



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

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

1 April 2021

alcohol there on a Sunday. However, the Committee requested clarification of whether the sale was contingent on race meetings taking place.

Liam or Carol, can you update us on that last point? It was something that we raised in closed session. Must there be a race meet on for Sunday opening to happen?

Ms Carol Reid (Department for Communities): The current position is that there are only two categories of premises where the sale of alcohol is not ancillary: pubs and off-licences. When clause 7 allows for Sunday opening, that would be contingent on a race meeting taking place. It would also be 30 minutes either side of the race meeting, and that would be within a period from 12.30pm to 10.00pm.

We believe that Drumbo Park, as a place of public entertainment, has a restaurant, so there is an opportunity for them to go to court and obtain a restaurant licence. As part of a restaurant licence, they could obtain an article 44, under which they could seek habitual late opening on a Friday and Saturday night. That option is available to them now.

The designation went through on 25 March, and Drumbo Park is aware of that. That will allow them to apply for that category of licence to begin with and then apply for an article 47 on occasion. That would be for functions rather than the habitual opening that article 44 would allow for with the restaurant licence.

I think that there was a question at one stage about an article 45. Article 45s are specific to small pubs and are not ancillary to anything taking place because those pubs do not have the capacity and are not structurally adapted to do that. I think that I have covered everything.

The Chairperson (Ms P Bradley): Yes. So, even if there is no race meet on on a Sunday, they could apply through the restaurant licence. Is that what you are saying?

Ms Reid: Yes, the restaurant licence would be for the sale of alcohol ancillary to the provision of food.

The Chairperson (Ms P Bradley): That answers that. Do members have any questions that they want to ask Carol or Liam? No.

Are members happy with the responses on Drumbo from the Department?

Mr McCann: I take it that we are not making any decision on that now and that the session with the departmental officials is to provide information to allow us to make a decision later.

The Chairperson (Ms P Bradley): Yes, spot on, Fra. The departmental officials will leave us, and we will go into closed session. We will make our decisions then.

Mr McCann: OK, thank you.

The Chairperson (Ms P Bradley): No bother.

Moving on to clause 8, we gave considerable time to the clause in closed session last week. However, we did not agree a position. We will return to the clause in closed session.

Before we move on to clause 9, I want to highlight that, at the meeting on 11 March, we discussed clause 18, which covers the conditions for occasional licences. We discussed the possibility of including a provision for an organisation or local council to apply for an occasional licence in order to hold a festival or event, such as a Christmas market. We also noted that using occasional licences was how local producers currently run taprooms from time to time. It has been brought to our attention that we have not yet made any firm decision on clause 18, so I ask that we discuss it now while we have the officials with us so that we can return to it during our closed session. Carol, will you remind members of the current process on the use of occasional licences and the potential impact of clause 18?

Ms Reid: Yes, Chair. If local producers want to run a taproom, they need to approach a pub, a restaurant or a hotel. Licence holders from those three categories of premises can go to the court and apply for an occasional licence. As part of that application, they need to notify the local police and the

local council — sorry, just let me double-check that. They need to notify the local police and the local council. The police can object at that hearing, but only where undue inconvenience has been caused at a previous function at that place. The application of that was raised during some of your evidence sessions, and it is an issue for the judiciary. The law specifies the conditions under which the occasional licence can be granted.

Under clause 18, an amendment would be made to the Bill to allow conditions to be placed in advance on an occasional licence. The reason for that is that, under the current system, an occasional licence is granted to a place that is not licensed, such as somewhere that is used for concerts. If there was an event taking place that issues had previously arisen from, the police could ask for conditions to be placed on a licence if the event was to be at the same place. There are ways around that, and the event could just be moved, so the police have asked for the opportunity to place conditions on an event in advance of the licence being granted.

My understanding is that it is more about young children and under-18s, in particular. At the minute, as part of the organisation of an event, say an outdoor concert or something like that, all the organisations come together to discuss it in advance and — I am trying to come up with an example here — agree on an area for young families where alcohol is not available and you cannot consume alcohol. That is all done in agreement in advance, but, on the day of the event, it can be taken away and there is no recourse because all they would need to do would be to change the location the next time.

The Chairperson (Ms P Bradley): It is really just to promote greater responsibility.

Ms Reid: That is right. It is to put the onus on them so that, if anything goes wrong, there is some sort of recourse and the police can place conditions on it. Currently, the police can place conditions on it only if undue inconvenience is caused to local residents.

The Chairperson (Ms P Bradley): OK. I understand that. Do members have any further questions on that? If we can, we will need to decide on it during our closed session today. Does anyone else want clarity? Are members happy enough? OK. We will move on to clause 9.

Last week, we noted that the wording of the PSNI proposed amendment to clause 9 was not suitable in legal terms. We are keen to see that gap in the legislation addressed. We asked the Minister to table a suitable amendment to deal with the issue and are waiting for the Minister's response on that. We hope to have that for our first meeting after Easter.

I will move on to clauses 19 and 32. The Committee sought a final point of clarification on codes of practice and whether the clause allowed for the existence of a number of codes of practice written by different sectors and approved by the Department. Carol or Liam, I understand that you might be able to update us on that.

Mr Quinn: Yes, Chair. I will take that one. The simple answer is that the Bill allows for more than one code of practice.

The Chairperson (Ms P Bradley): OK. Kellie, I know that that was something that you raised in the closed session last week.

Ms Armstrong: It was. While we have a group that currently provides a very good code of practice, it was raised during evidence sessions that there are potential difficulties with how that code would read across to supermarkets or potential taprooms. As you can imagine, the alcohol sales sector is wide and varied, so that would mean that they can produce their own codes.

Mr Quinn: Yes. I mean —.

The Chairperson (Ms P Bradley): OK.

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

Mr Quinn: The Bill is quite widely drafted. It states:

"A person or group has a 'relevant interest' if the person or group ... is representative of persons whose business involves the sale of intoxicating liquor under a licence ... is representative of persons whose business involves the production of intoxicating liquor ... is representative of persons whose business involves dealing wholesale in intoxicating liquor ... is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order."

It is very wide and allows for those involved in the business to come forward with a code. It also allows for, for example, charities or health organisations that are concerned about alcohol misuse to come forward with codes.

The Chairperson (Ms P Bradley): OK. All right, members. Are you happy with that response? Yes.

All right. I will move on to clauses 12 and 28 and 11 and 27 on underage functions and private functions. Members, we are waiting for legal clarification on the supervision of children at private functions and around the time of leaving premises. Carol or Liam, we are waiting for the Minister's response on that. Do you have anything that you can add?

Mr Quinn: No, Chair. The Minister is actively considering solutions. I thank the Committee for highlighting those two important matters. They will be added to the Bill when we find a suitable solution.

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

OK, members. We will move on to clause 29. Last week, we agreed to ask the Minister to table an amendment to extend the period from — I do not even know what I am reading here — 1 May to 30 September and the number of nights to not more than three. What was that? Clause 29(1) and clause 29(3). Sorry, I am not reading this right. Do members understand what I am saying? I do not understand at this stage [*Laughter.*] That was the recommendation that we looked at last week. We are still waiting for the Minister's response to that also. Liam, have you anything further on that?

Mr Quinn: No, I have nothing further.

The Chairperson (Ms P Bradley): OK. We will go to clause 22. Last week, we noted that the Minister was minded to consider the amendments to address the anomaly identified between clubs and other licensed premises regarding applications to the courts about alterations to premises and regarding the one-day membership. We asked that she makes those amendments. Again, we are waiting for a response. Liam, nothing further on that?

Mr Quinn: Nothing further, Chair.

The Chairperson (Ms P Bradley): OK. We will move on to new clauses. The first one is about the duty to produce guidance. Members, last week, we remained of the view that a clause on the duty to produce guidance had considerable merit and asked that the Minister propose a suitable amendment to the Bill. Again, we are waiting for the Minister's response to that.

Then there was the review clause. Last week, the Committee remained of the view that it wished to see a separate review clause in the Bill. We asked that the Minister draft a clause that contains a review of the implementation of provisions of the Bill. We also asked for a subsequent report to the Assembly by the end of three years after Royal Assent and, following the first review, subsequent reviews and reports within five years of the previous report. Members agreed to that last week. Again, we wait for the Minister's response to that.

We also have additional measures for entertainment venues. Last week, the Committee discussed the potential for an amendment regarding cinemas. The Bill Office will bring a proposal to the closed session.

We also had the issue around minimum unit pricing. Members, last week, in closed session, the Bill Office advised that the issue of minimum unit pricing is potentially within the scope of the Bill. The Bill Office will bring forward a proposal to us in our closed session, and we will discuss that further.

Liam and Carol, have you anything that you want to add at this stage on anything that has been brought up?

Mr Quinn: No, Chair. I cannot think of anything.

The Chairperson (Ms P Bradley): Members, at this stage, we will say, "Cheerio" to Liam and Carol. Do members have any further questions for Liam and Carol? No.

OK. Thank you, Liam and Carol. I know that you are available if we need you later.