



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs  
(Amendment) Bill: Committee Deliberations

11 March 2021



and we will see how we get on. If there is too much background noise, I will take you all out of the spotlight. Just remember that we can hear everything that is going on where you are.

We will turn to the first set of clauses, which relates to permitted hours for licensed premises and registered clubs. They are clauses 1, 2, 4, 5, 7, 23 and 24. The summary of evidence that we received on those clauses can be found in document 1, which starts at page 583.

If Members are minded to propose amendments as we proceed through the clauses, they can be discussed with the Bill Clerk in closed session at the end of our deliberations with a view to bringing back the wording of the amendments to the meeting next week. I remind Members that questions or comments should be focused on the specific clause that we are discussing at the time. If Members are content, we will start. I welcome Liam Quinn and Carol Reid. Can we bring them into the spotlight?

**Ms Carol Reid (Department for Communities):** Morning, Chair.

**The Chairperson (Ms P Bradley):** Good morning.

**Mr Liam Quinn (Department for Communities):** Morning, Chair.

**The Chairperson (Ms P Bradley):** Morning. Carol, I will ask you to give a very brief overview of each clause. I will then quickly highlight any specific issue that has come up in our evidence on the clause before I ask members whether they have any queries or comments on that clause. We will go first to clauses 1 and 23. Carol, can you please give an overview of those clauses, which are on the removal of additional restrictions at Easter? Go ahead, Carol.

**Ms Reid:** Certainly, Chair. Thank you. As you rightly said, there are an awful lot, and I have been asked to give a very brief overview, so rather than getting into the policy intent, I will just stick to what the clauses do.

Clause 1 is on licensed premises, and clause 23 is on registered clubs. They remove all the current restrictions that are in place over the Easter weekend, so, effectively, permitted hours will be the same over the Easter weekend as they are over any other weekend throughout the year. They are quite short clauses.

**The Chairperson (Ms P Bradley):** OK. Members, in our evidence, there was considerable support for the modernisation of that licensing law by removing restrictions at Easter. However, a number of concerns were also raised about the protection of workers' rights over the Easter period and other religious festivals of significance, the monetary compensation for working those hours over Easter and the public health message against expanding any permitted hours on the basis that increased accessibility further encourages alcohol consumption, although we will likely discuss that more under clause 2. Do members have any comments or questions that they want to ask the Department about those clauses?

**Ms Armstrong:** I assume that the welfare of employees is completely outside the scope of the Bill, but does the Department think that there is scope to add in a requirement that, in order to get a licence issued, consideration must be given to staff?

**Mr Quinn:** Chair, I will take that one. I am on the phone — I had IT problems this morning — so I hope that you can hear me.

**The Chairperson (Ms P Bradley):** I can hear you OK, Liam. Go ahead.

**Mr Quinn:** Great. Extra pay, protection for workers and the need to get staff home at night are all very important, but, as Kellie highlighted, they are probably outside the scope of the Bill. Of course, decisions on the scope of a Bill fall to the Speaker.

On holidays and the option to opt out, there is already an opt-out for working on Sundays. Of course, bars are currently open on Easter Sunday, as they are every other Sunday. The issue with Easter Sunday is that pubs have to close earlier than they do on other Sundays. As for Good Friday protections, Good Friday is not a bank holiday, so I am not sure how that would be handled. Again, I strongly suspect that that is outside the scope of the Bill.

**The Chairperson (Ms P Bradley):** Thanks, Liam. Do you want to come back on that, Kellie, or do any other members want to comment on clauses 1 and 23?

**Ms Armstrong:** Thanks very much for letting us know about the option to opt out. That has prompted me to double-check that the current legislation on opting out will extend to the Bill and that we do not have to put anything on that in the Bill, because it is already in place. I know that it is in place for shops. I think that it is referred to in legislation on retail, but does that then extend to pubs and hotels?

**Mr Quinn:** It is retail, Kellie; you are absolutely right. I will have to check whether it extends to pubs. I imagine that anyone who has strong religious beliefs simply would not work on a Sunday, in a pub in particular. Nobody ever brought to our attention instances where people are being forced to work in a pub on a Sunday against their strongly held religious beliefs. I can check that point and write back to you. That is in Department for the Economy legislation, of course.

**Ms Armstrong:** I wondered about that when you said that people had not come to you. It may have been raised with the Labour Relations Agency, people who deal with the HR side of legislation or, of course, Economy. I do not know whether we need to ask Economy whether its opt-out from retail needs to be extended. It would be really useful to know. Thank you.

**The Chairperson (Ms P Bradley):** Do any other members want to comment on that?

**Mr Easton:** This does not relate to pubs opening for extra hours, does it? It is just for off-licences —.

**The Chairperson (Ms P Bradley):** No. We are talking about the removal of restrictions at Easter only at the moment.

**Mr Easton:** OK.

**The Chairperson (Ms P Bradley):** We will talk about that as we go along, Alex. It is just Easter for now. Do members have any other comments on that, or are they content with the responses that we received? We will get further clarification on whether having to work on a Sunday will be for the service industry as well as for retail. I suppose that that is what we want to know.

**Ms Armstrong:** As we know and as has been mentioned, Good Friday is not a statutory holiday; you are absolutely right. The way that our transport system works in Northern Ireland means that there is a reduced service on Easter weekend. Has the Department received any concerns from Translink or DFI about additional hours?

**Mr Quinn:** Additional hours over Easter would mean that bars, restaurants and hotels could serve drink on a Friday afternoon between opening time and 5.00 pm. They would also be able to open later into the evening. To answer your question directly: no. Neither Translink nor the Department for Infrastructure have been in touch to express any concerns over that. The truth of the matter for late opening is that very few people use public transport on their way home from bars or restaurants late in the evening.

**Ms Armstrong:** OK; thank you.

**The Chairperson (Ms P Bradley):** OK. Are members happy that we move on?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** We will move to clause 2, which concerns further additional hours for public houses and hotels. Go ahead, Carol.

**Ms Reid:** Thank you. Clause 2 would provide that a licence holder for a pub or hotel can apply to serve drink until 2.00 am up to 104 times a year. It would allow that number to be amended by regulations in the future. It would also ensure, similar to the current 1.00 am opening, that a court has to be satisfied that no undue inconvenience is being caused to local residents. The clause would allow for objections to be made by the police, councils and local residents and for the courts to place conditions at that stage. Finally, the clause would allow that, upon complaint, the courts could make modifications to a 2.00 am order, revoke an order or place that order subject to certain conditions.

**The Chairperson (Ms P Bradley):** OK; thank you, Carol. Members, in our evidence, there was considerable support for that modernisation of licensing laws in order to improve the night-time economy, support changes in consumer behaviour and meet the expectations of tourists. However, I remind members that Hospitality Ulster and the Law Centre raised a number of specific issues about articles 44 and 45 of the Licensing Order. Issues were raised relating to Sunday trading hours into Monday, the definition of entertainment and the long-term public health impacts of increased accessibility of alcohol. The long-term health impacts of increased accessibility of alcohol was highlighted as reinforcing alcohol as a social norm and increasing the risk of alcohol misuse and its harms. The likely resource impacts on the PSNI and Health and Social Care services and the safety of the hospitality workforce were also raised. The Federation of Clubs highlighted that the Bill makes no provision for an increased entitlement for clubs to serve alcohol after 11.00 pm, and it questioned that disparity. The federation requested an increase from 85 nights to 156 late nights, which is three per week, in order to ensure clubs' continued financial viability, and it provided a suggested amendment. Liam and Carol, if you could give some clarification on any of those points, that would be good.

**Ms Reid:** The Department has addressed the article 44 and article 45 disparity that has been referenced by Hospitality Ulster and the Law Society. It is in the Bill. Under clause 4(2), any pub that has an article 44 in place already can go to the police up to 20 times a year and ask for an article 45, which allows them to deal with those ad hoc nights.

**The Chairperson (Ms P Bradley):** OK. Can I ask you about what the Federation of Clubs feels is a disparity in the way that clubs are being treated?

**Mr Quinn:** Clubs, of course, are not businesses. They supply drink to their members. The Minister has heard the federation's evidence and will consider any proposals that come forward from the Committee on extending or increasing the number of late nights that clubs can apply to the police for.

**The Chairperson (Ms P Bradley):** OK. Liam, are you saying that there is some scope for the Minister to look at that?

**Mr Quinn:** Yes. The Minister will consider carefully whatever comes forward from the Committee. She has heard what the clubs are saying. Obviously, clubs have taken a serious financial hit in the last year in the same way that businesses have.

**The Chairperson (Ms P Bradley):** We know from some of the grant schemes that a lot of clubs are treated as businesses. A lot of clubs have received the localised restrictions support (LRS) scheme and things like that. They very much feel that they should be more on a par.

I am happy enough that the Committee come to a decision on that when we speak with the Bill Clerk later. Are there any other queries about clause 2, which is on additional hours? Alex, did you have a query about that?

**Mr Easton:** Will the additional hours for pubs be for Easter Day as well?

**Mr Quinn:** Yes. Easter Sunday would be the same as any other day. The extra hour would, of course, be on Easter Monday.

**Mr Easton:** Right; OK. That answers my question. Thank you.

**The Chairperson (Ms P Bradley):** That runs over from Easter Sunday until 1.00 on Easter Monday. OK.

**Ms Armstrong:** We heard concerns in witness sessions about the extra hours. Has the Department considered the night-time levy that was talked about for pubs, hotels and possibly now clubs that are extending their hours that late and the additional costs that could be felt by police, hospitals and other places? Has there been any consideration of the late-night levy that is in place elsewhere?

**Mr Quinn:** Kellie, I am not sure that this is the right time to consider additional levies on the hospitality industry, given the year that it has had. The police have already indicated that there would be no additional expense or cost for them, provided that the late nights are at weekends. Built in to the order is the option for the Minister to reduce the number of late nights or to restrict them if we find that they are causing difficulties for the health service, police or local communities. No; there has been no

serious consideration of a levy. I suspect that it would not go down very well given the economic conditions that we are in, with an industry that is suffering so badly and about to try to come out of probably the worst period that it has ever had.

**Ms Armstrong:** To be honest, we have to set legislation that will last longer than the current period. That is why I am thinking ahead. Is there an option for a night-time levy to be implemented through future regulations if we find that that provision impacts on our hospitals? People will really have two extra hours' drinking time. We have heard witness statements saying that there are concerns about that. The police may not have any concerns about cost at this stage, but others stated that there will be costs. Is there the option to put that levy in without having to amend primary legislation? Is there something that can be done in regulations in the future if we, as Northern Ireland, find that there is an expense?

**Mr Quinn:** We would have to take a power in the Bill through primary legislation, Kellie. The regulations that would follow would set the scale of the levy, where and when it may apply, who would have to pay it and what would happen to the funds that are raised. There would probably need to be a discussion with Treasury as well. Something of that nature being raised may end up being taken back to Whitehall, although it may be possible to do it through the rate or something. It has not been looked at in depth, but we would need an amendment to the Bill to give the Department a power to impose a levy, and the regulations, which would follow, would set out all the detail.

**Ms Armstrong:** OK. From our witness statements, there did not seem to be any indication that Treasury had an issue with it in council areas across England, but, as you said, we have not gone into that. I do not know whether there will be an opportunity to amend the Bill. It would need to be done now, otherwise there would be a ministerial amendment later. Is that right?

**Mr Quinn:** Yes.

**The Chairperson (Ms P Bradley):** Do any other members want to comment on clause 2? Speak now or forever hold your peace.

We will move on to clause 4, which is on police authorisations for additional hours. Carol, will you give an overview of that clause?

**Ms Reid:** We often refer to small pubs, but what we actually mean is pubs that are not structurally adapted to be able to provide food and/or entertainment. Therefore, they do not qualify for an article 44. So, they can apply to the police for their 1.00 am opening. That is sitting at 20 occasions in the year, and the Bill will increase it to 85.

As I mentioned, clause 4 will also allow pubs that have an article 44 to apply up to 20 times a year to the police for a 1.00 am opening. Those pubs will still need to provide food and/or entertainment when they use those 20 occasions. The clause also includes a provision that the 20 and the 85 occasions can be amended by regulations in the future.

**The Chairperson (Ms P Bradley):** Thanks, Carol. I will just highlight some of the issues that we heard about. Some were similar to the public health arguments that were put forward about any additional hours for alcohol sales and consumption. There was support from the industry for additional hours for small pubs, though the 85 was questioned by a number of submissions about why it was not 104, which is the same as for the larger premises. The PSNI queried the demand for the increase from 20 to 85 nights on the basis that the article 44 authorisations for additional permitted hours have not been widely used in the last number of years. Drumbo Park Ltd requested a specific amendment that would include places of public entertainment and outdoor stadiums in the category of premises that can apply for additional hours to 1.00 am, with the maximum number of authorisations being 104. You will find the details of that at document 7 in your packs. Liam or Carol, do you want to make any comment on those four points?

**Ms Reid:** The Minister listened to the evidence on the request for the increase to 85 nights and will consider any amendment that the Committee might decide on what a suitable number above 85 would be.

Drumbo Park and other places of public entertainment are very specific premises. They are a theatre, a ballroom or a racetrack. There is a question about the need for there to be a 1.00 am opening for those. That has not been consulted on, so more research needs to be done on that.

Outdoor stadiums were also raised. They can apply for an article 47, which would allow them to run a function until 1.00 am. They were given the article 47 over and above the article 44. The article 44s have to be habitual; they have to be for something every single week, so I do not think that it is suitable for those types of premises to have one.

**The Chairperson (Ms P Bradley):** Can an article 47 be applied for as many times as they like?

**Ms Reid:** I do not believe that there is a limit. Liam, do you know, off the top of your head?

**Mr Quinn:** I am not aware of a limit, Carol.

**The Chairperson (Ms P Bradley):** Can the likes of Drumbo Park apply for an article 47?

**Ms Reid:** Not at the minute.

**The Chairperson (Ms P Bradley):** OK. Where does that leave them if they do not fall under clause 4 and cannot apply for an article 47 either?

**Ms Reid:** Again, it will come down to the type of premises. Drumbo Park is a licensed racetrack, so it fits in as a place of public entertainment.

**Mr Quinn:** One of the basic principles of the licensing order is that two types of premises, off-sales and pubs, are permitted to sell drink. Other premises are permitted to sell alcohol ancillary to other events or activities taking place on the premises. A racetrack is permitted to sell drink alongside a race meeting taking place, and a theatre is permitted to sell drink while an artistic performance is taking place. It does not make a lot of sense for 1.00 am to be associated with a racetrack, because you will not be having racing at that time of night.

**The Chairperson (Ms P Bradley):** OK. That is fair enough. That is a good point, Liam. Do members have any further questions or wish to explore anything further?

**Mr Newton:** On the increase from 20 nights to 85 nights, the PSNI, in its evidence, indicated that few have ever availed themselves of the 20 nights. The PSNI questioned whether there was a demand for it. The PSNI also indicated that there would be a resourcing impact if all those nights were taken up. Where did the proposal for that number, 85, come from?

**Mr Quinn:** The 85 number came forward to bring generally small bars into line with the number of late nights that registered clubs can avail themselves of.

**Mr Newton:** OK. It was to bring them into line.

**The Chairperson (Ms P Bradley):** Another argument is that not all small bars will use the extra nights. Not all large bars will use them either. They are there and can be used, but bars are under no obligation to use them.

**Ms Armstrong:** If we were to amend the clubs' allowance to 104 nights, the 85 should really be aligned with that.

**Mr Quinn:** Yes. I think that the Minister would consider that option should the Committee be minded to put forward a proposal of that nature.

**Ms Armstrong:** OK. Thank you.

**The Chairperson (Ms P Bradley):** OK, Liam. Thank you. Do any other members want to comment on clause 4, or are members happy that they have heard enough on it from the Department?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** OK. We will move on to clauses 5 and 24. Carol, will you give an overview of both clauses, which relate to the extension of drinking-up time?

**Ms Reid:** Certainly. Clause 5 is for licensed premises and clause 24 is for registered clubs. The clauses extend the current drinking-up time from 30 minutes to an hour. There is an exception in the current law. The law states that it is illegal to consume or allow consumption outside of permitted hours. The 30 minutes that is there currently is an exception to that that allows you to finish consumption. The clauses extend that time for an extra 30 minutes. The clauses also include a power to revert to 30 minutes in the future should there be any issues. The issues might not show straightaway as the change takes a little time to settle in. That power can be made by regulations, so any change back could be made relatively quickly.

**The Chairperson (Ms P Bradley):** Thanks, Carol. I remind members that there was considerable support for this measure from the hospitality sector for a range of reasons, such as to discourage binge drinking, to relieve pressure on transport and to help reduce antisocial behaviour. Public health-related submissions, however, generally stated that it may simply lead to more drinking time overall and thus have related health impacts, as individuals purchase larger quantities of alcohol at last orders, stay in the premises longer and become more intoxicated. The PSNI highlighted the point that the majority of patrons will likely remain on the premises until the end of drinking-up time, which will likely lead to increased alcohol consumption, with the potential for increased antisocial behaviour. A number of submissions supported a review of the extension to being built into the legislation.

I will start by asking about that, Liam. We heard, especially from those on the public health side, that a review should definitely be built into the clauses, perhaps after a year. We may then find out after that year that the extension has led to transport issues, police issues, more hospital admissions or whatever they might be. What does the Minister think about building a review into the legislation?

**Mr Quinn:** It is possible that the extra 30 minutes of drinking-up time will have an adverse impact. The Minister has heard the evidence from the health lobby, health practitioners and the police. There most certainly will be a review. Whether a review should be in the Bill is an issue. The Minister would prefer to have the flexibility to allow us to do the review and come back to the Assembly with a report at an appropriate time. If we were to build into the Bill that we have to have a review after, say, 12 months and the pandemic were to continue, with another lockdown early in the new year, an inflexible date like that would just not work. It might therefore be best for the Minister to give a commitment in the House to report back to the Assembly saying, "We have looked at this. Here are our proposals" or for her to give a time frame for a full formal review taking place.

**The Chairperson (Ms P Bradley):** That is understandable, but, from the evidence sessions that we have had, we know that many on the public health side feel that it is imperative that a review be built into the legislation. Do any members wish to comment?

**Ms Armstrong:** This will sound a bit out of left field, but it is relevant. Can I get clarification about to what the extension of drinking-up time applies? When dealing with later clauses, we will be talking about underage people attending functions and so on. Will more drinking-up time apply to hotels, pubs or wherever else that are holding an underage function at which alcohol is not available, or does it apply just where alcohol is sold?

**Mr Quinn:** The extension of drinking-up time applies only where alcoholic drinks are being sold.

**Ms Armstrong:** Say that alcohol is being sold in a hotel but a school formal or something is being held in a function room or a separate part of that hotel. Will the extra drinking-up time not apply there but will to the rest of the hotel?

**Mr Quinn:** Yes.

**Ms Armstrong:** OK.

**The Chairperson (Ms P Bradley):** Do members have any more comments that they want to make on that issue?

**Mr Durkan:** Briefly, Chair. I declare an interest as well. If we accept the clauses to extend drinking-up time, will that be optional for licensed premises? Will it be the case that they can extend drinking-up



time to an hour, or will it mean that premises have to and that, once they have ordered a pint or whatever at last orders, customers have a right to stay and cannot be shifted for an hour?

**Mr Quinn:** No. It would not be a right. The licence holder is in control of the licensed premises at all times. If a particular bar were going to permit a maximum of 30 minutes' drinking-up time, it would be good practice to tell customers at the time that they are buying their drink at last orders, "You have only half an hour". It could cause some unpleasantness if, after half an hour, somebody were told, "Right, out you go". The reply would be, "Hang on a minute. I thought that I had an hour". It is not compulsory by any means. Of course, applying for late opening is not compulsory either. Some bars will apply and some will not.

**Mr Durkan:** OK. Thank you.

**The Chairperson (Ms P Bradley):** OK. Do members have any further questions that they want to ask the Department on the extension of drinking-up time? Are we happy to move on?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** We will move on to clause 7, which relates to Sunday sales at licensed racetracks. Carol, will you give an overview of this clause, please?

**Ms Reid:** Yes. The clause is pretty self-explanatory. It will allow licensed racetracks to serve drink on a Sunday. Currently, they are not allowed to do that. The place of public entertainment category of premises, which racetracks fall under, currently allows other premises to open between 12.30 pm and 10.00 pm, but the sale of alcohol is permitted only from 30 minutes prior to the entertainment starting until 30 minutes after.

**The Chairperson (Ms P Bradley):** Thanks, Carol. Members will know that we received limited evidence on the clause. Drumbo Park welcomed the plans. Hospitality Ulster stated that legislation for racecourses under places of public entertainment should be amended to include the sale of alcohol on Sunday, with a provision that alcohol can be sold only as part of a main meal, which is similar to the provision for licensed restaurants. Do members have any comments or are they happy enough with the clause?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** Members, the second set of clauses that we will consider are those that relate to regulation: clauses 3, 9, 14, 15, 18, 19, 20 and 21. The summary of the evidence that we have received on the clauses can be found in your meeting pack. Clause 3 deals with the alignment of closing time for liquor and entertainment. Carol, will you give us an overview of clause 3?

**Ms Reid:** Yes. Clause 3 ensures that entertainment has to stop at the end of the drinking-up time. If an entertainment licence is granted beyond that time, the additional hours after 11.00 pm are invalidated and the sale of drink has to stop at 11.00 pm.

**The Chairperson (Ms P Bradley):** OK. Thanks, Carol. Members, you will recall from evidence sessions that there were mixed responses to the proposal. It has been welcomed by a range of stakeholders as being a more logical approach than the current situation and as one that would make it easier for the PSNI to enforce liquor licensing laws. Some in the sector, however, such as Hospitality Ulster and the British Beer and Pub Association, will support it only if other extensions to permitted hours and drinking-up time are granted. Other submissions expressed disquiet with the proposal, for reasons including that it does not permit any flexibility for licensees who wish, with good intentions, to provide entertainment beyond the hours of their alcohol licence and that it has potential to fetter the discretion and powers of local councils and prevent them from acting to suit local circumstances. Liam or Carol, do you have any comment on that, especially the bit about local councils being prevented from acting?

**Mr Quinn:** Local councils can still issue an entertainment licence until 5.00 am or 6.00 am, if they so wish. As Carol explained, it is just that the liquor licence will cease to have effect from 11.00 pm. They can have entertainment but without drink. The reason for the proposed amendment is that some premises were abusing the entertainment licence and continuing to operate as pubs, which gave them an unfair advantage over law-abiding premises that were closing at the correct time.

**The Chairperson (Ms P Bradley):** I understand that. Do any members want clarification on anything to do with clause 3?

**Ms Armstrong:** Entertainers have raised a number of concerns with me, as you can imagine. Some of them will want to continue longer. So that we are absolutely clear on this, is it the case that, if the entertainment licence goes on longer than the liquor licence, the liquor stops at 11.00 pm, and it is not a case of the extension until 1.00 am, or 2.00 am with the drinking-up time, being added to that? If you want to go on longer than the liquor licence takes you to, do the existing rules mean that you must stop serving alcohol at 11.00 pm but the entertainment can continue?

**Mr Quinn:** Yes. That is correct.

**Ms Armstrong:** A lot of entertainers are sort of saying, "What would be the point?" and that they would lose business. As you mentioned earlier, hospitality has had a hard time. The Committee has heard that entertainers and artists have definitely had a hard time. I just do not understand why liquor licensing would stop at 11.00 pm if entertainment were going on until, for instance, 4.00 am or 5.00 am. Why was 11.00 pm chosen and not 1.00 am?

**Mr Quinn:** That would invalidate article 44 of the Licensing Order 1996.

**Ms Armstrong:** OK.

**Mr Quinn:** Article 44 gives you your extension from 11.00 pm until 1.00 am. That is why it has been done. It would invalidate that. If the rest of the amendments are passed by the Assembly and made law, entertainers will have a much greater opportunity to provide entertainment than they currently have, or, rather, than they had before the pandemic.

**The Chairperson (Ms P Bradley):** That is why Hospitality Ulster said that it would support the clause if the other extensions were passed.

**Mr Quinn:** That is correct, Chair.

**Ms Armstrong:** People are feeling panicked at the minute. They see that liquor licensing and entertainment are being aligned and have not realised that they can apply for their extension under article 44. There are ways in which to have entertainment and liquor sold at the same time later at night, or earlier in the morning, whichever way you want to put it. If a club, for instance, wants to keep going until 5.00 am or 6.00 am, it can certainly have entertainment until that time but the liquor side of it stops at 11.00 pm.

**Mr Quinn:** Yes. That is correct.

**Ms Reid:** I do not think that there are a large number of premises that want to stay open until 4.00 am or 5.00 am any more. We heard at the beginning of all of this that 3.00 am would be standard for nightclub-type premises. If the other clauses were therefore forthcoming, that would all fit in OK.

**Ms Armstrong:** Does the entertainment stop when the bar closes or at the end of drinking-up time?

**Ms Reid:** At the end of drinking-up time.

**Ms Armstrong:** It therefore takes them right through until 3.00 am if they have applied for that extension.

**The Chairperson (Ms P Bradley):** This may have nothing to do with it, but I remember that, when I was 19 or 20, there was a nightclub in Belfast called Shadows that opened at midnight, but you brought your own alcohol. Does that type of thing still happen? You brought your own alcohol, and the bar served you soft drinks, mixers and the like. It was open until 6.00 am: from Saturday night into Sunday morning. I remember it well. Do place like that still exist, Liam or Carol? Have you heard anything about that?

**Ms Reid:** I do not believe so. It is a long time since I have been out and about at those sorts of venues as well [*Laughter.*]

**Mr Quinn:** I am not aware of anywhere of that nature now. The venue that you are talking about was simply trying to get around the opening hours. You will probably find that, at that time, bars were closing at 11.00 pm.

**The Chairperson (Ms P Bradley):** Yes. I was just asking.

Another thing that I want to bring up is the disparity in the definition of "entertainment" in the entertainment licence and in the Licensing Order. Various witnesses want to see it modernised to include the like of showing on TV screens a World Cup that is being played in a different time zone.

**Mr Quinn:** The definition of "entertainment" is that whoever is providing the entertainment, and that is drawn quite widely, has to be present in the premises. There was some discussion in which people felt that a DJ did not qualify as entertainment, but that is incorrect. DJs do count as entertainment, provided that they are present in the premises. What would not count as entertainment for the purposes of a late licence would be somebody simply putting on one of the music television channels and allowing patrons to dance to or enjoy that music.

On your point about a late football match in another time zone, it is not just about providing entertainment. If the venue provides food, it qualifies for an article 44 licence anyway. A venue could provide food to people who want to watch a match in another time zone.

**The Chairperson (Ms P Bradley):** OK. Can that be bar food?

**Mr Quinn:** Yes.

**The Chairperson (Ms P Bradley):** All right.

**Ms Armstrong:** May I just double-check that? I am thinking of something like Live Aid. I am that ancient that I watched it live. Would something like that not qualify as entertainment unless food were being served?

**Mr Quinn:** That is right. The entertainers have to be present in the venue. This applies only from 11.00 pm on. I remember Live Aid well, Kellie. It took place from lunchtime right through. Patrons could sit in a bar and watch something like that throughout the afternoon and into the evening. It would be after 11.00 pm when, in order to qualify for a late licence, entertainment or food would have to be provided.

**Ms Armstrong:** OK.

**The Chairperson (Ms P Bradley):** It is interesting. American football has become extremely popular here, and it is shown during the night. Those issues came up but, if bar food is being sold, such entertainment can go ahead. I am all right with that.

Do members have any other comments or questions for the Department on clause 3? Can we bring Mark into the spotlight? He has dropped out. Mark, you are back again.

**Mr Durkan:** I thought that you put me out, Chair, because my bloody phone keeps ringing. You covered my question there. It was on sporting events and, as Kellie said, concerts that are televised. There could be a bit of crossover here with the clauses on major events. If Ireland are playing in the Rugby World Cup or the soccer World Cup or Northern Ireland are playing in the soccer World Cup, and there is a 9.00 am kick-off or whatever, could that be classified as a major event in any way, shape or form?

**Mr Quinn:** Chair, are we not going to discuss those clauses later?

**Mr Durkan:** Sorry about that, but there is a bit of crossover.

**The Chairperson (Ms P Bradley):** We are not at those clauses yet, but there is a bit of crossover.

**Mr Quinn:** I will explain the background to the major events clauses. They are about supporting and encouraging tourism and bringing visitors to Northern Ireland to improve our tourism offer. They came

about after a number of major events came to Northern Ireland, or had planned to come to Northern Ireland, and faced difficulties with our licensing regime. The MTV Europe Music Awards wanted to have an aftershow party and had great difficulty with that, because the event was held on a Sunday, and the bars have to close at midnight on a Sunday. We also had the Open Championship at Royal Portrush in 2019, and it encountered difficulty as well. It was quite late in the day when the organisers realised that the licensing laws here are very different from those in GB, where they had been holding the Open Championship every year for many years. Those clauses are about tourism. They are not about people drinking in bars until late at night because there is a boxing match in Las Vegas or a rugby match in New Zealand. They are not about that at all.

**Mr Durkan:** The major event therefore has to be happening here.

**Mr Quinn:** Yes. The clauses are very clear on that. Members may want to table amendments or introduce a new clause, but those clauses are very much a response to lobbying from the tourism industry about making Northern Ireland more attractive to the organisers of large, international, prestigious events that can showcase Northern Ireland as a venue.

**Mr Durkan:** OK. Thanks. I did not mean to jump on to different clauses, but I was wondering whether something that could not be classified as entertainment per se could be classified in another way. Thank you.

**The Chairperson (Ms P Bradley):** Mark, if Northern Ireland or, indeed, the Republic of Ireland were to make it to the football World Cup, that would be very much a major event for the entire island of Ireland, so what you asked is fair enough.

Members, are we happy enough with clause 3?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** I have lost my place. Can somebody tell me where we are at? Are we on to clause 4 now?

**Ms Armstrong:** We are on to clause 9.

**The Chairperson (Ms P Bradley):** Yes, clause 9. Thank you very much for that. I got a bit lost there. I am surprised that it took me so long to get a bit lost.

We will move on to clause 9, which is titled "Requirement for off-licence". Carol, can you give us a brief overview of the clause?

**Ms Reid:** Certainly. Clause 9 covers where a sale is made remotely, so over the telephone or, more likely at the minute, online. The premises from which the drink is dispatched has to be a licensed premises. The clause also requires a delivery driver who is not acting on behalf of a licensed premises — for example, if a taxi driver were sent to collect drink for somebody — to make that delivery without unreasonable delay, and the delivery driver has to carry the receipt associated with the sale.

**The Chairperson (Ms P Bradley):** OK. Thanks, Carol. Members, I remind you that, in general, our evidence supported this strengthening of the law on the delivery of alcohol, particularly that it should ensure that the dial-a-drink-type service, which runs without proper enforcement or monitoring, will be able to be policed properly in the future. Concerns were raised, however, about increased availability through delivery and about the practicality of the clause, for a number of reasons. Those are due to the increased number of intermediary companies now offering delivery services; how to ensure that delivery drivers are over 18; the practicality of the clause beyond licensee deliveries; and age verification at delivery addresses. That was discussed at our young people event on Tuesday. Liam and Carol, do you want to comment on any of the issues that the Committee highlighted?

There is the issue that various things are delivered by Royal Mail to anyone. They are just left at your house, whether from a craft gin club, beer club, Virgin Wines, Laithwaite's Wine or whatever it is. They are just delivered, so the clause is not covering all those issues.

The PSNI highlighted gaps in licensing legislation that came to its attention during the pandemic relating to roadside van sales of open pints and drinks and off-selling of open alcohol — pints and cocktails — from off-sales. Where does that fall under the clause?

**Mr Quinn:** The issue that we are trying to address is the illegal sales that you talked about where individuals bulk purchase alcoholic drinks from a supermarket and deliver them through the night by taxi or from their car. If you go on to certain social media, it does not take long to find those illegal operators.

The clause will bring that into line. They will have to have the receipt from the off-licence where they bought the drink. If stopped by the police, they will have to produce that and convince the constable that they delivered that drink on behalf of a customer without undue delay.

The issue of roadside pints is a new one. There was some case law on that about deliveries. The police have concerns, and it emerged during the pandemic that people were buying pints to stand on the street or pavement to drink. That caused issues around disorder or potential disorder. Current COVID restrictions prevent the sale of open pints. Drink can be sold to take away only if it is in the manufacturer's container, which, essentially, means in a bottle or can. There is nothing in the Bill that discusses that. It is, obviously, something that came up since the Bill was agreed by the Executive last July. If members were minded to put down an amendment, it is certainly something that the Minister would consider.

**The Chairperson (Ms P Bradley):** We saw, especially last summer, pints with plastic lids being transported around parts of the country.

I imagine that most delivery drivers who work for supermarkets or taxi companies are over the age of 18. I do not imagine that many are under that age. The point was brought up at our young people event that, if someone had their licence and was a delivery person aged 17, that would put them at a disadvantage in getting a job.

**Mr Quinn:** That issue came up as well in relation to delivery of alcohol to supermarkets as part of their bulk delivery. The Licensing Order is about the retail sale of alcoholic drinks. For anyone who is working and has an exemption, if they are receiving the drink on behalf of the company, it is not a retail sale; it is a delivery.

**The Chairperson (Ms P Bradley):** That clears that up.

**Ms Armstrong:** There is a crossover here with departmental structures and passenger-carrying vehicles legislation. As the Chair said, anybody who is a taxi driver or bus driver, because it is a public service vehicle, will not be under the age of 18, because you cannot get a licence for that if you are under 18; it is tied in with insurance.

Why have a fine of £1,000? Why not more? Why is there no link to disqualification or points on, for instance, a taxi driver's licence or even a haulier's licence, under the C category licences for those who drive lorries and vans, so that they could face professional disqualification if they were caught acting illegally?

**Mr Quinn:** Those are good points, Kellie. The simple answer is that we always take advice from the Department of Justice on the scale of any fines or punishments that are included in any of our legislation for conviction of an offence. Therefore, we are guided very much by the Department of Justice. The issue of points and revocation of a driving licence is, again, a matter for the Department for Infrastructure. However, if the Committee was minded to impose some sort of penalty like that, we would certainly discuss it with that Department. Traditionally, offences against the Licensing Order have been dealt with by way of a fine, prison sentence or, if you are a licence holder, points on your liquor licence.

**Ms Armstrong:** I previously worked with transport in DFI. There was talk of penalties against transport operators. Say, you have a "one-man band" or "one-woman band" taxi, that is one thing, but, where you have an operator with two or more vehicles, the actual operator could end up losing their operator's licence if they had enough points gathered up against them. That would certainly deter more people from getting involved in that.

You mentioned, and I absolutely agree, that, if people are buying from off-sales, the alcohol would need to be in a container. Look at the bars that, to be honest, were quite innovative over the summer and during lockdown, when they were selling pints from their bars. What would prevent them from getting branded glasses or plastic containers? Would that meet the requirements? We need to be careful, because people are as innovative as they can possibly be if there is a way in which to make money. Pub x, y or z could have pub x, y or z-branded plastic containers with plastic lids on them. Would that come within the scope?

**Mr Quinn:** Kellie, just to be clear: the restriction on the sale of take-away drink is a COVID regulation, which is time-limited and subject to review every four weeks or so. What it says is that alcohol must be in the manufacturer's packaging, which means that it has arrived on the licensed premises in a sealed package. Therefore, having a branded glass, for example, filling it with a particular beer and putting a lid on it would not meet that requirement. However, that is not a requirement in the Bill; it is a health regulation to restrict the sale of alcohol during the pandemic, and it will expire when the health regulations are allowed to expire.

**Ms Armstrong:** Should we consider moving it across to the Bill?

**Mr Quinn:** It is possible. However, the reason for the rules now is that there is a pandemic and we do not want people to gather outside. If someone delivered, say, four pints of draft beer to somebody's house because they were having a few friends round, what harm would that cause? They could go to an off-sales and buy as much wine or beer as they wished. The reason for the restriction currently is to do with social distancing and preventing people from gathering outside bars. Hopefully, that will expire as the pandemic recedes.

**Ms Armstrong:** We presume that it would be taxi drivers, but we have also had the growth of bicycle deliveries in urban areas. I take it that the delivery part of the draft legislation extends to all types of deliveries.

**Mr Quinn:** Yes. It is not just taxi men; it is anybody who may not hold a taxi licence at all but fills their garage or front room full of cheap drink and then decides that they will operate, via Facebook, selling drink throughout the night.

**Ms Armstrong:** OK. Thank you.

**The Chairperson (Ms P Bradley):** Thanks, Kellie. You brought up some good points there, especially around fines. I would say that, as constituency MLAs, we would all know exactly who to phone at 2.00 am if we felt that we wanted to purchase whatever, and we would know exactly who would deliver it as well. Those were good points when it comes to that.

Members, I suggest that, at this moment, we take a short, five-minute comfort break for everyone. When we come back, we will look at clause 14. Do members agree?

*Members indicated assent.*

*The evidence session was suspended from 10.40 am to 10.51 am.*

**The Chairperson (Ms P Bradley):** We will move on to clause 14, which deals with restaurants and guest houses and the notice displaying licence conditions. Carol, will you give us a brief overview of that?

**Ms Reid:** Chair, can I go back to clause 9?

**The Chairperson (Ms P Bradley):** Yes.

**Ms Reid:** Sorry, I had my hand up. I do not know whether anybody can see me.

**The Chairperson (Ms P Bradley):** Sorry. Go ahead.

**Ms Reid:** I want to provide clarity on the point about delivery drivers being over the age of 18. The way in which the current Licensing Order deals with employees who are under 18 is slightly different

for deliveries coming in and going out. As Liam rightly said, deliveries that come in are classed as wholesale deliveries, so an under-18 can take collection of those. When an under-18 is employed in, say, a supermarket, the licence holder is responsible for supervising that under-18 at all times when they are in a licensed area. That could be the display area or when they are at a till. When you get to the deliveries — I believe that this is where the policy came from originally — under-18s would not have that level of supervision, so it is illegal, under the current licensing law, for a young person to be sent to obtain drink that is sold for consumption off the premises. If a licence holder or someone else allowed that to happen, they would be responsible for that, and it is an offence under the current law.

**The Chairperson (Ms P Bradley):** Thank you for that clarification, Carol. That will alleviate some of the fears of some of the smaller businesses that maybe would have had staff who were under 18 and were taking deliveries. That allays those fears and puts that to bed.

**Ms Reid:** You tend to notice it even if you are doing an online order. During times when you are legally allowed to purchase and receive alcohol, some supermarkets will block out alcohol deliveries at random times, say between 2.00 pm and 4.00 pm on a Saturday. That relates to the fact that their delivery driver might be just short of the age of 18.

**The Chairperson (Ms P Bradley):** OK. That is good to know. Thanks for that, Carol.

Are you happy to move on to clause 14 and to give us the overview?

**Ms Reid:** Yes, certainly. Clause 14 deals with restaurants and guest houses. It requires a licence holder or a restaurant to display, somewhere prominent, a notice that states how alcohol can be sold. The information would be prescribed by regulations, but, in general, the requirement in a restaurant or, indeed, a restaurant in a guest house is that drink can be sold only when it is ancillary to the main table meal. It has to be paid for at the same time and has to be on the same bill as the food. You should not be able to go in, sit and have a drink and then get up and leave again. The restaurant is the main business that is being carried on there.

**The Chairperson (Ms P Bradley):** Thanks for that. As you know, the main comments that we received about that clause were from the industry and were all on a similar thread: the requirement is unlikely to make any difference. The vast majority of restaurants and guest houses are responsible, but I am sure that — again, as constituency MLAs — all of us could name a restaurant in our area that operates as a bar. I do not know how we could stop that happening. I know of one in my area with which the council and police have been involved. It has been going on for years. It still flouts the rules and operates as a bar despite paying for only a restaurant licence.

Do members have any other comments that they want to make on that? No. There is no reason why it should not go ahead, but we do not see it making too much of a difference.

There is a wee bit of background noise, folks. If you are shuffling papers or moving about, put yourself on silent, please.

Are members happy enough that we move on?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** We move on to clauses 15 and 30, which concern the prohibition on self-service and sales by vending machines. Carol, will you talk us through clauses 15 and 30, please?

**Ms Reid:** Clause 15 is for licensed premises, and clause 30 refers to registered clubs. Each of those clauses prohibits any drink from being sold without direct supervision. It could be things such as pour-your-own-pint tables or vending machines, which are specifically mentioned. There is a power that would allow those sales by vending machines anywhere that has accommodation, such as a pub with accommodation, a hotel or a guest house. In the future, should there be a benefit or need for those, regulations could allow that.

**The Chairperson (Ms P Bradley):** That is good to know. The vast majority of people whom we had in absolutely agreed with the clause and said that that should be done away with. However, others, such as, I think, the Northern Ireland Local Government Association (NILGA), said that they did not want to

throw out any new innovation that might come in to place. Would what you spoke about allow a new innovation to come in to place?

Other issues were raised about click-and-collect storage, where you put your order in and then pick it up. Will that be harmed in any way? Those were the only things that were brought up with us around that. Do you have any comments on those?

**Ms Reid:** On click-and-collect storage, the sale has already taken place, so that would not be captured there. On the point about the issues being rare, they may be rare, but the implications of them are, potentially, very dangerous when levels of consumption are not supervised. There is an opportunity for underage access in that regard as well. I know that comments were made about, "Well, you could have a table in a pub, where the licensee has to come over and turn a key and limit the amount". It is perfectly legal for somebody who is aged 16 to go into a bar with an 18-year-old. The 18-year-old could accept, and the bar manager could turn the key and give out the amount of alcohol, but, if the bar gets very busy, you might not see that the 16-year-old is consuming. We need to be very careful because of the potential for harm.

On the point about not stifling innovation, there was mention of a driver's licence and blowing into a breathalyser. If there is nobody there to supervise that, there are ways around it. It is open to abuse. Who is to know whether the person who blows into the breathalyser actually goes in the car? The person who blows into the breathalyser might be perfectly sober, but they could be under 18 and the person beside them could be intoxicated. Supervision is key to that clause.

**The Chairperson (Ms P Bradley):** I stayed in a guest house a few years ago, and it had an honesty box in the hallway, and you just put your money in. Everyone knows what an honesty box is, but that one was for alcohol. How does that fall under these clauses?

**Ms Reid:** That is a good question.

**The Chairperson (Ms P Bradley):** I did not think of that during the evidence sessions. It came into my head when you mentioned guest houses and hotels. It did that, it was well run, and everybody was very honest. Instead of having a bar or vending machine, a small guest house may have just an honesty box. That might be something that we need to look at.

On clauses 15 and 30, do members have any questions or comments or points to expand on?

**Ms Armstrong:** Is there any difficulty with click and collect? At the moment, click and collect in Northern Ireland tends to be that a human being hands stuff over. If there was a system where you went to a locker and collected groceries that happened to include drink or whatever it might be, would these clauses prevent that?

**Ms Reid:** No. The terminology in the clause, I believe, is that the customer physically uses a dispenser of alcohol, so they dispense the alcohol themselves. The sale has already taken place with click and collect. Click-and-collect storage boxes are similar to self-service points in a supermarket where you have to type in your age and there is an age-verification process. Click and collect would not be captured under those clauses.

**The Chairperson (Ms P Bradley):** The public health sector believes that self-service checkouts should be included. I use self-service checkouts, and a member of staff has to verify the buyer's age. Do you see that as being perfectly fine to continue?

**Ms Reid:** Yes. I do not believe that any issues were raised about that. Supermarkets have a responsibility under their licence to ensure that they check for age. The issue of underage sales through self-service tills has not been raised with the Department.

**The Chairperson (Ms P Bradley):** Does any member want to make any further comment on clauses 15 and 30, before we move on? No.

Clause 18 is "Occasional licences: conditions". Will you give us an overview of this clause, Carol?

**Ms Reid:** The clause will allow the police to go to court when an application for an occasional licence is being heard and to place conditions on it at the time of granting. Currently, conditions can be placed



only when issues arose with functions on a site where an occasional licence had been granted and only when the function caused undue inconvenience to local residents. The clause will also ensure that failure to comply with the conditions will be an offence.

**The Chairperson (Ms P Bradley):** Thanks, Carol. The clause, generally, had agreement, but issues were raised. One issue was that the clause had the potential to create a complicated method of granting an occasional permission. Concerns were raised that, if courts imposed strict conditions under the existing occasional licensing regime, that would prevent important events and festivals from taking place. However, it may, as Carol said, assist police at those events.

Other issues raised were the need for safeguards to allow an applicant to challenge any condition that they believed to be unjustified and the possibility of including provision for an organisation to apply for an occasional licence to hold a festival or event without the need for an existing premises licence holder. Also, they are not seen as fit for purpose by some of the local producers, who, because they currently use occasional licences to hold occasional taproom events, find themselves worse off. There is also variation, as we heard in one of our witness sessions, across Northern Ireland in granting these occasional licences for taprooms and similar events. Those issues were raised during our evidence sessions, Liam and Carol, so do you have any comments on any of those?

**Ms Reid:** The clause will not change the application process, which remains the same. Therefore, I am not too sure about the reference to the process being "complicated". The addition is that the police can ask for conditions to be placed at the outset. The idea of the strict conditions is to address certain issues. As part of the discussions with the police, the organisers of these events will promise to do A, B or C. When the time for the event comes, if A, B or C does not fit with their plans for that event, they might not honour those agreements. It could be down to security, it could be down to where you have drink and non-drink zones, or it could be about specified underage areas or family areas. Therefore, I do not think that there should be any concern about the strict conditions preventing events from taking place; they are just to make sure that the promises made at the very beginning, which allowed them to have the licence granted, are followed through. The safeguard for the applicant to challenge is included in the Bill. Clause 18(3) allows the licensee to go to the Magistrates' Court, and, if the Magistrates' Court believes that it is appropriate, those conditions could be varied, or even removed, on appeal.

On the ability of an organisation to apply, a prospective licence holder has to go through a court process and prove their fitness. A court looks at their character, reputation, financial standing, qualifications and experience. The licence holder for occasional licences is the one who is ultimately responsible for the sale of drink at those events. Therefore, if a licence holder continually applies for occasional licences and issues arise with the sale of alcohol at events organised by somebody else, the licence holder can be punished: they can get points in their licence, and they are the one found guilty of an offence. They may have points placed on their licence, which can ultimately result in suspension or, in the worst-case scenario, the revocation of that licence. Where you have an organisation that is not a licence holder, it would be a case of looking at what is the worst that can happen, and I do not see how that would fit with the current licensing regime. Maybe Liam has something to add to that.

**Mr Quinn:** The licensing magistrates and judges have vast experience in dealing with these issues. As Carol says, if there are any conditions that a licensed applicant disagrees with and believes are unreasonable, they can apply to the Magistrates' Court to have them varied. If that fails, there is also the option of a judicial review. Therefore, there are plenty of checks and balances within the system. This is generally about protecting young people. The issue that came to light in the past around festivals was where agreements were put in place so that young people who were underage would be separated in an area away from the drinks area. However, when it came to the practice on the day, that was not complied with, and young people were able to make their way into the licensed area. So, there will be consequences for the licence holder where the conditions are not complied with. I do not think that anybody should be terribly concerned about that, because it is a perfectly sensible approach.

**The Chairperson (Ms P Bradley):** I will expand on that. I might be totally wrong, but I know of an example in Glengormley, which has a Christmas market and festival, and local brewers were there to sell their wares. For that to go ahead, the Glen Inn, which is one of our local bars, had to apply for a licence. It was under the inn's licence that the festival took place in Glengormley Park, and that was because there was no other way for the council to be able to do that. Will that remain the same?

**Mr Quinn:** Yes, that would remain the same, Chair. For any event of that nature where an occasional licence is used, the licence holder will apply to the court for the occasional licence. They will comply with whatever conditions are imposed and be responsible should things go wrong.

**The Chairperson (Ms P Bradley):** OK. What was asked of us during the witness sessions was why an organisation could not apply for a licence. I understand what Carol said earlier, but, if it were the likes of a large council that was taking responsibility, as an organisation, it will have its own licensed premises. I just wanted to see whether there was a way round that. It has been problematic for various events for which local bars had to obtain an occasional licence. I have to say that local bars were more than happy to do it. It just seems a bit of a hurdle.

**Mr Quinn:** The hurdle is just that it has to be a licence holder. If a council holds an appropriate licence, it can be the applicant, but it must hold the appropriate licence.

**The Chairperson (Ms P Bradley):** OK. Fair enough. That is no bother, Liam.

**Ms Armstrong:** Magistrates' Courts close over the summer. How does that give people an option to appeal?

**Mr Quinn:** Magistrates' Courts generally will work. If a large event is taking place, the Recorder of Belfast will work with the applicants on matters of that nature.

**Ms Armstrong:** OK. I assume that, for something like the Christmas market in Belfast, Belfast City Council's licence would be used. The market is on its grounds, and individual bars are there as well. I take it that the bars use their own licences. Is that how that works?

**Mr Quinn:** Kellie, I do not have the detail of that. That would be a commercial decision by Belfast City Council. I understand that it marks out certain areas that are set aside for licensed premises and then asks for tenders from licence holders. The licence holders then apply for a licence — an occasional licence — to operate during the period of the Christmas market on that particular site. Belfast City Council could give you a full, detailed response on that.

**Ms Armstrong:** I am just trying to work out how that would work. At the minute, licence holders can apply for an occasional licence. It is not the case that they can just apply for a licence and let somebody else run with it, because, if anything were to go wrong, it could be quite difficult for their business. If you have an occasional licence for, say, The Open at Portrush — no, that is a major event. Sorry, I am trying to think of something that is comparable; which is why I am thinking about the Christmas market. If bars are serving alcohol, they would not be covered under their licences for the occasional licence. They would have to have a separate occasional licence within an occasional licence, if you know what I mean. I am just trying to work out how that would work.

**Mr Quinn:** I think that it would be whichever bar reaches an agreement with Belfast City Council. Let us focus on the Christmas market as an example. A licence holder would reach an agreement with Belfast City Council to run the bar on a particular site within the City Hall grounds. They would then apply to the Magistrates' Court for an occasional licence, which would permit them to sell alcoholic drinks in the same way as they do on their premises. They would be responsible for providing staff, making sure staff are trained, verification of the age of any patrons entering the venue, all the health and safety legislation within that venue and weights and measures — all those things. The licence holder would be responsible for all of that.

**Ms Armstrong:** OK. I just want to check something: if a bar is doing that type of activity, that is not part of its 104, is it? It is completely separate.

**Mr Quinn:** It would be completely separate. You cannot get a 104 for occasional licences. That is just for a bar or hotel on its normal premises to open until 2.00 am.

**Ms Armstrong:** OK. Some witnesses raised the issue of, for instance, local suppliers or brewers being dependent on others' occasional licences to hold taproom functions. It seems to be a bit hit-and-miss across Northern Ireland as to how often those licences are permitted. The easiest way for them to get an occasional licence would be if they already had their own licence.

**Mr Quinn:** Yes.

**Ms Armstrong:** OK. Thank you.

**The Chairperson (Ms P Bradley):** Thanks for that. I want to go back to the issue of licences for the likes of the Christmas markets in Belfast, Glengormley or Lisburn. Those are council-run on council property on council land, yet the councils cannot apply for a licence. They rely on the businesses involved to do that. I know that that happens at the Belfast one. The various bars around Belfast provide the licences for those events, so, if something were to happen, the council would not be liable. How does that work? It is the licence holder who is liable. You are very much reliant on an event being very well policed and well run. Those licence holders are taking a risk every time they say, "OK, you can use my licence". I know from the one in Glengormley that the licence holders were not the ones making money from it; rather, it was the various people selling their craft beers and different things who were making the money. It seems a bit strange that they are put in that position. That is all that I will say. It does not even need an answer. It is just a bit strange that big organisations are unable to apply because they do not hold a licence. I do not know whether the Belfast City Council or any of the other councils do. That is just a comment.

**Ms Armstrong:** That comes into play for concerts, and I know that issues were raised about that. If a significant concert is happening in Northern Ireland, unfortunately, some underage people may arrive at the event after preloading. Effectively, the Bill states that that type of activity would fall under the responsibility of the occasional licence holder, even though they did not sell the drink to those people, and that is by way of the fact that the security company allowed them into the site, the grounds or wherever the event is happening. Is that a part of the conditions? Could a licence holder lose their licence or receive a fine if, through no fault of their own, others allow behaviours to happen that are not in the conditions?

**Mr Quinn:** That would be a matter for the court. The licence holder could use as a legitimate defence all of the things that you mentioned: they had taken all proper steps; they had properly trained staff; they had doormen to prevent the entry of anybody who was intoxicated; and they had a duty of care over people who were intoxicated and dealt with them properly. That would be a matter for the court to determine. It is never cut and dried, "This is an offence, and you are convicted". You will have legal representation and state your case.

**Ms Armstrong:** OK. That is good. Thank you.

**The Chairperson (Ms P Bradley):** Do any other members want to comment on that before we move on to the next clauses? We are happy enough.

We will move on, then, to clauses 19 and 32, which deal with codes of practice. Carol, will you give an overview of those?

**Ms Reid:** Clause 19 applies to licensed premises, and clause 32 applies to registered clubs. Under each of those clauses, the Department will be able to approve a code of practice that relates to the display, sale or promotion of alcoholic drinks. The Department will be required to consult the PSNI before approving any code that is brought to it. When an applicant wants a licence granted or transferred, they need to prove to the court that they are aware of their responsibility under any code that applies to them. For renewal, the licence holder has to prove that they have complied with the responsibilities under the code.

**The Chairperson (Ms P Bradley):** OK. Thanks for that, Carol. Members, you will be very much aware that we heard a wide range of varying views on codes of practice from, "Let's not change what's already in place. It's perfectly good" to "The industry should have no involvement whatsoever when it comes to codes of practice". Do members have any questions that they want to raise with Carol or Liam on that?

**Ms Armstrong:** Yes. Where there has been a breach of the current code, how many licence holders have been fined, prosecuted or lost their licence?

**Mr Quinn:** The current code is voluntary. It has an independent chairman — Duncan McCausland, the former PSNI Assistant Chief Constable — and a panel made up of health professionals and others. However, it does not have any statutory weight, so there is no such thing as a fine being issued as a

result of a finding by the code. The code is voluntary but works with licensed premises and explains to them where their drinks promotions are inappropriate. That has proven to be successful and has modified behaviour. When somebody does not work with the code, they are, effectively, named and shamed, with press releases issued and discussions on well-known radio shows. That is how it has operated so far.

The background to that goes back 10 years, when there were a lot of drinks promotions that were considered to be irresponsible. The Minister at the time brought forward proposals to ban various types of drinks promotions on the statute book. However, when we were working with the licensed trade and the registered clubs, we realised that, if you were to put every possible drinks promotion that you considered to be inappropriate or a cause of problems for young people on the statute book, you would get involved in a game of cat and mouse in which you were changing regulations almost monthly to try to catch up with new developments in which somebody had come up with a new idea to circumvent the law. The code gives much greater flexibility, with the panel discussing with the Department any new types of promotions. It is based on the broad principles of not encouraging people to drink more than they set out to drink, not encouraging people to drink quickly and, certainly, not advertising drink in such a way that it appeals to young people. So, the code brings great flexibility, and the proposals in the Bill would put certain conditions in law. For example, under the Bill, if you apply to be a licence holder, you have to be aware of what responsible retailing looks like, aware of what irresponsible promotions are and give an undertaking that you will comply with the code. The reason for the consultation with the police is that they have access to intelligence on a lot of the bad practices and can bring those to the attention of those responsible for the code.

**Ms Armstrong:** I am raising the issue because we heard quite strong evidence from the Institute for Social Marketing and Health at the University of Stirling. It said that the voluntary code of practice should not be described as regulation, because it is not. In this legislation, the proposal is that the Department will approve a code. Does that not just create an old boys' network, as it used to be called, in that, if you are in the clique, you will be judged to be adhering to the code? What happens if you are a newcomer, have a different type of licence or have a different offering? I do not see how a code that covers a hotel would be the same for a supermarket, a taproom or a place where the offering requires occasional licences. The code seems to be quite specific to one particular area of alcohol consumption and alcohol sales, which contrasts with what it could be.

**Mr Quinn:** The current code, as I said earlier, is voluntary and has not been approved by the Department. The Department will take into account how a code takes account of the various ways in which alcohol is sold, consumed and promoted. The Department would not sign off on a code that was, as you described, an "old boys' network". You do not have to pay to be a member of a code; you simply decide that you sign up to the code's principles, meaning that you will not sell drink in a way that appeals to young people, you will not advertise or promote drinking games such as encouraging people to drink pints of beer quickly or to drink yards of ale, and you will not do any of those sorts of activities that have taken place in the past. I do not think that anybody has anything to fear from it. If they do not sign up to a code that has been designated by the Department, they will not get their licence renewed, so it is up to them to make themselves aware of their obligations under the code, which are really about responsible retailing, and there is nothing to fear from that.

**Ms Armstrong:** There is nothing to fear from it, but it depends who is on the board of the code. I have concerns. You talk about managing the code and managing people abiding by that code by outing them in the media and on radio shows. Really? What happens if several hotels decide that they have had it. They fall out with somebody who is managing the code, and then, lo and behold, allegations are made all over the media. It is a bit loose. If this legislation goes forward and the Department approves a code, will the Department be giving more weight to anecdotal evidence than to investigated evidence? I have concerns, and this was raised by some of our witnesses. The code, as it stands, is not bad, to be honest, but I have a concern. I have experienced this in other industries: the people who decide on the code think that they are important and that everybody listens to them; in fact, those people become bullies. I hope that that will never happen. We have a lot of regulations in this. The code needs to be on more than a voluntary footing. Has the Department given any consideration to moving it away from a voluntary footing and making it more prescribed, more defined or a duty?

**Mr Quinn:** The proposals in the Bill are on where the Department will approve a particular code. The Department has been looking at ensuring that the people on the code are representative of the businesses as a whole, that they have good standing in the community and that they have independence. In the current code, all the people around the table meet those requirements. Whether

that particular code is the one that is designated by the Department is another matter. Those responsible for the current code will have to put forward a proposal, along with anybody else that is interested in doing so, because it is not a given in the legislation that it will be the code that currently exists. Any changes to the code will have to be agreed with the Department, but the benefit is that it brings flexibility that establishing something in statute does not. New legislation is not required every time a new type of promotion emerges.

**Ms Armstrong:** I understand.

This is a technical point: the Department is to approve a code, so is the Department required to consult on the content of that code before giving its approval? You said that it will consult the police, and it is absolutely right that it do so, but I am thinking about the movement towards co-production and co-design. If it is a Department-approved code — whichever one is chosen in the future — will there be an appeal mechanism?

**Mr Quinn:** There is an appeal mechanism within the current process, and there is a thorough investigation. As I said, the code tries to work very closely with the licensed trade and explain to people where they are going wrong. It also helps to provide training for staff in the use of social media and so on, where a lot of the bad practice has emerged in the past. The Department will take a light touch and see how things emerge, but the Department will be responsible for consulting the police under statute. It would be good practice, as you say, Kellie, to consult more widely as well, and I imagine that, when the time comes, that will be done by way of a full public consultation. We might say, "Here is what we believe irresponsible drinks promotions look like. We are minded to appoint this group to manage it on behalf of the Department", and we will then take on board views from the public and other interested stakeholders.

**Ms Armstrong:** You say that the current provision of the code is independent, and I very much welcome that. However, if the Department is to approve the code, will the Department fund the code providers, or will they remain independent?

**Mr Quinn:** At the minute, they are independent, and there has been no discussion about any funding line. If you can get people to do public service of this nature on a voluntary basis, why would you put in place a funding mechanism?

**Ms Armstrong:** I am just worried. I was a part of one of those organisations. In the past, they were independent, but then, all of a sudden, they started to apply for money and became arm's-length bodies. That helps quite a bit. The Department should approve a code, but the representation has to be wider, depending on the outcome of the legislation. If there are any new licences or amendments that bring people into the licensed arena, it needs to expand a bit more.

**The Chairperson (Ms P Bradley):** Do any other members wish to comment on clauses 19 and 32 before we move on? No.

We will move on to clause 20: "Body corporate: change of directors". Carol, can I ask you to give us an overview?

**Ms Reid:** Clause 20 requires that any body corporate licence holder notifies the courts and police of any change of directorship within 28 days. Currently, there is no such requirement, and they can change directors, potentially, prior to the renewal of their licence and then change back. The police raised that issue.

**The Chairperson (Ms P Bradley):** I was going to bring that up. The police have to be informed because they had concerns about people with criminal convictions. That concern has now been alleviated.

**Ms Reid:** It brings it into line with what would happen if you were a single person licence holder, whereby, if a licence is being transferred, you have to go through a court process. For a body corporate, you can just change the directors and nobody is any the wiser.

**The Chairperson (Ms P Bradley):** Yes. I have had issues with quite irresponsible people — it has happened in my constituency — and it has ended up with the licence being moved around everybody.

It has ended up in court because of complaints from councils and residents. Does that help with the issue when a licence can be freely passed on to another director?

**Ms Reid:** The legislation would stop that. I do not know whether there is a limit on the number of directors in a body corporate, but, if there were any change of director at all, the police and the court have to be notified. That gives the police an opportunity to have that licence suspended if they have concerns about the appropriateness or fitness of one of the directors.

**The Chairperson (Ms P Bradley):** In the example with which I am familiar, it went from a husband to his wife due to the number of complaints. I think that it then went to a cousin, so they kept the licence in the family by swapping it around the place in order to beat the system.

The British Beer and Pub Association raised an issue. It felt that the level of fine proposed was disproportionate to the failure to notify. Carol or Liam, do you have any comment on that?

**Ms Reid:** We took advice on that, and the decision on the level of fine is in line with companies' legislation. It is the same level of fine that a company director would have if there were no notification of a change of directorship.

**The Chairperson (Ms P Bradley):** That is fair enough. Do any members want to comment on clause 20?

**Ms Armstrong:** I seem to be coming in on every one of these clauses, but I am just so excited to be going through the legislation. Sorry for all the questions, guys. I have a concern about phoenix-type companies that rise from the ashes. Somebody else is in trouble so they pass a licence around family members or other people whom they know.

One issue that came up with regard to younger people was whether company directors should be subject to an Access NI-type check. I spoke to Access NI. At one stage, I was part of an umbrella body that processed Access NI checks. There is an option for that type of basic check to be done on directors to ensure that nothing is outstanding with regard to convictions relating to children. Has the Department considered anything further, other than notification of a change of director? Would there be any requirement for the director of a licensed premises of a body corporate to have or to add something like a basic Access NI check?

**Ms Reid:** I do not think that it is anything —. Sorry, Liam, go ahead.

**Mr Quinn:** We had not considered that. If the police have any concerns, they have ways of checking criminal convictions already, so the fact that you are notifying it to the police takes care of that concern.

**Ms Armstrong:** OK. Access NI has said that it will be available if required, but, because of the extension of younger people's functions and so on, I wonder whether that might be an issue. As you say, if the police are able to do that — they are able to do that check anyway, of course — it would not necessarily be a requirement for a change of directors in a body corporate.

**The Chairperson (Ms P Bradley):** Does any other member have a comment on clause 20? No.

We will move on to clause 21: "Removal of exemption for angostura bitters". I do not imagine that this will be a very lengthy one to talk about. Carol, do you want to go ahead?

**Ms Reid:** The removal of the exemption for angostura bitters is a major issue *[Laughter.]* There was a duty exemption there, so, following the removal of that by HMRC, angostura bitters are now included in the definition of intoxicating liquor. In a practical sense, that means that, although angostura bitters can currently be sold in the ordinary grocery part of a supermarket, they now have to be sold within the licensed premises part.

**The Chairperson (Ms P Bradley):** That is grand. I know only that they go well with some very good gin cocktails. That is all I know about angostura bitters. There was very limited comment on that during any of our evidence sessions, so I have nothing further to add. Members, do you want to ask about or add anything on clause 21? No, I would not imagine so.

We will move to our third set of clauses, which relates to advertising and loyalty schemes. It is clauses 16, 17 and 31. We will go first to clause 16: "Restrictions on off-sales drinks promotions in supermarkets etc.". Carol, I will hand over to you.

**Ms Reid:** Clause 16 means that advertisements or drinks promotions in a supermarket have to be restricted to the alcohol display area, which is the area where you go through the little gates. Off-sales premises will not be permitted to advertise their drinks promotions within 200 metres of any off-sales premises — that is, supermarkets or stand-alone off-licences — and the clause also allows that distance of 200 metres to be amended in the future by regulations, if there is a need to do so.

**The Chairperson (Ms P Bradley):** Thanks, Carol. There was some talk about this clause, and a few points were made. From those with public health interests, there was fairly widespread support for the proposals to reduce the normalisation of alcohol and impulse purchases, but there was also a view from a number of such submissions that it would have only a minimal impact on reducing alcohol consumption and preventing alcohol-related harm and that proposed restrictions on off-sales drinks promotions do not go far enough, with suggestions for restrictions on multibuy offers. The Public Health (Alcohol) Act 2018 in the Republic of Ireland was highlighted to us. Under that legislation, alcohol advertising is prohibited in or on public service vehicles, at public transport stops or stations and within 200 metres of a school, crèche or local authority playground. The issue of whether the proposal to restrict external advertising to within 200 metres of the premises could be enforced was also raised.

The wider industry and the retail sector raised a number of specific concerns in relation to the proposals, including that further clarity is required on the specifics of clause 16 and the definition of what constitutes an off-sales drinks promotion. They asked: does the clause cover other branded products? We were told that the events provision is too specific and could create friction between competitors, and we also heard that it could lead to issues for small and convenience retailers that have very limited space in-store to promote, place and advertise the products that they sell. Another question was: does the clause cover advertising in other parts of the store — things like meal deals, through which they sell or promote a particular bottle of wine — and does the clause extend to cover mass-marketing via leaflet communications delivered directly to your home? Liam or Carol, do you want to provide clarification on any of those points?

**Mr Quinn:** I will pick up on some of them, and Carol can then carry on.

This is an important clause that reflects the balance towards public health. The difficulty in dealing with liquor licensing legislation is always getting a balance between protecting the public from what can be a harmful product while allowing people to socialise and have a good night out in a safe environment.

Northern Ireland has a serious problem with overconsumption of alcohol. NISRA figures show that 336 people died in 2019 directly from misuse of alcohol. It is a dangerous substance, it needs to be controlled, and, if you are going to reduce the amount of alcohol consumed in society, you need to do it where most drink is sold.

Some 75% of drink is sold from supermarkets and off-licences for consumption at home. The measures that we are taking will not solve the problem by any means, but they are a step forward, which is why they have been welcomed by the health lobby.

For supermarkets to complain about minor aspects of the Bill, given the money that they make from selling alcohol, is disingenuous. The restrictions will not prevent them from selling drink. All it does is to try to curtail spontaneous sales, where you are bombarded with adverts for products as you walk through the door. If you want to buy drink, you can still go into the licensed area and buy whatever you wish.

The Public Health Act in the South restricting advertising on public service vehicles and close to schools is a public health issue. This Bill is about organising the sale of alcohol in licensed premises and associated with licensed premises. A wider public health approach would be a matter for the Department of Health. It would be outside the scope of the Bill to impose restrictions on advertising on buses or close to schools.

Meal deals are excluded from the prohibition on advertising. I think that the Minister at the time did not wish to curtail that activity because having a drink along with a meal is probably the safest way to consume alcohol.

**The Chairperson (Ms P Bradley):** That is good to know because the issue of meal deals, which are in nearly all major supermarkets, was raised.

I understand what you say about a public health campaign being needed and that it needs to be led by the Department of Health. Near where I live, you see advertisements for alcohol on a bus stop right outside an off-sales. That flies in the face of off-sales not being allowed to advertise outside their door, but the Northern Ireland Transport Holding Company can, so I suppose that that is just an anomaly. Maybe it would not be a bad thing to have conversations with the Department for Infrastructure about that.

There is the issue of mass-marketing of leaflets and communications. I know of one retailer that advertises its wines on communications through our doors. Can anything be done about that, or will this clause cover it?

**Ms Reid:** It will not cover it. The legislation can relate only to licensed premises. That is as far as the Department's remit goes, which is why we can look at a 200-metre boundary. Marketing inside that area would be within the scope of the Bill; anything outside would not be.

**The Chairperson (Ms P Bradley):** Would a bus stop within 200 metres of an off-sales fall under the legislation?

**Ms Reid:** No, that would not be captured. That is where the definition in the clause of an "off-sales drinks promotions" comes in. It is promoting the purchase of alcoholic drinks from that specific licensed premises. Any advertisement outside would be generic manufacturers' advertising, which is what I believe you are referring to. That would not come under the scope of the legislation.

**The Chairperson (Ms P Bradley):** OK. I was just asking for clarity. Does any member want to pick up on any of those points or add anything further on clause 16?

**Mr Durkan:** Chair, you made a point about the flyers or brochures that go out detailing offers. Is it the case that they would not be able to be distributed to homes within 200 metres of a licensed premises but could be distributed to homes beyond that?

**Ms Reid:** I do not think so. Once you go into somebody's personal property, that is a different matter. Liam, I do not recall us looking at that. Do you have anything to add?

**Mr Quinn:** That is an unusual one. The promotion or advertisement has to be related to the specific premises, so, rather than being about putting an envelope through somebody's door, it is more about capturing posters, A-boards and things of that nature. That is an interesting point, and we need to take legal advice on it, Mark.

**Mr Durkan:** Cheers, Liam.

**Mr Newton:** I want to follow up on Mark's comment. Obviously, an off-licence or one of the major companies can advertise their products close to where you can buy a newspaper. That newspaper retailer could be right beside an off-licence and, indeed, a free newspaper could quite easily be delivered to folk within 200 metres of a licensed premises. It is the same point that Mark made, but I imagine that it becomes extremely complex to try to address that issue. I will take expert advice on that.

**The Chairperson (Ms P Bradley):** Again, Liam, that is in the same vein.

**Mr Quinn:** Advertises in newspapers or magazines, even those that are on sale in a supermarket, are excluded.

**The Chairperson (Ms P Bradley):** That is that answered. Does any member want clarification or to add anything on clause 16? No.

We will move on to clause 17: "Prohibition of loyalty schemes". Carol, I will hand over to you.



**Ms Reid:** Clause 17 is another self-explanatory one. It is basically saying that loyalty points cannot be awarded or redeemed for the purchase of alcoholic drinks.

**The Chairperson (Ms P Bradley):** OK. Thanks, Carol. I will read out the list of issues and then ask you and Liam to comment. We heard concerns that this clause unduly penalises responsible drinkers and Northern Ireland consumers, and the NI Retail Consortium proposed an amendment to ensure that supermarkets and retailers, as a category of licensed premises, are exempted from this. We heard that responsible promotions and marketing practices, including loyalty schemes, are seen by retailers as a legitimate way of maintaining and developing business and that licensed premises should be allowed to include alcohol sales in loyalty schemes provided there is no time limit on the redemption. We heard that applying restrictions on loyalty points for the purchase of alcohol would limit the practicality of loyalty schemes and that the clause would present operational challenges for multiple retailers and create inconsistency for those with stores across the devolved nations. We also heard that retailers' loyalty schemes often involve contributions to charities and that their benefits should not be overlooked. Finally, there were concerns that the clause would prevent the availability of a real ale discount scheme or any other membership benefits or voucher scheme that is operated by responsible licensees. There was a lot of discussion on this clause, especially on whether those larger premises and supermarkets will have a different system in Northern Ireland than those in the rest of the United Kingdom and the Republic. They feel that that could be quite problematic. Liam or Carol, any comments on those points would greatly help.

**Mr Quinn:** To pick up on the last point, this scheme operates in the South — the Republic of Ireland. It has a prohibition on the collection of loyalty points for the sale of alcohol. Prohibitions are already in place on tobacco and scratch cards, for example. I understand that some of the supermarkets already do not permit the accumulation of points for the purchase of alcoholic drinks. Again, it is about balance. We do not want to encourage people to spend more money to accumulate points by buying drink, and similarly with tobacco and scratch cards. Alcohol is a controlled substance because it can be harmful. The clause reinforces that health protection message.

**The Chairperson (Ms P Bradley):** Absolutely. That clears that up. I had forgotten that you cannot gain points when you buy tobacco or do the lottery and things like that. Certain things are already excluded in some of the larger supermarkets. Do any members want to come in for any further clarification or to comment on the clause?

**Ms Armstrong:** What discussions has the Department had with, as the Chair mentioned, those larger supermarkets in particular, or retailers from which people buy things online? We do not use a separate website in Northern Ireland. What has been discussed? How easy will it be for those loyalty schemes to have a different approach in Northern Ireland?

**Mr Quinn:** I have had discussions with some of the large supermarkets, and they say that they will have to amend their systems. Their main concern is to have sufficient time to do that. The supermarkets already have to take account of different legislation in Scotland and Wales regarding minimum unit pricing, for example, so they are familiar with the devolution settlement, whereby local Assemblies and Parliaments are entitled to make their own laws, and, if they wish to operate in those jurisdictions, they must comply with the law. I think that the solution is to give them sufficient time and probably tie the commencement of that clause, should it be passed by the Assembly, to one of the common commencement dates. Normally, supermarkets have to comply with tax laws, National Insurance and other changes that all occur around April and October each year.

**Ms Armstrong:** From a consumer perspective, have there been any discussions with consumers' representative bodies about the variations across the devolved nations? As you said, Scotland and other places have minimum unit pricing for alcohol, so there is a difference anyway. Were there any discussions with consumers on that variation being made?

**Mr Quinn:** I honestly cannot remember. I will have to go back and have a look to see whether there were. Sorry, I am honestly not aware.

**Ms Armstrong:** That is OK. We are trying to consider everything so that, if someone comes back to us and says, "Actually, do you know what? We are really not happy with this", we know whether they were given consideration there.

**The Chairperson (Ms P Bradley):** To follow up on Kellie's point, as you said, Liam, the Republic of Ireland already do that. We have the likes of Marks and Spencer's food halls, Tesco and various supermarkets down there. Those supermarkets have already changed how loyalty points are gathered in the Republic of Ireland, so I do not imagine that it would be too much of a change to have to do that for Northern Ireland.

**Mr Quinn:** Yes, I think that you are right, Chair. Just to pick up on Kellie's point about consultation with consumers, all consumers had the opportunity to respond to the Committee's call for evidence and make their points there. Quite a lot of stakeholders responded on that clause.

**The Chairperson (Ms P Bradley):** OK. Does any other member want to raise any issue on clause 17?

**Ms Mullan:** Chair, may I come in? I do not have an issue. I just want to agree with and reiterate what Liam said, particularly about it already being in place for tobacco and the lottery. We had a briefing — I cannot now remember the name of the group; I am terrible with names — with a group that highlighted the benefits for community groups and charities. I do not know of any here that benefit from it. When I asked the question, the witness was not able to say either. I agree with all Liam's points.

**The Chairperson (Ms P Bradley):** That is fair enough. Thank you, Karen.

Does anybody else want to comment, or are we all right to move on? OK. We move on to clause 31, which, again, is different; it concerns restrictions relating to advertisements for registered clubs. Again, Carol, it is over to you.

**Ms Reid:** Under the clause, registered clubs will now be allowed to advertise their functions outside the club premises. That is currently not allowed. The new permission will be provided on the basis that the advertisement has to clearly state that only members and their guests are allowed to attend. There are functions where the proceeds are fully donated to charitable or benevolent purposes. Members of the public can attend those events, so the club will not be required to make that statement for members and guests on that advertisement.

**The Chairperson (Ms P Bradley):** That is fair enough. You have kind of answered some of the questions that were highlighted. Hospitality Ulster supported it, provided that the adverts were strictly members only. I understand why, when it comes to charity events, it is entirely different; those events are aimed at their own communities and charities in them, so you want the entire community to be able to attend

**Ms Armstrong:** This might be a bit of curveball, but what happens if the club itself is also a registered charity?

**The Chairperson (Ms P Bradley):** Did you hear that properly, Liam and Carol? It broke up a bit.

**Mr Quinn:** Sorry, no; I could not hear that, Chair.

**The Chairperson (Ms P Bradley):** Go ahead; say it again, Kellie.

**Ms Armstrong:** What happens if the club itself is a registered charity? You said that, if it is holding a fundraising evening, the general public could be admitted, but what happens if the club itself is a registered charity?

**Mr Quinn:** You will find that the club itself will usually be registered separately from the parent body, which could be a charity, a sports body or a sporting club. The event itself would have to be for charitable purposes, with the proceeds from the event going to a charity. That might be its own charity. That would not be a problem.

**The Chairperson (Ms P Bradley):** You will know that the NI Hotels Federation has concerns about opening up clubs on a functions and events basis, as the majority of clubs do not pay rates and nor are they subject to the same fixed cost base as other licensed commercial venues. The membership rule has been navigated around successfully in the past, with a small fee, a reduced membership period or the introduction of an associate or a new category. Hotels and the like are a little bit

concerned that it will take some of their business away. There is nothing that we can say or do about that; it may happen or it may not. There is no evidence to support that.

**Mr Quinn:** Some of it might be a matter of enforcing the current law. The clause takes account of the fact that not all members of clubs live within a short distance of the club and can visit the premises regularly to see notices about forthcoming events. It takes account of a club that might have members all over a particular town or even spread across several towns. Clubs will now be able to advertise on social media and in the papers to let people know that certain events are taking place.

**The Chairperson (Ms P Bradley):** That is fair enough. Thank you, Liam. Does anybody else have any comments or anything further on clause 31? All right.

My goodness; we have got much further than I thought that we were going to get. This is good. It is now 12 o'clock. Members, I hope that we can wrap this up at 12.45 pm to speak to Claire from the Bill Office in a closed session. We also need to go back to an issue that we discussed earlier in the meeting, so I am going to press on. The next one might have a bit of chat around it. Our fourth set of clauses relates to tourism and visitor experiences and includes clauses 6, 8 and 25. First, we will go to clauses 6 and 25, which deal with major events. Carol, can you give us an overview of those clauses?

**Ms Reid:** Certainly. The major events clauses apply to licensed premises and registered clubs. The clauses add two new articles to the Licensing Order and the Registration of Clubs Order. It gives the Department the power to make an order that designates an event as a major event. In doing so, the Department can specify the permitted hours for that event, so, if it needs to be open slightly earlier or close slightly later, that is permissible. Liam mentioned earlier an event's wrap party and the fact that current permitted hours just do not fit in with the feasibility of the event. Before making an order, the Department will be required to consult with appropriate persons, such as the PSNI, local councils, Tourism NI and those sorts of bodies.

**The Chairperson (Ms P Bradley):** Thank you for that. Again, we heard from a broad range of stakeholders on the issue of major events, and it was highlighted to the Committee that a number of events in Northern Ireland, some of which we have talked about today, have been negatively impacted by the lack of ability to vary licensing hours when an event falls outwith the scope of the current legislation. Mark, do you want to come in first on that, because I know that, under a previous clause, you raised the issue of what constitutes a major event? Mark, are you with us?

**Mr Durkan:** No. I am content. I got the answer earlier. Apologies again for not waiting until this bit. There was a bit of crossover. Thank you.

**The Chairperson (Ms P Bradley):** OK. I have a whole list of issues that were included as additional information, but I will open it up to members first to see whether they want to bring up anything. There are issues about local alcohol producers being able to sell their produce, because, currently, they are unable to sell at national and local food and drinks events. We were asked to give consideration to other signature events, such as those that take place in council boroughs. I spoke earlier about the fact that we had to bring in local licence holders. Would they be able to obtain an occasional licence under the major events clauses? Is the Belfast Christmas market and the like seen as a major event? Liam or Carol, do you have any further information on those issues?

**Mr Quinn:** On the definition of a major event, what we are talking about are very large events that are major. We are talking, for example, about the Open golf championship that came to Portrush in 2019 and turned out to be hugely successful. It might have been more successful had we had flexibility with licensing to permit the bars in that area to open slightly earlier on the days of the event. There also would have been the opportunity for late opening on the Sunday for the end of the championship dinner. It is about all of those issues.

We are talking about very large events, such as the Giro d'Italia and the MTV music awards, that have the potential to raise the profile of Northern Ireland internationally and bring tourism to Northern Ireland. We have deliberately not defined a major event in the Bill, because we do not know what may come forward in the future. If it were in primary legislation, and we were too tight in our definitions, we would not have the flexibility that the clause is attempting to give us. The potential here is great, but we just do not know what may come our way in the future. There is talk that the Open championship may return to Portrush in a few years' time, and that would be greatly welcomed. That is the type of function that we consider a major event for designation under the legislation, should it pass. We do not

want to be too definitive. At the same time, we are not talking about small local events, such as village fetes and fairs, for example.

**The Chairperson (Ms P Bradley):** That is fair enough. When Northern Ireland was in the Euros in 2016, major events were held in various places throughout the country. It could be sport of any kind, but I am just using the Euros as an example. I attended several events in my council area where the matches were viewed on a big screen. There also happened to be a bar on site, so they were able to provide alcohol at that. There were similar ones at the Titanic and various other places. Again — I spoke about this point earlier — many people would deem those to be major events, albeit the championship took place outside Northern Ireland. Venues were set up throughout Northern Ireland for people to view the matches, and alcohol was sold at many of those events. Would that fall into this category?

**Mr Quinn:** Clause 6 states:

*"Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a 'major event order')".*

It depends on what you consider to be the major event. Is it the Euro championship taking place in France, or is it the gathering of people to watch a match on a large screen at a particular venue? It would be for the organisers of the event in Northern Ireland to make the case that it is a major event and that such a designation should be made. Again, the Minister at the time will take account of the views of the police and of the public, through the media or whatever else. Those decisions will be made at the time, taking into account a range of factors as to how significant the event is.

**The Chairperson (Ms P Bradley):** So that could be argued for all those events that took place across Northern Ireland in 2016?

**Mr Quinn:** That could be argued, yes.

**The Chairperson (Ms P Bradley):** OK. I just wanted a bit of clarity on that. Does anybody else want to comment? Kellie, go ahead. *[Pause.]* We cannot hear you.

**Ms Armstrong:** Apologies, I was on mute. I thought that I was over that. You would think that, after this length of time, I would be over it.

I want to ask a question for clarification. The Law Society brought this up, as did the Northern Ireland Hotels Federation: why would a major event licence allow for the sale of off-licence alcohol?

**Mr Quinn:** Once it is designated as a major event, the occasional licence holder organising the event would be allowed to arrange for the sale of drink for consumption at home. At the Open, for example, commemorative bottles of whiskey were on sale to commemorate the event and were available only for those in attendance. That was a premium product being sold for consumption at home. This provision allows that to take place. With any licence, the licence applicant will have to go to court and make the case as to why they are looking to sell alcohol for consumption at home, and it would be for the magistrate to decide whether that was appropriate at the time. This puts it on a legal footing, should the magistrate agree that it is appropriate.

**Ms Armstrong:** OK. So, for the person to sell their produce, they have to have a licence? They have to have their own licence to sell alcohol?

**Mr Quinn:** Anybody selling alcohol for consumption has to have a licence. That is a basic principle of the order.

**Ms Armstrong:** OK. I want to check another issue with you. Major events are, as you say, significantly different. In my local area, many different types of community areas come together and have a community festival, and that is different from this. We said earlier that, when it comes to the entertainment licence, if entertainment is to go on longer than the liquor licence, where alcohol stops being sold at 11 o'clock, it needs a late licence. For major events, that would be different. Would entertainment be allowed to go on until later? It is a different type of event, so could entertainment and liquor sales go on later than the 2.00 am cut-off?

**Mr Quinn:** It would depend on the grant of the licence to whoever had organised the event. It is about introducing flexibility. If a magistrate permits the sale of alcohol until 2.00 am, entertainment could carry on to 3.00 am. It introduces flexibility, and it would very much depend on the type of event.

We are familiar with events that have taken place over the past 10 years or so, but there are others that we cannot foresee. Therefore we are trying to future-proof the legislation so that it is flexible enough to take account of an event that may come here in the future.

**Ms Armstrong:** Grand. Thank you.

**The Chairperson (Ms P Bradley):** Do any other members want to ask anything further on that clause?

**Mr Durkan:** Chair, just one wee thing. It is about the designation of major events,

I think that Liam said that the Minister at the time would decide on a designation. Will the legislation be written in such a way that, should we not have a Minister, the Department could do that?

**The Chairperson (Ms P Bradley):** That is a good point.

**Mr Quinn:** That is a good point, Chair. I will have a look into that.

**Mr Durkan:** I think that we should future-proof all legislation and not just this Bill. We do not want to be in a situation that we were in for three years, but you never know. You never know.

**The Chairperson (Ms P Bradley):** Mark, Robin wants to know what you know that we do not.  
*[Laughter.]*

**Ms Armstrong:** Please, no.

**The Chairperson (Ms P Bradley):** Let us not go there. That is a good point because none of us knows what lies ahead, so, yes. We will leave that one with you, Liam

**Mr Quinn:** Yes.

**The Chairperson (Ms P Bradley):** I will ask again: is there anything further on clauses 6 and 25? No, members are happy enough.

We will move on to —. OK. I have totally lost my place. Where are we, folks?

**Ms Armstrong:** Clause 8.

**The Chairperson (Ms P Bradley):** OK. Clause 8, which deals with licences for off-sales and small producers. Carol, do you want to talk to that clause?

**Ms Reid:** Certainly, Chair. Clause 8 deals with licences for off-sales, so it relates to local producers of alcoholic drinks — beer, cider and spirits. The clause will create a new category of premises that can apply for a licence.

A local producer's licence will permit three different things. It will allow local producers to sell their products from their premises for consumption off the premises, which would automatically include online sales. A sample can be provided for consumption on the premises following a tour, and the volume of that sample will be set by regulations. The clause also allows local producers to sell their products from certain licensed premises for consumption off the premises at events such as food and drinks fairs, so if the BBC Good Food Show came to the Waterfront Hall, for example, it would be covered. Again, samples can be provided there.

Finally, it will allow local producers to sell their products from unlicensed premises for consumption off the premises at events such as food and drink fairs; for example, National Trust places holding spring, summer, autumn, winter or Christmas fairs, and the like. It could be that only one local producer wants to go there, and the clause will allow them to sell their wares there. A number of conditions are placed

on that part of it, purely because it relates to unlicensed premises. There are different conditions, including receiving approvals from the police as to whether alcohol should be sold at the event at all.

**The Chairperson (Ms P Bradley):** OK, Carol. Thank you. As everybody, including Carol and Liam, will know, this clause caused a lot of debate in our evidence gathering. There is widespread support for the new category of licence for small producers. However, there has been some added commentary, and concerns have been raised by many small producers, so I will go through some of them.

We heard that no provision has been included to allow for consumption on-site, and there was a point about the ability of local producers to sell for consumption on-site in the likes of a taproom. We heard that the occasional licence process is not working for small producers and that a business could not invest on the back of it. We heard that not all producers will want to create the taproom experience, that there is no mechanism in the proposed legislation to provide samples in multi-venue food tours outside licensed premises, and that it does not include the flexibility needed to be of any practical use to many producers, particularly those in rural locations. We heard that the provisions still fall short of what is required to allow small producers to grow and that clarification is needed on the ability of small local producers to sell online. You said, Carol, that this would allow them to sell online, but there may be other issues with that.

Members, that evidence was balanced against the evidence that we received from the wider hospitality sector, so I need to comment on that, too. The sector said that it is important that any new licence category does not duplicate the abilities legislated for in existing licensing categories, as that would undermine the current marketplace. We heard that taproom consumption is creating a pub by another name, and that, whilst they are in industrial areas now, it would be easy to set up in towns and city centres. We were told that pubs have incredibly high rates and controls placed on them and that craft brewers would be competing with the people to whom they are trying to sell their product.

Finally, we heard that there is a place for occasional taprooms and that they have operated under occasional licences, partnering up with pubs. We were told that the industry will buy most of their products, so partnering them to do taprooms in a controlled manner is a much better approach. That is the other side of the argument, and we certainly have to take both into consideration.

Liam and Carol, do you want to comment on that, especially on the issue of taprooms? We have heard compelling evidence that this is very much needed.

**Mr Quinn:** For a very small sector, a tremendous amount of publicity has been generated around taprooms. When the legislation was developed earlier this year, it was based on the experience of the 2016 Committee Stage. At that point, local producers were looking for the ability to sell for consumption off the premises, and that was provided for. As Carol pointed out, this allows online sales, and there is a great opportunity for local producers to develop their products and to sell locally and further afield via the internet. We took it further to allow local producers to use their licence to sell on licensed premises, such as the Waterfront Hall at the BBC Good Food Show, and at large food or agricultural shows such as the Balmoral show. There is a lot in the Bill for local producers. The taprooms issue has come up and they have been very vocal about it, although not all local producers want to go down that road, because they see themselves directly competing with pubs.

The issue for the Department is the unknown implications of introducing a category that, let us face it, really will be a small pub, because you will be selling for consumption on the premises. I mentioned earlier during our discussions on one of the other clauses — maybe clause 1 — that, because of the way the Licensing Order is structured, only a pub or an off-sales is permitted to sell alcohol unfettered. With the other licensed premises, it is all ancillary to some other type of activity, such as staying as a guest in a hotel or attending a sports event or a race meeting. All the other categories have something else associated with them. In a restaurant, you have to have a meal. This is almost like a subcategory of a pub, where people could sell only their own products for consumption. The difficulty for the Department would be that there has been no real research on or assessment of the impact of introducing this category. How many of these types of mini-pubs would emerge? You can imagine that there are only a small number of people who are involved in it now, but there could be business opportunities for others who would see this as a way of opening a pub, almost through the back door, with fewer overheads than the traditional pubs that we have in our town centres. The impact assessments have not been done; there has not been any proper consultation, and the evidence from the hospitality industry is that this would cause a problem. Therefore, there may well be big benefits with regard to local people who are producing beers and spirits in being able to directly sell, and they may benefit — there may even be a tourism angle where people will want and go and to enjoy beer

festivals at these taprooms — but none of it has been properly analysed, and there been no proper assessment done as to the impacts. When you are making a law that is going to have a large impact on society, we probably want to make sure that we have a fair idea of what is going to happen.

**The Chairperson (Ms P Bradley):** Thank you for that, Liam. This is one of the clauses that the Committee will have to take longer deliberation and discussion on — beyond the discussion today. That is because we have heard very strong and compelling evidence in favour, but we have also heard strong evidence against. Therefore, I imagine that it will be a difficult one for the Committee to come to a decision on, because if we decide that we want to table an amendment, we need to look at a different set of charges and how that compares to the charges that our pubs pay for their licences and various things like that. So, it will become a larger piece of work for us. I am just going to open up the discussion to members to ask some further questions.

**Ms Armstrong:** It is an interesting point that there has not been any research done on the impact. Why was there not? I ask because I would have thought that, given the amount of contact that the Committee has had with various people on this, the Department must have come across this when it was drawing together the legislation. I wonder why the Department chose not to.

**Mr Quinn:** It is not the Department's proposal. This is a proposal that has come forward during the Committee Stage. When we originally drew up the proposals, they were based on the debates from 2016, and taprooms were not mentioned.

**Ms Armstrong:** I am a bit surprised at that because some of the evidence that the Committee has received said that the guys had been in contact at that stage.

On the issue of consumption on the premises, a number of concerns have been raised, and we listened and were open-minded to everyone's concerns. You mentioned these potential taprooms setting up in other places. However, the thing is that these are breweries, so they cannot just set up somewhere; there is other legislation that attaches to them around health and safety and so on. So, if no research has been done, I am a bit confused as to why people assume that that can happen. I just do not get it.

**Mr Quinn:** There are breweries based in town and city centres all over. Why would they not be able to set up in a city centre? I mean [*Inaudible*] right in the middle of Dublin.

**Ms Armstrong:** Yes, that is the point. Why would they not be able to set up? It would actually be a brewery; it would not just be a taproom. It has to be attached to the premises that are making the product. Sometimes I just think that some of the comments around this — I do not know, maybe it is because we do not have that research and discussion. It is going to cause the Committee quite a bit of difficulty.

I appreciate that there are lots of other aspects in the Bill that help those local brewers, but, because we do not have the research — the tourism sector seemed to suggest that there would be a significant increase in tourism expenditure here and that Northern Ireland could be expanded more as a destination for food and drink. Therefore, rather than selling products that are imported, we could actually sell products that are from here. I know that they can certainly export now, but the growth in those exports would be helped if tourists were able to sample and able to purchase from here. The online option is very welcome. One of things that you mentioned earlier was if product is being sold and it is in the manufacturer's container. We have had conversations about collaboration drinks. Has there been any thought within the Department — probably not — about that type of collaboration and working together? Are there any rules about this? Is it considered a collaboration if it is somebody else's beer but is bottled somewhere else?

**Mr Quinn:** The beer would have to be produced by the producer to sell from their premises. "Collaboration" is a very loose term and would be very difficult to define legally. If you have two brewers in a bar having a chat about how to produce beer and one says, "I like this particular ale that you produce but if you were to add an extra product, such as some cinnamon, it will be delightful." Is that a collaboration if he goes off and produces it with a bit of cinnamon? It is very hard to define legally. The clause says that it will have to be produced on the premises.

To go back to the bit about tourism, Tourism NI and Food NI are correct. This is a new industry, and it may well encourage tourists to visit cider producers in County Armagh during the apple blossom season and things like that. If this legislation passes, people will be able to have a sample after a tour

of the cider producer's premises, to buy bottles and take them away with them. They will also be able to drink the products in local bars, as they can now, although I take on board the concerns that the producers have stated during their evidence that it can be difficult for them to get all of their products into local bars. That comes down to commercial decisions by the bars. It is difficult to take up space on a bar with a product that may not sell that many.

Given the lack of research and the lack of impact assessments, you find it very difficult to come to a conclusion. There is the possibility that this could be very good; there is also the possibility that it would have a little or no impact. Then again, it could cause damage to a large industry that employs a lot of people and generates a lot of money for the economy. We just do not know.

**Ms Armstrong:** I look at it from the consumer's point of view, which is that competition is healthy. The other thing that I wanted to ask you was if — it is all "if", and I know that is supposition — there were a licence for a local producer to sell their own product on site for consumption — we appreciate completely the pubs and hotels and the work that they have where they can sell a range of whatever drinks that they choose to sell — and if there were limitations on this licence, would that be able to happen? I am just checking to make sure that, if there were a licence for local producers, it can be legislated that, for instance, it would apply on certain days of the week or certain times of the day that would be different from pubs and hotels and what they can do. For instance, extended hours might not apply to a taproom. Is it legally OK, in the Department's consideration, for a variation on a licence to happen?

**Mr Quinn:** Any new category of licence would have to have permitted hours associated with it. It would be a matter for the Assembly to decide when and how a licence of that type would operate. I do not foresee any huge legal obstacles to it. It is all about the impact that introducing that category of licence will have.

**Ms Armstrong:** Earlier, we were talking about the codes of practice. They do not contain taprooms because they do not exist here. I am trying to think outside the box. If there was a licence for a local producer where they could sell for consumption on premises, would the Department be minded that one code of conduct would cover everything to do with alcohol sale, or would local producers have their own code of conduct? What would you think about that?

**Mr Quinn:** This is all very difficult, Kellie, given that we are talking about hypotheticals, but I would imagine that the easiest way to operate is to have one code of practice that covers the retail sale of alcohol. The things that we are talking about by way of that code are the principles of not encouraging people to drink too much, not encouraging people to drink too fast and not advertising in way that encourages young people to consume too much alcohol. Those are broad principles that should apply to anybody who is involved in the retail sale of alcohol.

**Ms Armstrong:** That is grand. Thank you very much.

**The Chairperson (Ms P Bradley):** Do other members have questions on clause 8?

**Mr Durkan:** This is an issue that we have devoted a lot of time to over the past a couple of months, and it was always going to come to some sort of crunch point. The local brewers have made a very strong case, which has been bolstered by the evidence we have taken and the opinions that we have heard from the likes of the Tourist Board and others who see the value that a new type of licence could add to our tourism product.

I am not having a go at you, Liam, and I do not underestimate the amount of work that you guys have been doing on this for a long time. However, the concern might be that, in the absence of the necessary work being done by the Department, an amendment could be tabled when the Bill goes to the Assembly that does not take into account or say anything about restrictions on a licence like this or on variations of a pub licence, as Kelly alluded to. I am not looking for you to make our job easier per se, Liam and Carol, but given that there has been very effective lobbying by the sector, there is nothing to say that such an amendment, if tabled, would not have the necessary political support. That could create an absolute nightmare for the Department and difficulties for existing pub owners and licensees, as they have articulated. So, the Department might need to start looking at that. Like Kelly, I understand that the bulk of the work was done for the previous Bill in 2016, but we have been discussing this Bill for a number of months, and this particular issue has probably been discussed more than any other. Has any kind of background work started on what a licence for local producers that permits on-sales might look like or what restrictions could be applied to it?



**Mr Quinn:** No, Mark. As I explained to Kelly, that proposal did not come from the Department. My Minister is concerned that the can might be kicked down the road and the Bill delayed because she believes that it is badly needed, particularly given the recent impact of the pandemic on the hospitality industry. Research into that sort of licence could not be done in a few weeks. There would need to be serious investigation of how taprooms operate in other jurisdictions, what their economic impact has been and how they would operate within the licensing regime in Northern Ireland, which is very, very different from that in jurisdictions such as Australia that were mentioned by the producers. The economic situation would need to be taken into account, as would the types of premises that might be licensed. You would also be talking about issues connected to planning permission, fire certificates and the numbers of people who would be permitted on the premises. You would also need to look at how suitable particular premises are for consumption. For example, do they have a sufficient number of toilets and fire escapes? A huge raft of issues would need to be looked at.

**Mr Durkan:** Yes, but the difficulty that I foresee is an amendment being tabled by someone — a party or, perhaps, more than one party — that calls for a special licence. That might be carried by the Assembly, and then you will have to do all that work anyway.

**Mr Quinn:** Well, if it is *[Inaudible]* the Assembly *[Inaudible].*

**Mr Durkan:** The impact on existing pubs would be worse.

**Mr Quinn:** You are right. When the Assembly debates these issues, Members will take into account the evidence and will make a decision about how they wish to proceed. When it goes in to law, that is what we deal with. The civil servants will apply the law and implement it in line with instructions from their Minister. Should an amendment of that nature come forward, we will find out in due course what the impact is, but, to date, we do not really know; it would be a leap of faith to go forward with a particular proposal without really understanding what will happen.

**Mr Durkan:** I will leave it. I have already *[Inaudible]* the last thing that we want to do is punish the sector that has been crucified over the past year and had a rough time for a number of years before that as well. There are opportunities here, as well, for growth.

**The Chairperson (Ms P Bradley):** Mark is absolutely right. I do not think that any of us require a crystal ball to see that some sort of amendment on that will be brought forward, whether it is a Committee amendment, an individual one or a party one. Preparations certainly need to be made. As I said, I do not think that any of us needs a crystal ball to see that that will happen.

**Ms Armstrong:** The Department has been listening to the sessions in which we have discussed all of this. The Committee has received an extraordinary amount of information. Does the Department have access to that information? I appreciate that everybody is under considerable pressure and stress, but, in the past number of months, we have been able to put together a considerable amount of evidence. I wonder whether the Department would like to have a look at that. It has been indicated today that, if the Committee wants to bring something forward, the Department is minded to consider amendments to other clauses. I am quite surprised, given the amount of meetings that we have had and discussions that there have been, that the Department has not thought that an amendment on this clause will not come forward. I am not prejudging; we may not have an amendment, but, given the cross-party support on this, I would be surprised if there were not.

**The Chairperson (Ms P Bradley):** The Department will have been listening in. There has been work between our Committee Clerk and the Department back and forward on all of the issues. However, the Department would need to do its own investigations rather than just the Committee. There could be unintended consequences that we have not thought about or that have not come up in our debates and deliberations. Liam, do you want to comment any further?

**Mr Quinn:** Kellie's points were well made. The Department has been listening in. The Minister will consider any amendment that comes forward at the time. The difficulty with the evidence that has been brought to the Committee is that it has been brought forward by stakeholders who have a vested interest in presenting their case in a particular way, either for or against. Hospitality Ulster, for example, says that that will cause serious damage to the hospitality industry and that it will cost jobs and will cause businesses to close. Quite a lot of brewers came to the Committee, and they all made the point that it would be very good for their businesses because they would be able to expand and sell further afield.

The detailed work that the Department would need to do would probably entail bringing in outside consultants to look at the economic and social impact of the taprooms. How many of them would eventually emerge? What economic impact would they have if they were established close to or next door to another pub? What about the social impacts? You received evidence from the University of Stirling, which shows that, when you increase the number of outlets for the sale of alcohol, alcohol consumption goes up. We know that the local brewers' beer products are much stronger than the big companies that sell through pubs, so is there an impact on health? Those are the sort of detailed issues that we would want to look at, and we would want that to be done independently.

While the evidence from the local producers has been very interesting and useful, as has the evidence from Hospitality Ulster and others who are opposed to this approach, we need to take an independent view. That would probably require a consultant to look at the impacts in other areas and try to apply them to Northern Ireland to see the potential pros and cons. That is all that I am saying. I did not say for a minute that our Minister would not consider an amendment, and she may well wish to go down that road, depending on how an amendment is structured by the Committee or Member that tables it. However, there are a lot of issues to be taken into account; it is not a win-win situation.

**Mr Easton:** This is not really a question; it is a view. A good and compelling argument was made about the inclusion of taprooms, and I am disappointed that they are not included. I would have to seriously consider either tabling or supporting an amendment to include them. It would be unfair for taprooms to be left out, and that is something that the Committee really needs to look at. If they are left out now they will not be included for years. There is a compelling argument, and that is just my opinion. I am bit disappointed that taprooms are being left out.

**Mr Newton:** I agree that the presentations on taprooms made a compelling case, and the hospitality and tourism sectors generally seem to be supportive. I now understand where Liam is coming from. The Law Society of Northern Ireland, in its submission, asked whether a subsisting licence would be agreed if the provision were widened to include taprooms. It also asked whether a licence in an area would need to be surrendered to allow a taproom to get a licence. It strengthened that position, saying:

*"If so the Society views this as a major change to the current law which does not appear to have been adequately addressed within the current consultation process."*

I did not pick that issue up during the evidence sessions; I only did so when Liam raised it today. Having said that, a compelling case was made by those who are in support of including taprooms, so I understand Liam's dilemma.

**The Chairperson (Ms P Bradley):** There is a dilemma for all of us on this, because we can see the arguments for and against. We knew very early on in this process that that issue would generate the most debate.

If members have asked the officials all that they need to, I propose to finish today's deliberations on the Bill. Next week, we should probably finish our deliberations. The fifth set of clauses is about children and young people, which, I think, we can get through next week without any great difficulty. We are a week ahead, but I imagine that the issue of taprooms will require a little bit more discussion by the Committee. Do members agree to cease today's deliberations?

*Members indicated assent.*

**The Chairperson (Ms P Bradley):** Liam and Carol, thank you for your time today; we will see you again next week.

**Ms Reid:** Thank you, Chair.

**Mr Quinn:** Thank you, Chair.