



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

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

15 April 2021

NORTHERN IRELAND ASSEMBLY

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

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Members present for all or part of the proceedings:

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

Witnesses:

Mr Liam Quinn Department for Communities
Ms Carol Reid Department for Communities

The Chairperson (Ms P Bradley): Carol and Liam, you are both very welcome to the meeting. Can you hear us, OK?

Mr Liam Quinn (Department for Communities): Yes. Thank you, Chair.

Ms Carol Reid (Department for Communities): Yes.

The Chairperson (Ms P Bradley): Good. Members, the latest departmental responses are in your tabled papers.

We will start with clause 2. We previously discussed the issue of late licences on Sundays and agreed that the Minister should table an amendment to bring the legislation relating to article 44 permitted hours late licences on Sundays into line with permitted hours for other late-night licences that are granted for premises. As I said, you will find the Minister's response in your tabled papers. She stated that she will take that forward as a departmental amendment.

Do members have any comments on that? Are members content with the clause as amended?

Members indicated assent.

The Chairperson (Ms P Bradley): OK. We will move on to clause 4, which deals with police authorisations for additional hours. During its meeting of 25 March, the Committee asked officials to table an amendment that would increase the number of times provided for in the Bill that small pubs can apply for late opening from 85 to 104. In our earlier letter to the Department of 12 March, we wrote

that, if we were proposing an increase to 104 days for clubs, it would be logical to do the same for small pubs, and we asked whether the Minister would agree to table an amendment to do that.

Having read the Minister's current response, I am concerned that we did not make the request clear enough. We wanted the 104 days for all pubs and clubs. The Minister has accepted the request and will table a departmental amendment, but I want to confirm with you, Carol and Liam, that the amendment will cover clubs as well. Will it?

Mr Quinn: Yes, Chair, I can confirm that it will cover clubs.

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

Do members have any comments on that? Are members content with the clause as amended?

Members indicated assent.

The Chairperson (Ms P Bradley): OK. We will move on to clause 7. Sorry, I am just checking whether Mark is in the audience. He is not. I was just checking that I have not left him out. That is OK.

Members, the Committee discussed clause 7 in detail with officials at its meeting of 1 April and will consider later the statutory rule (SR) that will designate Drumbo Park as a stadium of importance to the whole of Northern Ireland. The departmental response is in the tabled papers. The SR, which will be considered later in today's meeting, will commence on 1 May and will allow Drumbo Park to apply to the courts for a liquor licence as an outdoor stadium.

Outdoor stadia are permitted to apply to the courts for extension licences to hold functions until 1.00 am. The Department does not believe that an article 45 would be suitable for places of public entertainment and outdoor stadia, as it allows for premises mentioned in article 5(1)(a) that are not structurally adapted to provide food and/or entertainment — that is, small pubs — to apply for additional permitted hours without the need to provide such food and entertainment.

Members, we are asked to note that Drumbo Park may have options other than a change to primary legislation. Officials believe that Drumbo Park has a restaurant and could therefore apply for a restaurant licence under article 5(1)(e) that would allow it to apply for an article 44 order to provide food and/or entertainment on a habitual basis.

Members, do you have any comments on that? Are you content with that clause?

Members indicated assent.

The Chairperson (Ms P Bradley): We will move on to clause 8. We gave considerable time to deliberations on clause 8 in the closed session on 1 April 2021, and we considered a number of proposals for amendments from the Bill Office. Claire McCanny and the Committee Clerk met officials on those amendments, and they will be covered in closed session, if members agree. Do members agree?

Members indicated assent.

The Chairperson (Ms P Bradley): We will move to clause 9. At the meeting on 1 April 2021, we noted that the wording of the PSNI-proposed amendment to clause 9 was not suitable in legal terms. As we were keen for the gap in legislation to be addressed, we requested that the Minister make a substitute amendment to deal with the issue. The Minister's response is tabled. She said that she is not content to take forward an amendment on the issue. Do members have any comments on that at this stage? We can discuss it in closed session.

Ms Armstrong: Discuss in closed session if possible.

The Chairperson (Ms P Bradley): That is fine. We will move on to clauses 19 and 32. With regard to the codes of practice, at the meeting on 1 April 2021, departmental officials informed the Committee that the clauses allow for more than one code of practice. The Minister's response has been tabled. The Department notes the Committee's request for clarity and confirms that the clauses, as drafted, will allow for a number of codes of practice to be written by different sectors and approved by the Department. Are members content with clauses 19 and 32?

Members indicated assent.

The Chairperson (Ms P Bradley): We will move to clauses 12 and 28, and 11 and 27, which are on underage functions and private functions. We waited for legal clarification on the supervision of children at private functions and around the time of leaving the premises. The Minister's response is that advice has confirmed that the current draft means that the licence holder would be committing an offence if under-18s were still on the premises, albeit in the process of leaving, after 1.00 am. That is a sensible and necessary amendment, and the Minister has advised officials to clarify the policy intent of the provision by tabling an amendment allowing a young person to remain on the premises while in the process of leaving or waiting to be collected. Members, do you any comment on that? Are we happy with that? I think that that answered our queries.

Ms Armstrong: May I check to see whether a time — sorry, I am just catching up on the papers — is mentioned by the Department in relation to the length of time that will be allowed for those young people to leave premises, so that the hotel or whatever will not be prosecuted?

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

Mr Quinn: I will take that, Chair. We have not included it in our response, but we are talking about probably 30 minutes. The reason why we are doing 30 minutes rather than an hour is that drinking-up time extends to an hour. We want young people to be off the premises rather than trying to get taxis or lifts at the same time as people who are leaving other licensed premises.

Ms Armstrong: That is perfect. Thank you. I wanted to make sure that there was a commitment to a bit of leeway for the hoteliers because, as we know, taxis can take forever. To know about that 30 minutes is brilliant. Thank you.

The Chairperson (Ms P Bradley): Thank you, Kellie. Are there any other questions or comments? No. OK.

I will move to clauses 12 and 28 on private functions. The Committee awaited clarification from counsel on the supervision of children. The Department states that the Committee has raised valid points regarding the supervision of young persons at private functions. The Department has concerns about relaxing the provisions so much that it provides a loophole in the legislation and about tightening the definition so much as to make it impossible to implement. The Minister has advised officials to clarify the policy intent of the provision by tabling an amendment that will allow a young person to be in the company of a parent of another child attending the function. Do members have any comments, or are we content with those clauses as amended? I think that that clarified an issue that we had.

Ms Armstrong: Are we saying that there is no limit on the number of children whom a parent of another child can look after? I am thinking about a birthday party, for instance, where parents could leave off their children in a club, bar or part of a premises. Is there a limit on the number of children per parent, if you know what I mean? In schools, for instance, we have eight children per adult or teacher. Is there any limit on that, or could a parent be accompanied by 30 children, one of whom is their own?

Mr Quinn: The proposal came forward because of concerns about young people coming from sheltered accommodation or the like who did not have a parent to supervise them. Those sorts of functions are family functions such as weddings and birthday parties, as you said, and tend to go on past 9.00 pm. If it were before 9.00 pm, there would not be a difficulty; it is because young people are supposed to be off the premises after 9.00 pm. We do not have any limit in the Bill around the number of children who can be supervised by a parent of another child at a wedding, for example. We do not have that, but we are happy to listen to any proposals from members if they believe that that is necessary.

Ms Armstrong: I am pleased that there is not a limit. As you said, there are children who no longer have connections with parents. I would not want them to be excluded. That is fine. I am dreading having an eighteenth birthday party for my child and getting stuck with her mates and trying to control them. I am pleased that there is not a limit on that.

The Chairperson (Ms P Bradley): Are members content with clauses 12, 28, 11 and 27 as amended?

Members indicated assent.

The Chairperson (Ms P Bradley): Liam and Carol, can I take you back to clause 9? Why was the Minister not minded to take forward the amendment on that issue?

Mr Quinn: That amendment relates to deliveries of draft beer, for example. The police and members had some concerns about that being sold by the side of the road from a van. The Minister believes that the current legislation is clear enough and that it is really an enforcement matter. For anyone to order draft beer, for example, from a bar, they have to telephone the bar or to contact it online and pay for the product. They have to provide an address for delivery, and the bar will then deliver the draft beer in sealed containers to the person's home. It is illegal for someone to order drink to be delivered to the side of the road or for a licensed premises simply to drive a van to the side of the road in the way in which people do with a hot-food van and to start selling pints. That is already illegal. The Minister does not believe that an amendment is necessary; she believes that it is a matter of enforcement. If someone starts selling drink in such a way, it is up to the PSNI to take enforcement action, because that is illegal.

The Chairperson (Ms P Bradley): That is fair enough. Thank you, Liam, for clearing that up.

Ms Armstrong: May I ask a clarification question about that, Liam? I am thinking about a private party on private land. Can someone go along with an ice cream van type of set-up and sell from that on private land?

Mr Quinn: It is about the contract: if the beer is being held on licensed premises, the sale takes place on licensed premises. All that they are doing is delivering it to the private party. As long as the sale takes place on the licensed premises, it is legal.

Ms Armstrong: That is as long as it is sold under a licensee, then?

Mr Quinn: Yes.

Ms Armstrong: I am just trying to think about the ways that people could try to get around this. So, it is not the case that somebody can give somebody £200, as they would in a bar? The alcohol must be sold under that bar's licence?

Mr Quinn: Yes, and then a delivery takes place and it is served to people. No cash changes hands at those premises. It has already been sold.

Ms Armstrong: OK. Brilliant. Thank you.

The Chairperson (Ms P Bradley): Thank you, members. I will move on to clause 29. We agreed to request that the Minister table an amendment to extend the time period in clause 29(1) to 1 May to 30 September and the number of nights in 29(3) to "not more than three". The Minister has accepted both requests and will take that as a departmental amendment. Do members have any comments? Are members content with the clause as amended?

The Committee Clerk: *[Inaudible.]*

The Chairperson (Ms P Bradley): Liam and Carol, the Committee Clerk has just asked whether regulations will come forward to allow that to be amended in any way in the future.

Mr Quinn: As I understand it, that is not in the Bill as drafted.

The Chairperson (Ms P Bradley): That is fine. Thanks for letting us know that.

I will ask again: are members happy enough with clause 29 as amended?

Members indicated assent.

The Chairperson (Ms P Bradley): I will move on to clause 22. We noted that the Minister was minded to consider the amendment to address the anomaly that was identified between clubs and other

licensed premises when it comes to applications to the courts for alterations to those premises and also the amendment regarding the one-day membership. We requested that she table those amendments, and the Minister's response states that she accepts both requests and will take them forward as departmental amendments.

Do members have any comments? Are members content with clause 22 as amended?

Members indicated assent.

The Chairperson (Ms P Bradley): Thank you. We will look at the new clauses. The first of those is about a duty to produce guidance. We were of the view that a clause regarding the duty to produce guidance has considerable merit and requested that the Minister table a suitable amendment to the Bill. In the Minister's response, you will see that she accepts the request and will take forward a departmental amendment.

Do members have any comments? Are members content for the Minister to take that forward?

Members indicated assent.

The Chairperson (Ms P Bradley): Thank you. We will move on to the review clause. The Committee remained of the view that it wishes to see a separate review clause in the Bill and requested that the Minister draft a clause that contains a requirement to review the implementation of the Bill's provisions. The Committee also requested that a subsequent report be made to the Assembly by the end of three years following the Bill receiving Royal Assent and that, following that first review, subsequent reviews and reports should happen within five years of each previous report. In the Minister's response, you will see that she is willing to take forward an amendment that subsequent reviews will be carried out as and when the Department thinks that it is appropriate to do so.

We can consider this in the closed session. I have a few issues around the phrase "as and when the Department thinks appropriate". I have been here long enough to know that things slip by when there are competing priorities. I know how long it has taken for us to get to this stage with the licensing Bill. It was first spoken about in Margaret Ritchie's time, back in 2008, and we are only now getting to finalise these points, in 2021. I am slightly worried about that, members, but we can consider that further in closed session. Are members happy enough with that?

Members indicated assent.

The Chairperson (Ms P Bradley): We will move on to additional measures. The first of those was on entertainment venues. At the meeting of 1 April, the Committee discussed the potential for an amendment regarding cinemas. The Bill Office presented a proposal for an amendment, which was sent to the Department for comment. The Department's response has been tabled. The Department has concerns about an amendment that would allow, in primary legislation, for alcoholic drinks to be sold in cinemas without any public consultation having been carried out, given that there are so few entertainment options for families or those who prefer not to be in the company of those consuming alcohol or in the presence of alcohol itself. There is potential for the public and cinema staff to hold strong views on those issues. The current requirement in the Licensing Order that requires supermarkets to provide non-alcoholic tills is for those very reasons.

Officials believe that there may be an opportunity in current legislation to include cinemas within the definition of a place of public entertainment via regulations and have sought legal advice. Should that be confirmed, the Department proposes that it carries out a public consultation on the issue and brings the outcome to the Committee on completion. Provided that the consultation raises no serious concerns, regulations could be made in a relatively short timescale. Again, we can discuss that later in the meeting.

On a point of clarification, Liam and Carol, if the Committee was minded to look at this, would you be putting a time frame on when that consultation was to take place? We know that the time to the end of this mandate is very short, and we do not know which Minister may take over in the future. Do you want to put a time frame on when the consultation should take place?

Ms Reid: Since the letter was issued, we have received legal advice that it could be done by via regulations. So, if the Committee was prepared to accept the Minister's suggestion that we carry out a consultation, we would probably look to do that in and around the Consideration Stage and Further

Consideration Stage, allowing the consultation to run for a number of months. Regulations could then be brought in around the autumn.

The Chairperson (Ms P Bradley): Thank you for that, Carol. Do members have any questions that they want to ask Carol and Liam around that? As I said, we will discuss it in closed session. Members do not have questions, so, if you are happy enough, we will discuss it in closed session with Claire from the Bill Office.

I move on to minimum unit pricing. Members, at the meeting of 1 April, the Bill Office presented a proposal to put that in the Bill with the possibility of placing a statutory duty on the Department of Health to legislate for minimum unit pricing within three years of this Act receiving Royal Assent. Claire McCanny from the Bill Office and the Committee Clerk have met officials on that amendment, and, again, that will be covered in closed session. Are members happy enough that we do that in closed session?

Members indicated assent.

The Chairperson (Ms P Bradley): Members, that concludes our open session on the Bill. We will now move on to our usual business, before returning to the Bill in closed session. Thank you to Liam and Carol. That is you finished with us. If we need you later, I know that you are available.

Mr Quinn: Thank you very much, Chair.

Ms Reid: Thank you.