when not directly supervised by parents and building on good practice of responsible control in clubs. We see those as encouraging supportive changes to control the environment that the Bill would bring about.

The Chairperson (Ms P Bradley): Andrew, thank you for that, and thank you, Bernie. I want to touch on a couple of points that you made. I absolutely agree 100% that our sporting clubs have some of the best child protection policies in place. We know that that had to happen because of historical events. Anybody who has ever been involved with any of those sporting clubs directly or indirectly knows of the hoops that they have to jump through with social services and the police in order for those children to be protected as best as they can be. I agree with you, Andrew, that that should be replicated across the piece. When we are looking at hotels, bars and whatever else where functions are taking place, whether that is a wedding, an underage formal or whatever it might be, what child protection and safeguarding checks are put in place right now on those premises? Some very vulnerable young adults attend those events. Are checks in place already? Do the hotels and bars that hold these events have to go through the same rigorous checks as our sporting clubs with social services and the PSNI?

Ms McNally: I will discuss that with you. SBNI has been doing a lot of work over the last three or four years with what we call the night-time economy in relation to child protection matters in order to increase awareness among hotels, taxi drivers and pubs and clubs of the dangers of the night-time economy for some young people, particularly in relation to child sexual exploitation, and to make people aware of the dangers for children, particularly where alcohol is involved. They are not subject to the same regulation as sports clubs or private members' clubs because they come under the auspices of, for example, Sport NI or their own sporting bodies, all of which have signed up to child protection regulations and procedures. Many sporting concerns do not get any grants and nor do they have a designated child protection officer.

When a hotel hosts, say, a school formal, our understanding is that it will be a non-alcohol event. It is about making sure that the venue is not linked with a bar and that people are not drinking in it. At a family event, we consider that the best protectors of children are their parents or their significant family members. We have an expectation that, when children are at a wedding or a granny's birthday party or whatever, the supervision of those children and young people is the responsibility of their parents.

That is why we differentiate between a child going into a pub where they are not supervised by a parent and a child going into a pub where they are supervised by a parent in a controlled environment and that those are private members' functions so that other members of the public are not allowed into those enclosed venues when children are there.

I hope that that answers your question. Although hotels may have codes of conduct and attend SBNI courses on child protection awareness, I am not aware that they have any regulation in that regard.

The Chairperson (Ms P Bradley): Is that something that we need to look at? With the best will in the world, children and young people and teenagers especially — I have had two of them — cannot be under your gaze 24/7 if you are attending an event with them. There are people who groom young people and know how to attract them away from their parents. Whatever else they do, they do that very well. They work in all our industries. Is there something we need to look at in order to have a more formal clause around child exploitation and child protection? If those other spaces want to hold events where they want young people to be included, do they need to comply in the way that, for example, sporting clubs comply?

Ms McNally: Everyone, including those running such venues, has to abide by the law of the land in relation to the care and protection of children and young people. It is about trying to get a balance about where children go to socialise. We feel that they should be under the watchful gaze of a responsible parent as much as possible. If we do not provide those venues for those children or if we say that they have to go home at 9.00 pm from those venues, we know from our experience that those children will go somewhere else unseen. They will go to parks or party houses or whatever. Having them where you can see them and keeping plenty of eyes on them is probably the number-one way to protect them.

We did that work with the night-time economy, and we have been trying to make sure that taxi drivers have basic child protection awareness so that they are not dropping children off at dodgy houses or having children in the back of the taxi with a suspect adult. We are trying to work with the taxi companies, and we work with the Department for Infrastructure on that. We have some regulation around that now, which means that, in order to get their taxi licence, drivers must undertake child protection training and awareness regularly. We are working on that. I am not sure that the entire hospitality sector can be regulated outside the current law and public order legislation that the police deal with. However, I am happy to discuss it with whoever needs to develop that type of regulation.

The Chairperson (Ms P Bradley): Bernie, I have put on my social work head from my career before I became an MLA. I have been looking at how we can make the Bill more secure to protect children because we need to do that.

I will move on. I want to touch quickly on advertising. Again, as I said, our sports clubs are fantastic models for how child protection policy can be done well, although they walk straight on to pitches surrounded by hoardings advertising alcohol. What are your views on that?

Ms McNally: I will hand over to Andy in a moment. I mentioned that there is a general reduction in the number of children who are drinking, safe drinking and the extent to which they are drinking. A lot of that comes down to a change in culture. We have tried to change the culture that drinking is the only way to socialise or for young people to feel happy. We have got away from the idea that alcohol is so bad that children want to drink it. We are trying to get that balance in the culture. However, we think that anything that promotes alcohol as a positive thing is not good because it is not positive for children or their families. We see it every single day with domestic violence, poor health outcomes for children and their parents and children with risky behaviour. There is nothing positive about alcohol, and we think that advertising should be reduced as much as possible. I do not want to pick out any particular sport, but Guinness, Harp and Irish alcohol brands sponsor the big GAA, rugby and soccer events, and children will see that as a positive reinforcement of alcohol. We need to reduce that and change the cultural love affair with alcohol in Ireland. It is changing but it is slow, and advertising is a key element of that. Andy may want to comment on that more specifically.

Mr Thomson: Bernie, you have answered that very well. I will reiterate the complications. The Safeguarding Board is very aware that this is a much broader debate than just safeguarding. Bernie has expressed our view, but it is a complicated issue. Bernie mentioned the Guinness advertising at rugby games. Matches in Dublin will be screened live on television, and teenage boys and girls who play rugby will watch that avidly. The general idea is to limit, as much as possible, the access that

children have to alcohol advertising. I accept the fact that it is a complicated issue that will take a massive national debate.

The Chairperson (Ms P Bradley): OK. Thank you. The Committee will be looking at gambling legislation in another Bill. We will be looking at gambling advertising that may be on football grounds and shirts. It is part of a bigger issue. There is blatant, constant in-your-face advertising when you watch any of those sports. As you said, Andrew, Embassy used to advertise at snooker matches and Marlboro at motor racing, but the sports continued without any hassle or problems, and they continue to this day without major sponsorship emblazoned across everything on our screens. The Committee will have to look at that issue closely in this Bill and in the gambling Bill.

Ms Armstrong: Thank you, Bernie and Andrew. Andrew, I think that we may have sat on a committee together at some stage when Access NI was being developed across the community and voluntary sector. That is a while ago.

To be honest, the Chair has asked quite a few of my questions, but I want to pick your brains on something that has come up in previous evidence sessions to see how we can work with this. It is the issue of age verification. If a young person is learning to drive or happens to have a passport, they may have appropriate documentation. We heard from the licensing guys about the issues around an eighteenth birthday party. That person may be in upper sixth in school, at work or whatever and may have invited their friends to the party. There was consideration of whether a lower age limit should be attached to those types of parties. How do we get age verification from children, if it is a lower age of, say, 15, 16 or whatever?

Ms McNally: It is difficult. When I was a student — that was not yesterday — I went to America, where the age limit is 21. Of course, we were all under 21 because we were students. Not that I am admitting this, but I do not know any student who went to America without some false ID to enable them to get into bars and clubs because they knew that the age limit was 21. With modern technology, they can fake those IDs easily, including the pictures, the laminated covers and whatever. It is difficult to manage. A lot of bars and off-licences now say that customers must be 21, because that at least gives them a bit of margin for error. They say, "You cannot come into our premises unless you are over 21" or "You cannot get alcohol in an off-licence unless you are 21". There is not much age difference between someone who is 17 and three quarters and someone who is 18 and one day. It is almost impossible for the bar staff to know. I am involved in some clubs, and we do not hold any eighteenth birthday parties because they are really hard to police and manage.

Ms Armstrong: I am glad to hear you say that, because I have an eighteenth birthday party coming up, and half of me is hoping that lockdown is still in place when that happens.

Another witness led me to have a concern about the part of the legislation that talks about 16- and 17-year-olds who work in a bar or restaurant not being allowed to take delivery of alcohol for their employer. That makes a difference for those people who are still in the bracket of being a child but prevents them from doing part of their job. We know that, under health and safety rules, there are protections for employees who are under 18. What do you think about that issue?

Ms McNally: The issue of work permits and child employment permits came up at our Safeguarding Board meeting yesterday, and the Education Authority has a role in monitoring those employment permits for young people. We are seeing an increase in the number of young people in that regard. We looked recently at young people who are engaged in the film industry, which is growing in Northern Ireland. That includes child actors and extras who go along to events and how they are managed and chaperoned. There are grave dangers for young people who are among those adults, as we know from the #MeToo movement, and for young people who are trying to have a career in that industry. We are acutely aware of young people in adult environments.

There is one issue that I could not get my head round. A young person who works in a pub may be in the pub all the time. What is the difference between their serving pints to punters from behind the bar or collecting glasses and their working in the storehouse and taking in a keg of beer from the wholesaler? I could not get my head around that, but we should look at work permits generally for young people who work in those types of industries. There is a different danger. Yesterday, one of our members raised the point that, if you are going to increase accessibility, say, over the holiday period at Easter, that will mean more kids working longer hours. Therefore, it needs to be controlled. That is what we all did as teenagers; we worked over our summer and Easter holidays. We have to be mindful that any change might have another impact or unintentional consequence, if you like.

Certainly, after the meeting yesterday, I thought that I would need to meet the Education Authority to discuss those child employment work permits a little bit more and find out exactly what the issues are and how it is dealing with those matters.

Ms Armstrong: Absolutely. I am from a rural area, where the only places that 16- and 17-year-olds can get work are the local bar, corner shop or garage. That is it. As we know, throughout the COVID pandemic, vast numbers of students who lost their jobs or were furloughed have worked in the hospitality industry.

Another issue that I want to ask you about is child protection. I will just give an example that could apply anywhere in Northern Ireland. If a child appears at a pub during the additional operating hours, and whoever is on the door turns them away — rightly so, because they are children and not supposed to be there or to try to get in — as far as child protection is concerned, if that person has been trained and recognises that there is a child protection issue — it could well be that the child is being urged by an adult or whatever — does the legislation and additional hours cause any difficulties with regard to out-of-hour reporting mechanisms? Does it just go to the police? I know from my previous work in the community and voluntary sector that it is difficult to get people from the trust outside of working hours. Do we need to think about anything? It may well be that it would be part of a code of practice. With regard to joined-up working between organisations, do we need to be cognisant of anything for those clubs, bars, restaurants, hotels or whatever it might be when it comes to reporting child protection issues?

Ms McNally: We have worked with the night-time economy, clubs and pubs, and Sport NI on regulation of sporting organisations and getting advice about what to do. It is one thing to ask, "What should I do?". They have designated officers. They do not want to use a hammer to crack an egg. They do not want to dial 999 for the police to come when some wee lad is trying to get in, rather than saying "Just go home, son, and behave yourself". It is about trying to balance that.

All those organisations are aware that there are at least three mechanisms when there are serious child protection concerns. One is the police, obviously. They are the first port of call in an emergency after hours. We also have a 24-hour social work service. We have had that emergency social work service for around 10 years now. The number for the service is online, but if you were not able to contact it, the police would contact those people for you. The third area is the NSPCC Childline, which is manned 24 hours a day. If there is an issue and people cannot get the police or social services, the third option is the NSPCC. Therefore, I think that all those bases are covered.

My issue, however, is that the staff on the door — I am not sure whether it is politically correct to call them "bouncers" any more — are trained properly to deal with those young people in a sensitive way — maybe get them a taxi or say, "Give us your number so that I can call your mum and she can come for you" — and can deal with and de-escalate the issue. That is preferable to having the force of the state come in to deal with it.

Ms Armstrong: We could probably all put our hand on our heart and say that there are bars in places across every part of the countryside where you know rightly that underage drinking takes place. The police know it. The man in the street knows it. If a premises flouts that consistently and may even have been prosecuted for it, do you think that that should be considered at its licence renewal?

Ms McNally: Absolutely. The licence is there to regulate the industry and protect the community. For all the reasons that I have given about the dangers of alcohol for young people, regardless of our working to try to reduce alcohol consumption by young people and protect children from alcohol, I absolutely believe that, if a regulated establishment flouts those laws deliberately, its licence should not be renewed.

Ms Armstrong: We can keep that in and, if a code of practice comes through, which has been talked about by different witnesses, that should definitely be part of it as well as the licence.

Thanks very much, folks. We must do all that we can to protect young people in this day and age. My daughter is now 17 years of age, and I know that it was the same when I was younger; they put on a lick of make-up and you cannot tell what age they are. It makes it extraordinarily difficult for licensees. You then have young people who do all that they can, with their fake IDs and stuff, to get past the licensing rules. Thank you very much for the work that you do.

The Chairperson (Ms P Bradley): Thanks, Kellie. No other members have indicated that they want to ask anything, so I will finish by saying thanks again to Bernie and Andrew for joining us today.

Mr Thomson: Thanks very much.

Ms McNally: Thank you.