



# Official Report (Hansard)

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# Northern Ireland Assembly

Tuesday 8 June 2021

*The Assembly met at 10.30 am (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Ministerial Statement

### Intergovernmental Agreement on Criminal Justice Cooperation

**Mr Speaker:** Members, I have received notice from the Minister of Justice that she wishes to make a statement. Before I call the Minister, I remind Members in the Chamber that, in light of social distancing being observed by the parties, the Speaker's ruling that Members must be in the Chamber to hear a statement if they wish to ask a question has been relaxed. Members who are participating remotely must make sure that their name is on the speaking list if they wish to be called. Members who are present in the Chamber must do this by rising in their place as well as notifying the Business Office or the Speaker's Table directly. I remind Members to be concise in asking their questions. I also remind Members that, in accordance with long-established procedure, points of order are not normally taken during the statement or the period for questions immediately after.

**Mrs Long (The Minister of Justice):** With your permission, Mr Speaker, I wish to make a statement regarding the bilateral meeting under the auspices of the intergovernmental agreement (IGA) on cooperation on criminal justice matters, which was held virtually on Wednesday 26 May 2021. I represented the Executive at the bilateral meeting with Minister Heather Humphreys, the Minister for Justice from Ireland, who was attending her first meeting under the auspices of the intergovernmental agreement. This was the second formal ministerial meeting that I have attended under the IGA since it was re-established in 2020. As I have previously said, I am committed to keeping the Assembly informed of meetings held under the auspices of the agreement.

The meeting on 26 May provided Minister Humphreys and me with the opportunity to review progress against the IGA's 2020-21 joint work programme. Five project advisory groups currently provide the mechanism by which work

is taken forward. They are focused on the areas of public protection, youth justice, forensic science, support for victims, and criminal justice and social diversity.

In spite of the challenges presented to cross-border working by COVID-19 travel restrictions, the project advisory groups have continued to promote and support cooperation across the broad spectrum of criminal justice agencies in both jurisdictions. The public protection group, for example, has been involved in joint training on the management of high-risk offenders. Staff meet regularly, albeit virtually this year, to review offending behaviour programmes and opportunities for joint work in the area of domestic abuse and sexual offending. The youth justice group has developed a cross-border information-sharing system for children or young persons subject to statutory supervision. The support for victims group and human trafficking teams in Northern Ireland facilitated engagement with health and social care (HSC) trusts. It was a positive and useful meeting, and it helped health and social care colleagues to understand the role that they will be asked to take on as part of the proposed revised National Referral Mechanism.

A memorandum of understanding between Forensic Science Ireland and Forensic Science Northern Ireland was refreshed, and an operating protocol concerning sharing resources in the event of significant loss of capacity or capability was signed in January 2021.

Regarding criminal justice and social diversity, the PSNI is developing an information-sharing agreement with an Garda Síochána to ensure that there is consistency and clarity around information sharing that will support effective cross-border working. That is being taken forward under the auspices of the EU exit working stream.

It was encouraging to note the progress that has been made against the current work programme and the positive engagement that has continued across the project advisory

groups. The value of our cross-border relationships is evidenced by the excellent cooperation in sharing experience and practices across a range of areas, including training to deal with high-risk offenders; sharing information in relation to youth offending; ongoing work in relation to support for victims; and tackling issues such as hate crime.

The IGA meeting, amongst other things, provided us with an opportunity to discuss the impact of the COVID pandemic on our criminal justice systems and how, looking forward, we can build on what has been achieved and learned as we face the challenges ahead.

I take the opportunity to update Members on the joint agency task force (JATF), which was instituted under the Fresh Start Agreement. The task force is led by senior PSNI officers, an Garda Síochána, Revenue and HM Revenue and Customs (HMRC). A number of other organisations, including the National Crime Agency (NCA) and the Irish Criminal Assets Bureau (CAB), are also involved in the joint agency task force's operational activity. That is overseen by a strategic oversight group and an operations coordination group. The objective of the JATF is to build on existing frameworks and increase the collective effectiveness, within existing operational and financial constraints, in addressing organised crime, which recognises no borders. The most recent report highlights the continued high level of cooperation and operational activity between all the law enforcement agencies involved in tackling the six priority areas, which are rural crime; drugs; financial crime; trafficking in human beings, including children; excise fraud; and organised immigration crime.

The foundation for success in joint policing activity has been and will continue to be the strength and depth of the trust and cooperation between police services and statutory agencies at all levels. During the COVID-19 pandemic, an Garda Síochána and the PSNI have shown their determination to continue in the prevention and detection of crime, with a focus on protecting our communities. I am happy to note that cross-border operations have continued along the whole length of the border during the pandemic.

With the United Kingdom having exited the European Union, rural crime continues to be a priority. In that area, developments are monitored closely and are responded to accordingly. Criminality continues to occur on an island-wide basis, and close cooperation and island-wide responses are critical. In January 2021, a cross-border operation

resulted in the arrest of three prolific cross-border burglars — a father and his sons. They were linked to multiple burglaries in both jurisdictions, targeting the elderly and most vulnerable over a two-week period.

During this reporting period, the PSNI and an Garda Síochána conducted a joint operation targeting the importation of heroin from Dublin to Belfast for street supply. As a result of the operation, a quantity of heroin destined for street supply was seized, and a suspect was arrested. In March 2021, following the seizure of 41 kg of cocaine in Donegal, the PSNI pursued a number of investigative enquiries under the auspices of the cross-border JATF, and information was provided to assist the investigation. Seventeen cross-border investigations are being progressed through the JATF. The Garda national economic crime bureau (GNECB) and the Criminal Assets Bureau continue to maintain a good working relationship with the PSNI, the National Crime Agency and Her Majesty's Revenue and Customs through ongoing cooperation and the development of mutually beneficial exchanges of information. To date, those strengthened relationships have culminated in increased success in the seizure of assets derived from criminal activity.

Trafficking in human beings, including children, has been the subject of joint work by the PSNI and an Garda Síochána. They detected a 300% increase in sex work advertising during April and May 2020 in both jurisdictions. On 18 February 2021, an Garda Síochána and the PSNI jointly sent out SMS messages to all advertising sex workers, offering help and support if required and providing dedicated phone lines that could be contacted if any assistance was required. In order to establish the workings and structure of the organised crime gangs, the PSNI's modern slavery human trafficking unit and an Garda Síochána's organised prostitution investigation unit continue to gather information and intelligence on massage parlours that operate north and south of the border.

Cooperation between Her Majesty's Revenue and Customs and the Irish Revenue Commissioners plays a key role in targeting the persons and organised crime gangs responsible for cross-border excise fraud. Multi-agency cooperation is crucial to gathering evidence to support investigations, prosecutions and other interventions. In December 2020, as part of a joint day of action between Revenue and HMRC, an oil distillation plant was discovered in County Monaghan. Oil, vehicles, equipment, cash, machinery and

associated evidence linked with the illicit operation were seized, and three individuals were arrested. Financial and forensic investigations are continuing.

A number of cross-jurisdictional investigations are also ongoing into organised crime gangs involved in assisting unlawful immigration into the common travel area (CTA) between Ireland and the UK. Effective collaboration between the Home Office immigration bureau and an Garda national immigration bureau in setting up a covert policing operation in February 2021 resulted in a vehicle being intercepted in Northern Ireland and a people-smuggling attempt detected. Three persons were arrested, a number of properties were searched and relevant evidence was seized. There is also continuing collaboration supporting the investigation into the death of 39 Vietnamese nationals who were found deceased in Essex. Since October 2020, two suspects have been surrendered to the UK on foot of European arrest warrants and have been successfully convicted and sentenced accordingly.

In conclusion, the IGA mechanism continues to deliver effective cooperation and collaboration between respective law enforcement agencies. I am committed to maintaining that excellent level of criminal justice cooperation with Ireland, which is in the best interests of our respective communities.

**Mr Givan (The Chairperson of the Committee for Justice):** I thank the Minister for bringing the statement to the House. Minister Humphreys is someone I have known for a long time and hold in the very highest regard. I welcome the very constructive relationship that the Minister of Justice has with her counterpart.

A wide range of areas was covered in the statement. I will focus on the domestic abuse element. Will the Minister outline whether opportunities for joint working on domestic abuse and sexual offending have been identified? Was stalking behaviour brought up in any of the discussions? Are information and best practice being shared so that both jurisdictions are assisted in tackling those issues?

**Mrs Long:** I thank the Member for his questions. As you are aware, Minister Humphreys is covering for Minister McEntee, who is on maternity leave. Minister Humphreys, as somebody who lives in the border community, has taken a very keen interest in issues on cross-border crime and has been

very proactive in her engagement on those matters.

We had no specific discussions about domestic abuse or stalking at the most recent meeting. However, it is fair to say that our groups continue to work in collaboration on those issues in order to ensure that we are able to pursue on either side of the border any kind of incident that may occur in either jurisdiction.

For example, we are aware that people who are subject to domestic abuse who live in communities that cross and straddle the border may be subjected to abuse on either side of the border. It is important that all those elements are picked up. That is one of the reasons why the extraterritorial jurisdiction in both Bills was so important: it ensures that those offences can still be prosecuted in the courts in Northern Ireland.

**10.45 am**

We have been working on issues on, for example, the work that Sir John Gillen did on serious sexual offences, because there are parallels between the work that he undertook and the O'Malley report in the Republic of Ireland. In that space, we are trying to identify and share mutual issues with our Irish counterparts. I am pleased to say that we work closely together to learn from each other. Where we have experience, particularly on the support required for victims and witnesses, we want to share it and build on good practice on both sides of the border.

**Ms Dillon:** I thank the Minister for her statement. Minister, the statement mentions a 300% increase in advertising for the sex work industry in April and May 2020. Do you have any idea why there was that increase? SMS messages were subsequently sent out to sex workers the following February. Why was there a delay in sending those messages and any follow-up work?

Could the Minister look at the fact that there are people in the North who were trafficked here for sex and now have criminal records? In the Twenty-six Counties, those criminal offences were expunged. Those who were trafficked here had no choice, but we have not yet put legislation in place to protect them, and we are potentially keeping those women and children in that industry.

**Mrs Long:** I thank the Member for her questions. With particular respect to her final question, she will be aware that, because of

immigration policy, there are limitations on what the Department of Justice can do about those offences, as Border Force and its agencies deal with them. However, it is important that we look at ways of encouraging people who may be trafficked or, indeed, may have questionable immigration status that would make them vulnerable to coercive control to access support, safety and immediate healthcare, where necessary. There is a potential risk to the wider population if people are trafficked here for the purposes of sexual exploitation and if those who have come here and whose immigration status is not settled then become vulnerable to organised crime groups that drive them into that line of work.

I would need to refer to our colleagues on the operational side to get the detail on the operations and the reason for the delay in sending the texts. However, the purpose of those text messages was to do exactly what the Member suggested: not to criminalise the women involved but to reach out and offer help and support so that they could access support if they were in danger or under threat.

The reason for the rise is difficult. At this stage, it would be speculation to judge why it occurred. However, we know that the economic circumstances that people found themselves in throughout the pandemic drove them into lines of work that they might not have considered before. The general increase in human trafficking globally is also a factor.

The important thing for us is to get the message out to the public that organised crime in all its forms is a serious threat to our community; it is not a victimless crime. People are being trafficked here in miserable circumstances, and many never make it this far because they die en route. We need to cut off the demand for those services so that people are safe and are not trafficked here for that purpose or for any other kind of abuse or coercion.

**Ms S Bradley:** I thank the Minister for her statement. Minister, I note that you referred to the information-sharing agreement being developed under the auspices of the EU exit working stream. How developed or operational is that data sharing? I would like an update on that. It is critical to the justice family across these islands.

Did any conversation allude to the fact that such precious data is now, unfortunately, subject on occasion to cyberattack? Has consideration been given to the safeguarding of that important data?

**Mrs Long:** The latter point was not discussed at the most recent IGA, but our operational partners, who are the owners of that data, will be acutely aware of it. With respect to the former part of the question, the issue of data sharing is obviously a pressing one. We know that a data adequacy agreement is required to be able to freely share data beyond the end of June. A data adequacy agreement has been drafted, but, whilst we were hopeful some months ago that that would be agreed, it looks less likely at this point. That creates certain challenges in the immediate sharing of data in real time. There are workarounds to deal with that, however, through An Garda Síochána and PSNI sharing their data legally under a different mechanism. From our perspective, we want the highest level of agreement within the EU for sharing data, because, whilst we are focused on North/South agreements through the IGA, organised crime is not focused purely on North/South; it is an international operation, and it has an impact way beyond that.

If Members tune into the news later today, they will see the work that has been done on international interventions in, for example, the trafficking of medications and drugs, which the Health Minister and I have been working on with our operational partners. This is international crime; it is not just national. The sharing of data has to be protected, but it also has to be effective and efficient to allow crime agencies to take on organised criminals.

**Mr Beattie:** I thank the Minister for a positive statement. It is clear that a lot of work streams are going on, and that can only be welcome. I was interested in the update on the JATF and how that is working, particularly in relation to forensic science. Without labouring the point, following on from what Sinéad Bradley said, for a lot of people, low-level crime is what is really important. Those big set pieces are really important, but the burglaries are really important to them. What danger is there that we could lose, for example, cross-border biometric information sharing or cross-border biometric data retention? Do we think that we have protocols to protect that so that we can counter a lot of the low-level crime?

**Mrs Long:** From previous rulings in the European Court of Justice, we are aware of issues with the holding of biometric data, and each jurisdiction has a responsibility to comply with those rulings. We currently have a derogation on some of that because of the supposed implementation of the Stormont House Agreement. Having a process to deal with legacy cases will be important to secure legacy biometric data in particular, because the

retention times have to be proportionate. That will need to be looked at.

As things stand on sharing that information across jurisdictions, operational partners are content that they are able to share data. However, whilst they can share information freely, the sharing of data is more complex, and that is where a data adequacy agreement is required. A data adequacy agreement ought to be agreed, because we are using the same mechanisms and structures as we used in the past, and we hold that data to the same standards as in the past. The stumbling block in all this is having the certainty that that will remain the case. It is important in being able not only to detect and disrupt organised crime but to prosecute those who are behind organised crime. We need to be able to do that joined-up operation and work together.

The Member mentioned forensic science, and that is an important part of what we are doing. There is always a risk in highly specialised areas of work that you fall below capacity or there is a restriction on capability if there is a major event for which there is demand for services. Having a memorandum of understanding that allows us to draw on each other's reserves when we need to is incredibly important. We have been pursuing that, and now, thankfully, we have had some success.

**Mr Dickson:** Thank you, Minister, for your statement. Some serious crime takes place on a cross-border basis, so tackling cross-border crime requires meaningful cross-border cooperation. Can you outline to the House more about the work of the PSNI and an Garda Síochána joint agency task force? What level of cooperation takes place to deliver safer communities in Northern Ireland and the Republic of Ireland?

**Mrs Long:** I thank the Member for his question. Effective collaboration between Governments and between law enforcement agencies is crucial to disrupting and preventing organised criminality successfully. The practical and strategic cooperation that exists between the two police services has been enhanced because of the JATF, and it is clear that it adds value by producing results through cooperation and operational activity.

It is useful to look today at some of the successes that it has had. Members will be aware that the task force was set up specifically under Fresh Start as part of a concerted and enhanced effort to tackle organised and cross-jurisdictional crime. At the moment, the JATF has a strategic oversight group and an

operations coordination group, and it works under the auspices of those in order to be able to have an impact on the ground. The cross-border joint agency task force strategic oversight group is jointly chaired by Assistant Commissioner Barry O'Brien from an Garda Síochána and Assistant Chief Constable Mark McEwan from the Police Service of Northern Ireland, and they provide the strategic direction. The operations coordination group is chaired by Assistant Commissioner Finbarr O'Brien from an Garda Síochána and Detective Chief Superintendent John McVeigh from the Police Service of Northern Ireland. The purpose of that group is to provide oversight of front-line operational activity, and it has been operationally functional since 4 April 2016. It is led by senior officers from Northern Ireland and an Garda Síochána and by the Revenue Commissioners and HM Revenue and Customs. A number of other organisations, including the National Crime Agency and the Irish Criminal Assets Bureau, are also involved in the operational activities. The group has been very effective in dealing with crimes such as rural crime, drugs crime, financial crime, the trafficking of human beings, excise fraud, which remains an issue, and organised immigration crime.

**Ms Dolan:** I thank the Minister for her statement. What input has the joint agency task force had into the Department's legislative proposals for additional powers to tackle organised crime? Do you believe that those proposals will provide better opportunities for cross-border cooperation on tackling organised crime such as drugs crime and financial crime?

**Mrs Long:** As Members will be aware, there are further discussions to happen on those items today when we look at the codes of practice. The proposals will not necessarily enhance our cooperation, but they will certainly enhance the PSNI's toolkit to gather information on organised crime. For example, unexplained wealth orders (UWOs) allow drilling down into the finances of criminal organisations to retrieve information about the structure and organisation of some of the organised crime gangs that operate on a cross-border basis. We will also have operational tools for the seizure of assets and for account forfeiture, as well as a series of other opportunities, to ensure that they can no longer profit from the criminal enterprises in which they are involved. That will be of benefit across the island, because the enhanced operational capability in Northern Ireland will give us the opportunity to be more robust in our responses to organised crime, and that will have a knock-on effect on the JATF's operations across the island.

**Mr Boylan:** Cuirim fáilte roimh ráiteas an Aire. I welcome the Minister's statement. I go back to the section on forensic science. Has Forensic Science's capacity or capability been disrupted by the post-Brexit justice and security arrangements? Has the operating protocol had to be used because of loss of capacity since it was signed this year?

**Mrs Long:** The memorandum of understanding for mutual support with Forensic Science Ireland was signed by Ministers in June 2011. To date, a small amount of reciprocal work has been undertaken under the agreement. At the start of the COVID pandemic, both laboratories were keen to strengthen the existing agreement as a precautionary measure to provide for urgent support in the event of a significant loss of capacity or capability.

An operational protocol was then developed that considered the scope and practicalities of providing mutual assistance and set out how that work would be authorised and handled, should the need arise. Forensic Science Northern Ireland has also engaged with Forensic Services Scottish Police Authority (SPA) to develop a similar protocol, and a memorandum of understanding is in place with the UK Defence, Science and Technology Laboratory based in Porton Down.

**11.00 am**

During the COVID pandemic, there has not been a loss of capability and operational capacity in Forensic Science Northern Ireland, but, as Members will be conscious, we are not yet out of the pandemic. Irrespective of what happens next, it is important that we have as much as possible by way of robust back-up mechanisms to ensure that, whatever we face in forensic science, we have the capability to be able to do the job well, because it is absolutely critical to law enforcement. The work that we are doing on an all-island basis is hugely important in contributing to that task.

**Ms Kimmins:** I thank the Minister for her statement and her answers so far. Minister, on criminal justice and social diversity, what work have the project groups done on social diversity? Can you outline any learning gained from that?

**Mrs Long:** As the Member will be aware, the PSNI already has quite a significant information-sharing agreement to ensure that there is consistency and clarity around information sharing that will support effective cross-border working, as part of the criminal

justice and social diversity theme. That is being taken forward under the auspices of the EU-exit working stream. Both police services are developing measures around hate crime, in particular. The PSNI is refreshing its hate crime strategy, which will involve the PSNI working alongside the Youth Justice Agency. It is also working on a victims and witnesses' strategy for the service. As part of the work stream, it is taking advice and guidance, along with its Irish counterparts, and sharing expertise that it has built up over the years in dealing with those crimes.

As you will be aware, during the PSNI's regular recruitment — there will, thankfully, be further recruitment for the PSNI, hopefully, towards the end of the year, in line with our targets in New Decade, New Approach (NDNA) — it always focuses on trying to ensure maximum diversity among the new members that it attracts and recruits. Again, it will be in discussion with an Garda Síochána about that. As you will be aware, there is also a considerable amount of cross-transfer of officers who have trained with one service and end up working for the other, which, again, is a positive advancement.

**Mr Blair:** I thank the Minister for the statement and for the information on the agreements reached and the advisory groups that have been set up. As my question leans towards the issue of violence against women, I want to refer briefly to the fact that there are further developments today in the Sarah Everard case in GB. I want to put on record that I am thinking of Sarah's family and friends.

In respect of cooperation on issues on this island, can the Minister give us any further information on the cooperation taking place between agencies that might assist in dispelling rape myths and addressing, through greater public awareness, the issue of consent?

**Mrs Long:** I thank the Member for his question. There is clearly much work to be done to dispel rape myths around consent. Some initial work has been done in both our jurisdictions to try to identify opportunities that we might have for shared learning. The O'Malley report, to which I referred earlier, commented on the need for public awareness raising centred on consent. I recognise the similarities between that and the Gillen review, particularly on how we should combat rape myths. I understand that the Irish Government have commissioned the Dublin Rape Crisis Centre (DRCC) to develop messaging and provide advice on what works for different demographics, and I look forward to hearing the results of that work.

The Member will be aware of the work that we are doing and hope to bring forward as part of the Justice Bill to deal with serious sexual offences and how those cases are handled in court. That includes the ability to provide information to juries around rape myths so that, when they hear those cases, they are fully apprised of the reactions that people may have in a serious sexual assault and do not misread people's actions as a result of those rape myths. It is hugely important that we make progress in that area, because it is somewhere where people are particularly vulnerable, but there is a lot of work still to do. On education, we need to start young, and we need to repeat the message frequently. We also need to change societal attitudes, not just the criminal justice system. That is why the work that is happening in Ireland and Northern Ireland is hugely important in delivering societal change.

**Mr O'Dowd:** I welcome the Minister's statement and answers, thus far. The Minister's statement on the work of the intergovernmental collaboration concentrates on tackling organised crime and criminal gangs that operate across these islands. Does it undermine the work of the Minister, and the work of other agencies, when parties in the House are courting the like of the Loyalist Communities Council (LCC), which represents or speaks for criminal and organised gangs? They court them in a political cause, on one day, and, on the next day, the Minister has to come to the House and talk about how other government agencies are tackling their work. Will she comment on that and give a view as to whether her work is being undermined by those who do that?

**Mrs Long:** Society is being undermined by the continued existence of paramilitary and organised crime organisations. Their structures should be dismantled, the organisations should be disbanded, and those who are engaged in criminal activity should desist. The only engagement that elected representatives ought to have with those who are engaged in organised crime and criminality is when they are sending them that message: nothing more and nothing less. Irrespective of what other issues they may have on the agenda, or what concerns they may have, they should not be engaged with, as organisations, while they are engaged in paramilitarism and organised crime. I have been clear about that. It is for all Members to reflect on how they engage with those structures.

**Mr Speaker:** That concludes questions on the statement.

**Mr Allister:** On a point of order, Mr Speaker. I indicated at the start that I wanted to participate.

**Mr Speaker:** I have no record of that, but you can certainly continue if you wish.

**Mr Allister:** Thank you very much. I want to focus on the joint agency task force. The statement is striking by the fact that it makes no mention of paramilitary organisations. They were not mentioned until the Minister's answer to the previous question. Does the Minister wish us to believe that there are no paramilitary links or traces in cross-border crime? Is that too uncomfortable for the process? Will she give us an assessment of the continuing role of paramilitarism within organised crime on a cross-border basis?

**Mrs Long:** I can assure the Member that the only discomfort that I have is a slight twinge in my back from standing for so long during questions on the statement. There is no discomfort from me in calling out paramilitarism or organised crime, from whatever source. I assure him that there is no mention of paramilitarism in this report because the focus is on organised crime, which is much wider than paramilitarism. There are those in paramilitary organisations who continue to be involved in organised crime, including on a cross-border basis — there is no question about that — and when I make statements to the House about paramilitarism and the tackling paramilitarism programme, I regularly refer to that. However, there are many other organised crime organisations that have no paramilitary connections. Organised crime is what we are talking about today. Frankly, it is not for me to make assessments on whether the crimes are conducted by those who badge themselves as paramilitaries. Ultimately, they are all organised criminals, and it is for our operational partners and the courts to decide whether the crimes are carried out by badged organisations. Irrespective of what badge they wear, they should, as I said, desist and disband, and they should dismantle their organisational structures.

**Mr Speaker:** That concludes that item of business.

## Executive Committee Business

### The draft Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021

**Mrs Long (The Minister of Justice):** I beg to move

*That the draft Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021 be approved.*

**Mr Speaker:** The Business Committee has agreed that there should be no time limit in this debate.

**Mrs Long:** The draft rule stems from a ruling that was made by the UK Supreme Court in 2019. At that time, the court ruled that the Department's filtering scheme, which allows for the non-disclosure, on standard and enhanced criminal record certificates issued by Access NI, of old and minor offences held on an individual's criminal record, was lawful. The Supreme Court also ruled, however, that two categories in the scheme could not be regarded as a necessary and proportionate way of disclosing to potential employers criminal records indicating a propensity to offend. One of those categories is the requirement that, where an individual has more than one offence on their criminal record, all offences should be disclosed, which is known as the multiple conviction rule. To comply with the Supreme Court's ruling, the draft legislation makes amendments to section 113A(6) of Part V of the Police Act 1997. The amendment means that, where an individual has more than one conviction, Access NI will no longer be required to automatically include all convictions held on an individual's criminal record on a standard or enhanced certificate. Instead, Access NI will assess each conviction on a criminal record individually and will only disclose a conviction where less than 11 years has elapsed since that conviction was awarded. If the applicant was under 18 at the time of the conviction, that period will be reduced to five and a half years.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

There are two exceptions to that. The first is when a person has been convicted of an offence that is specified under section 113A(6D) of Part V of the Police Act 1997. These are regarded as more serious offences

for which the maximum penalty is a sentence of imprisonment. That includes, for example, offences involving violence, sexual misconduct or the misuse or supply of drugs. To maintain the safeguarding of vulnerable groups, such offences will always be disclosed. The second exception is where any offence was punished by a period of imprisonment, including a suspended sentence. Those offences will also always be disclosed.

Although two exceptions remain, and information about such offences will be disclosed, in any cases where an offence is spent, an individual retains the right of appeal to the independent reviewer of criminal record certificates to have that information removed from their certificate. I acknowledge that that means that less information will be disclosed on Access NI certificates than was previously the case. I am content, however, that the change does not diminish the safeguarding of vulnerable groups in Northern Ireland. Relevant information for the purposes of employment vetting will continue to be disclosed by Access NI. Given the Supreme Court ruling, I agreed in March 2020 that, pending the introduction of this legislation, Access NI should, on an administrative basis, no longer apply the multiple offence rule. This has increased the proportion of certificates that have criminal record information removed before issue, but, from 1 April 2020 to 31 March 2021, Access NI still disclosed information in 579 standard certificates, which is 14.5% of all such certificates issued, and in 4,981 enhanced certificates, which is 5.9% of all such certificates issued. I am therefore confident that the amended legislation continues to ensure that the correct balance is struck between safeguarding vulnerable groups and affording the right to privacy of individual applicants for Access NI certificates, as set out in article 8 of the European Convention on Human Rights.

This rule is subject to the draft affirmative procedure because, as specified in Part V of the Police Act, amendments to section 113A(6) can only be made in that manner. I thank the Justice Committee for its careful consideration of the draft rule, and I bring the rule before you today with the Committee's support. I commend the rule to the House.

**Mr Givan (The Chairperson of the Committee for Justice):** I will speak briefly, as the Minister has outlined in detail the purpose of the rule. It will remove the requirement for Access NI to automatically disclose all convictions in cases where an applicant for a standard or enhanced check has more than a single conviction on their criminal record. That

brings the Access NI filtering scheme into line with the judgement that was made by the Supreme Court in January 2019.

The Minister first wrote to the Committee to advise of changes to the scheme in March 2020. Given that over a year had elapsed since the Supreme Court decision, the Minister advised that, to prevent any further challenges, the changes should initially be made on an administrative basis and that the necessary legislative changes would be made as quickly as possible thereafter.

The Committee subsequently considered the proposal to make the rule at its meeting on 1 October 2020, along with receiving an update on the operation of the administrative changes made to the scheme in March. The Department advised that the impact of the administrative changes had been significant, with around 55% to 57% of applications having information filtered, compared with 27% to 30% of applications before the changes were made. Many of those related to multiple motoring offences that, until then, had to be disclosed on the basis that more than one offence was adjudicated at court. The Department advised that there was no evidence that the increased rate of filtering caused any safeguarding concerns and no adverse feedback had been received from employers.

#### 11.15 am

Having considered the information provided, the Committee agreed that it was content with the proposal for the statutory rule. The Committee also agreed to request clarification on the offences that would be retained on the system permanently, and the Department provided that information on 20 October. The Department laid the rule on 6 May, and, at our meeting on 13 May, the Committee noted correspondence from the Department advising that the delay in the rule being laid, following the Committee's consideration of the proposal in October, was due to drafting issues, which had been resolved.

The statutory rule was subsequently considered at our meeting on 27 May, when the Committee noted that the Examiner of Statutory Rules had no comment to make by way of technical scrutiny and agreed to recommend that the statutory rule be approved by the Assembly. On behalf of the Committee for Justice, I support the statutory rule.

**Ms Dillon:** I do not propose to repeat what the Minister and the Chair have said, but it is

important to note that the rule will bring Access NI into line with the Supreme Court judgement from January 2019, which found that the disclosure of all convictions, where an individual had more than a single offence, was disproportionate and would not comply with article 8 of the ECHR. The case involved four people who were convicted, cautioned or reprimanded for relatively minor offences, such as driving without a seat belt in 1996 and the theft of a sandwich from a shop in 1999 while the offender was homeless and suffering from undiagnosed schizophrenia. Disclosure of their criminal records to potential employers made it more difficult to obtain jobs.

The Access NI scheme is an important safeguarding scheme to ensure that people do not end up in inappropriate jobs where they might present a danger to the public or to individuals, and, as was outlined, that safeguard is still in place. It was never intended to prevent people turning their lives around or getting another chance after previous misdemeanours, regardless of how minor they were. It is important that Access NI is proportionate, fair and human rights-compliant, and I welcome the legislative change, which will achieve exactly that.

**Mrs Long:** I thank the Chair and the Deputy Chair for their points. I thank all Members in the Chamber for their consideration of the draft rule. It is essential to ensure that we can comply with the ruling made by the Supreme Court in January 2019 in relation to the disclosure of old and minor offences on Access NI certificates. I again put on record my thanks to the Committee for its scrutiny of the rule, and I hope that the Assembly will join me in supporting the regulations. I commend the draft rule to the Assembly for its approval.

*Question put and agreed to.*

*Resolved:*

*That the draft Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021 be approved.*

### **Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021**

**Mr Deputy Speaker (Mr Beggs):** The next items of business are motions to approve four draft statutory rules, all of which relate to the Proceeds of Crime Act 2002. There will be a

single debate on all four motions. I will call the Minister to move the first motion. The Minister will then commence the debate on all four motions listed in the Order Paper. When all those who wish to speak have done so, I will put the Question on the first motion. I will then call the Minister to move the second motion, and the Question will then be put on that motion. The process will be repeated for the remaining statutory rules. If that is clear, we will proceed.

**Mrs Long (The Minister of Justice):** I beg to move

*That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021 be approved.*

*The following motions stood in the Order Paper:*

*That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021 be approved. — [Mrs Long (The Minister of Justice).]*

*That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021 be approved. — [Mrs Long (The Minister of Justice).]*

*That the draft Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021 be approved. — [Mrs Long (The Minister of Justice).]*

**Mr Deputy Speaker (Mr Beggs):** The Business Committee has agreed that there should be no time limit on the debate.

**Mrs Long:** The purpose of the orders is to bring into operation four codes of practice for the use of powers under the Proceeds of Crime Act 2002 as amended by the Criminal Finances Act 2017.

By way of background, the Proceeds of Crime Act, otherwise known as "POCA", is a UK-wide Act designed to provide law enforcement with tools to recover the proceeds of crime and to deny criminals the opportunity to accumulate assets secured by illegal means. POCA contains a wide range of provisions that deal with, amongst other things, cash seizure and forfeiture; asset freezing; the disclosure of information by financial institutions during investigations; and requirements on professionals in regulated industries to submit suspicious activity reports. Since its inception,

POCA has proven to be an integral part of the response to organised criminality, which, as Members will know, is driven by sheer greed and a disregard for the harmful impact that crime has on our society.

The POCA regime was further enhanced by the Criminal Finances Act 2017. That Act added to the list of tools that operational agencies could use when investigating the proceeds of crime. They included the introduction of the new account-freezing and forfeiture powers; new listed asset forfeiture powers; new unexplained wealth order provisions; and the ability to revisit confiscation orders. Unfortunately, those powers did not commence in Northern Ireland as planned in 2017. Whilst the provisions were in the original Bill, the Assembly's dissolution in January 2017 meant that it was not possible to secure a legislative consent motion (LCM). However, it was decided that the devolved provisions should remain in the Bill but they would not be commenced without appropriate consents having been secured from Northern Ireland. Since the return of the Assembly, I have engaged with the Executive, the Justice Committee and Members in order to secure a way forward for commencing the outstanding provisions, as retrospective consent for the provisions of an Act is not possible. Members may recall that I advised the Home Secretary that the powers should be commenced last year. While it has taken longer than I had hoped, given the pressures of EU exit and COVID, all parties are working towards a commencement date of 28 June.

I turn to the business before the Assembly. Members are invited to approve four codes of practice that give guidance to officers in Northern Ireland who are exercising POCA functions following commencement of the relevant provisions. Those officers are primarily PSNI officers and accredited financial investigators in the PSNI, the Department for Communities and the Northern Ireland Environment Agency (NIEA). The designation of powers is subject to training and accreditation on an ongoing basis. The codes of practice should coincide with the commencement of the relevant Criminal Finances Act provisions. Taking into account appropriate jurisdictional differences, the codes are closely aligned to those prepared by the Home Office for officers exercising POCA powers in reserved agencies or on behalf of other bodies in England and Wales.

Three of the orders relate to existing codes that have been subject to minor updates to reflect how the new powers should be exercised. One order is for a new code that advises officers

how to exercise powers in respect of the recovery of listed assets. It is anticipated, subject, of course, to the Assembly's approval today, that the three revised codes and one new code will take effect on 28 June to coincide with the planned commencement of the Criminal Finances Act provisions.

Whilst I do not propose to go into the full technical detail of each code, Members may find a brief summary helpful. First, the 'Search, Seizure and Detention of Property (Northern Ireland)' code of practice is issued under section 195T of the 2002 Act and provides guidance to constables and accredited financial investigators on the exercise of powers to search, seize and detain property that may be needed to satisfy a future confiscation order following conviction. Secondly, the 'Recovery of Cash: Search Powers (Northern Ireland)' code of practice issued under section 293A of the 2002 Act provides guidance to constables and accredited financial investigators on the operation of powers to search for cash where there are reasonable grounds for suspecting that the property has been obtained through unlawful conduct or is intended for use in unlawful conduct. Thirdly, the 'Investigations (Northern Ireland)' code of practice issued under section 377ZA of the Proceeds of Crime Act 2002 provides guidance to constables and accredited financial investigators on the exercise of the investigation powers in POCA. Finally, the 'Recovery of Listed Assets: Search Powers (Northern Ireland)' code of practice is issued under section 303I of POCA. It is a new code that provides guidance to constables and accredited financial investigators on the exercise of powers to search for listed assets such as precious metals and stones, artistic works and face value vouchers that have been acquired by the proceeds of crime or will be used to support further criminal activity. It also provides guidance on applications by officers to judicial officers or senior officers for prior approval to exercise the powers.

POCA stipulates that the Department of Justice must prepare and publish a draft of any new or revised code of practice. My Department ran a nine-week public consultation on the four codes from 1 December 2020 to 1 February 2021. As no adverse impacts and amendments were suggested, there were no changes to the codes as a result of the consultation. Officials subsequently made some amendments to the investigations code of practice to fix minor errors and for stylistic purposes, but no material changes were required.

Setting aside the technical detail, it is important to reflect on what the codes help to deliver. We

know that criminals are motivated by greed and personal gain. Removing the profits from criminal activity, therefore, reduces incentives and has a disruptive effect on the cycle that sustains serious and organised crime. In turn, that reduces the harm to individuals, families and businesses across our communities. It is important to recognise that the POCA regime is an integral part of the overall response to tackling organised criminality in all its forms. Enhancing the POCA framework is also consistent with what my Department and our partners on the organised crime task force seek to achieve under the organised crime strategy for Northern Ireland, particularly the pursuit of offenders through investigation, disruption and prosecution. As recognised by the Independent Reporting Commission, the introduction of the measures will broaden the range of tools available to deal with paramilitarism and organised crime, where there is often significant crossover.

The codes are important safeguards that underpin the POCA regime. Collectively, we must ensure that organised criminality is socially unacceptable and economically unviable. Therefore, I ask the Assembly to support the strengthening of the POCA legislation in Northern Ireland and to approve the four orders today. We need to send a clear, consistent and collective message that crime does not pay and that we will do everything in our power to ensure that law enforcement agencies here have all the powers that they need to deny criminals the use of their assets, to recover the proceeds of crime and to disrupt and deter criminality.

**Mr Givan (The Chairperson of the Committee for Justice):** I am pleased to speak in my role as Chair of the Justice Committee on these issues, albeit briefly, as the Minister has already outlined the purpose of the four statutory rules in detail. The rules will bring one new and three revised codes of practice issued under the Proceeds of Crime Act 2002 into operation. The codes apply principally to financial investigators designated with powers under the law in the PSNI, the Department for Communities fraud investigation service and the Northern Ireland Environment Agency.

Equivalent codes that apply to reserved bodies operating in Northern Ireland are issued by the Home Office, the Attorney General and the Advocate General for Northern Ireland. The codes have been updated or drafted to reflect changes to POCA arising from the Criminal Finances Act 2017. Members will be aware that that Act is a UK-wide Act that includes a mix of reserved and devolved provisions to provide

law enforcement agencies and partners with new capabilities and powers to recover the proceeds of crime and to tackle money laundering, corruption and terrorist finance. Though fully commenced in England, Wales and Scotland, the devolved provisions for Northern Ireland have not been commenced, as consent was not secured before the Assembly was dissolved in January 2017. The Minister of Justice wrote to the Committee on 22 May last year, indicating her intention to notify the Home Secretary of her agreement to commence the provisions of the Criminal Finance Act 2017 in Northern Ireland.

### 11.30 am

Subsequently, departmental officials attended the Committee's meeting on 28 May to provide an overview of the provisions relating to Northern Ireland that it was proposed should be commenced. The Committee was advised that a public consultation would be undertaken on nine codes of practice. The Department of Justice and Home Office would each consult on four codes of practice, while the Attorney General and Advocate General for Northern Ireland would consult on one. Written information provided as follow-up to the evidence session gave further detailed information on the consultation.

On 15 November, the Department wrote to the Committee advising of its intention to launch a nine-week consultation on its four codes of practice on 23 November. The Committee agreed that it was content for the consultation to proceed and that it would consider the matter further upon the results being available. The consultation was subsequently launched on 1 December, and the summary of the consultation was considered at our meeting on 11 March. Although no amendments to the codes were deemed necessary following the Department's consultation, one code was updated as a result of changes made to an equivalent Home Office code in response to that consultation. The Department advised that the changes provided clarity where it was believed to be beneficial but were not considered to be material to the operation of the codes. The Committee noted the Department's intention to bring the draft affirmative statutory rules and finalised codes of practice for consideration after the Easter recess. The Department also indicated that the codes of practice would come into operation on the same date as the commencement of the outstanding provisions of the Criminal Finances Act.

The Committee, at its meeting on 22 April, agreed that it was content with the proposals for

the statutory rules to bring the four codes of practice into operation. The draft statutory rules were subsequently considered at our meeting on 3 June. The Committee noted that the Examiner of Statutory Rules had no issues to raise with regard to technical aspects of the four rules, and it agreed to recommend that they be approved by the Assembly. Therefore, on behalf of the Committee, I support all four motions that are before the House.

**Ms Dillon:** I do not intend to repeat what the Chair has already outlined, except to say that the motions will amend a number of statutory codes of practice under the Proceeds of Crime Act 2002 to take account of the commencement of the provisions of the Criminal Finances Act 2017. The Criminal Finances Act includes a number of important provisions that will assist the police and others in tackling organised crime and criminal gangs. It is important legislation.

This matter first came to my attention when I was on the Policing Board. We went to a presentation in Grosvenor Road at which the police outlined why they needed these codes and this legislation to be put in place. It is necessary to ensure that we equip the police with the proper tools that will enable them to tackle such crime. Armed criminal gangs are involved in serious crime, such as murder, extortion and drug dealing. They threaten, bully, intimidate and coerce communities. They have no place in society. The main motivation of those criminal gangs is financial. They want to make as much money as possible, mainly off the backs of communities and those who cannot afford it. It is important that the police and other law enforcement agencies have the power to target those gangs where it will hurt: their assets and their pockets. The Criminal Finances Act introduces two new forfeiture powers that will allow the police to do just that in cases where property, assets or money is derived from or intended for use in unlawful conduct.

I would like to see the PSNI tackle organised crime in my constituency of Mid Ulster. I am sure that many Members across the House will share the frustration of those who live in my constituency. They see drug dealers, who destroy communities by dealing drugs to children and young people, living lavish lifestyles while families and communities are left to pick up the pieces. I commend the motions to the House. I thank the Minister.

**Mr Dickson:** I thank the Minister for bringing these regulations to the House. She used one of my lines when she said that it is, indeed, an

old cliché to suggest that crime does not pay. It is true, because the Justice Minister is working hard to ensure for us all that that is the situation.

The Proceeds of Crime Act 2002 has been amended by the Criminal Finances Act 2017, which contains provisions that relate to asset recovery. Those are due to be commenced later this month. However, it is worth noting that those powers have been available in England, Wales and Scotland since early 2018. Despite the efforts of the Department of Justice to bring forward a legislative consent motion, the Assembly dissolved before the motion could be debated in January 2017, so the powers were not commenced in Northern Ireland at that time.

Sadly, another example of lost time is the three years in which this Chamber lay empty and necessary legislation to make Northern Ireland a better and safer place could not be progressed. That is something that we must all pledge not to repeat. Time for criminal gangs to continue in business is never a good thing.

Although new provisions to the Proceeds of Crime Act have already been commenced, a number of elements are still to come into operation later this month. Those include considerable powers to tackle crime and cut funds for ill-gotten gains. Perhaps the most well-known element will be unexplained wealth orders, meaning that police agencies can make applications to the High Court for orders. I understand that, although those will not cover the police, the PSNI will ultimately be able to refer them to an agency to enable the work to be done. In our constituencies, we often wonder how some people lead a life of luxury with no visible means of support. Hopefully, those days are coming to an end for many of those people.

Unexplained wealth orders will provide a tool to investigating agencies to require people to explain how assets in excess of £50,000 were obtained and how they can be explained by their known income. Hopefully, their lifestyles, with the fancy cars and houses, will be coming to an end. Provisions also include account freezing and forfeiture orders. Those have been particularly valuable in England and Wales, where over £200 million was frozen in 2019-2020.

Other provisions cover forfeiture of listed assets if all or part of the asset is recoverable property intended for use in unlawful conduct. If you have not gained it illegally, you should have no difficulty explaining why you have it. Other serious and useful provisions that will be introduced include disclosure orders in money-

laundering investigations. Those will require anyone to answer questions and provide information on money-laundering investigations.

Finally, amendments provide for an extension of the moratorium period, which will allow investigators to take evidence to determine whether further action should be taken following suspicious reports by a bank or other companies. It is important that financial institutions that are trusted by the public also play their part in helping to expose criminal activity. The order extends the current period of 31 days to 186 via a court order, allowing for considerably more time for investigation by financial institutions.

Those are really meaningful provisions to tackle organised crime in Northern Ireland, and I believe that they will make a major difference. I understand, however, that, owing to the amendment to the Proceeds of Crime Act, we now must update the codes of practice — that is what is happening today — to ensure a standardised approach across the United Kingdom.

As the Minister stated, the codes of practice are technical in nature, but they fall into four key areas: search and seizure and detention of property; search and seizure of cash; search and seizure of certain listed assets; and general asset recovery investigation powers. They may be technical, but everybody in the street will understand what those headings mean.

Some of the specific changes that are included in this revision of what is meaningful cash cover a wider range of items, such as gaming vouchers and betting receipts. Those are welcome changes being progressed today. They will go some way to ensuring that no one profits from crime. I commend the work that the Minister has done to bring forward the orders today. From today on, paramilitary crime gangs and others will have to fear further the knock at the door.

**Ms S Bradley:** On behalf of the SDLP, I, too, welcome the revised codes and the new code, albeit, through no fault of the Minister, they are late. They standardise the approach that we will take going forward in disrupting and seizing any proceeds of crime. I will not reiterate what has been said, but it is worth noting at this stage that the purpose of the statutory rule as presented includes taking a proportionate, consistent approach in a focused manner. It is worth noting that doing that is also in the interests of the person who may be subject to those powers, because it brings a standardised proportionality to the discussion. Any person

who, for whatever reason, may have been subject to these at the outset because there was a perception, and can prove that they have legitimate access to these means, will then have very clear regard to these proposals and how they can defend themselves. It is important that that proportionate piece is built in.

However, I have no hesitation in saying that this is about disrupting those who try to benefit from and live off the proceeds of crime. Therefore, the SDLP, like any law-abiding citizens, will have no hesitation in welcoming these codes.

**Mr Beattie:** I shall be brief. This is a good day for justice. This is a good day for tackling crime and those who make a living from criminal activities. The Ulster Unionist Party has always been strong on justice. We have always been strong on supporting victims. We have always been strong on tackling crime, and we have always been strong on tackling the causes of crime. We will stand with our Justice Minister to rigorously force this through to make sure that we can engage these criminals where it hits them hardest, which is in their pockets, in their bank accounts, and in the fancy cars that they drive around our streets in and the fancy watches that they have on their wrists while the victims of that crime sit at home in fear because of what is happening to them.

The Proceeds of Crime Act is a tool in dealing with crime, be that through paramilitaries, criminals or organised crime gangs. It is just another tool. However, it is simply untenable that we would not support this to be able to tackle those individuals. Accredited financial investigators are key to this because this crime gets more complex each day. Every time that they try to show that what they have has been gained legally and as they try to launder money or sell on goods, it is important that those accredited financial investigators, along with the PSNI, have the tools to hold them to account. We cannot have criminals in our society, not working, standing there in their Armani suits with their gold watches and BMWs.

**Ms Dillon:** Will the Member take an intervention?

**Mr Beattie:** Of course I will. Yes, absolutely.

**Ms Dillon:** Would the Member agree that it is not acceptable to have people in balaclavas marching through the streets of Portadown either?

**Mr Beattie:** Of course. I am sure that the Member will have heard me say on multiple

occasions that it is not tenable to have people walking through the streets in balaclavas. It is not tenable to have people in the gutters in balaclavas murdering citizens of this country. There is no point trading insults across the Chamber when you know full well that I am not standing supporting anybody who wears a balaclava. You know full well that I do not support paramilitaries in any shape or form, you know full well that I have received threats from loyalist paramilitaries, and you know full well that there are also republican organised crime gangs out there. So, play your games if you want, when I am making a positive point about what our Minister is doing to tackle criminals.

**Mr Deputy Speaker (Mr Beggs):** Can I bring —

**Mr Beattie:** I was not anywhere near that parade when it happened and did not see anybody with a balaclava [*Inaudible*] —

**Mr Deputy Speaker (Mr Beggs):** Order, order. I ask the Member to return to the motion, despite the distraction. We are here to debate a piece of legislation, and I ask you to return to it.

**Mr Beattie:** Thank you, Mr Deputy Speaker. I apologise for getting a little bit carried away but when you stand up against these criminals and somebody tries to belittle you for doing that, you may just get a little bit passionate.

I will finish by saying quite simply that this is good legislation to deal with criminals, paramilitaries and criminal gangs on our streets. I will be supporting the Minister in this, and in rigorously ensuring that it is applied through her offices.

**11.45 am**

**Mr Frew:** I support the Minister of Justice in her endeavours to bring these changes to the codes of practice, which we most definitely need. If you speak to the Police Service, it will tell you the same thing. There is absolutely no doubt that a modern police force needs modern legislation, because one thing is for sure: criminality moves on at a pace. Criminals adapt and overcome the troubles and barriers that are presented to them. It is only right that our Police Service, which is dedicated to protecting people, has powers to combat criminality.

Of course, organised crime comes in many guises, all of which have an incredible impact on society — on people, on family units and on businesses. I am probably one of the few here who grew up in a working-class estate

*[Interruption]* — I said one of the few — and saw at first hand some of the impacts that organised crime has on young people who become trapped in it. They are cajoled and coerced into organised crime. Sometimes, that happens through pressure, but sometimes it happens because they are lured. People with big, flashy cars and houses who buy up badly needed homes to use for their criminal enterprises add to the spectre of the kingpin who strikes fear into the kitchens and living rooms of every working-class home in this country. Families' freedoms — the freedoms of husbands, wives and children — are restricted and people have to abide by other laws and other rules when a kingpin takes hold.

It is good that we can now proceed with these changes to the codes of practice. I agree with my colleague in the Alliance Party when he says that it is a shame that it has taken so long for us to get these changes through. It is a shame that this place was down for so long. Over that period of three years, how many people could have been protected? How many assets and how much cash could have been confiscated during that time? Those are things that we must consider when people, and particularly journalists, ask us about the worth of this place as an instrument of change in people's lives. This is just one example of the benefits of having a devolved Assembly. It is vital that that is not misused or abused or taken for granted. That is why we should value this place.

Organised crime comes in many guises. It could be drug-dealing, racketeering, smuggling or paramilitarism. It is not acceptable that anyone or any political party that sits in this devolved Assembly would have or would be controlled by an army council that looks not only over the political party but on all arms of activity, which could well include organised crime, criminality and terrorism.

**Mr O'Dowd:** Will the Member give way?

**Mr Frew:** Yes, I will.

**Mr O'Dowd:** The Member may be appointed as an Executive Minister later today. In doing so, he will have to sign a Pledge of Office, which makes it quite clear that he will have to tackle criminality and paramilitarism. If the Member is going to stand by his word, will he, therefore, not meet the Loyalist Communities Council until the gangs that it is associated with disband?

**Mr Deputy Speaker (Mr Beggs):** Order. Interesting though it is, I suggest that that is a

debate for another day. Again, I ask Members to discuss the legislation that is in front of us today.

**Mr Frew:** Thank you, Mr Deputy Speaker. I will abide by your ruling, despite the diversion from across the Chamber. We should be tackling the issue of organised crime, paramilitaries and shadowy outfits in whatever guise they come, one being the army council. It is important that we tackle all aspects of criminality. There is no justification for criminality or organised crime — any of it — and it all should stop forthwith. I support the Justice Minister in her endeavours today and support the changing of these codes of practice.

**Mr Blair:** The Proceeds of Crime Act is a UK-wide Act that is designed to provide law enforcement with the tools to recover the proceeds of crime and deny criminals the opportunity to accumulate assets that have been secured by illegal means. It is an integral part of our response to tackling organised criminality. I am a member of the Northern Ireland Policing Board, where those matters were recently discussed.

Organised crime, as Members have pointed out, causes harm, misery and fear in our communities. Tackling that has remained a key priority throughout the Minister's tenure, and I commend her for the progress that she has made on protecting individuals, communities and businesses in Northern Ireland from organised crime. Although good progress has been made, we are still well aware that countering the lingering illegal persuasive nature of paramilitarism requires a long-term and genuinely collaborative approach across government, working closely with community partners. As a Policing Board member, I put it on record that I am committed to doing all that I can to disrupt and prevent organised criminality. It is completely unacceptable for this coercive and controlling influence and these structures to try to prevail or operate in our society.

Details of significant interventions and successes against organised crime by the NCA, Border Force and the PSNI have all been well publicised in recent weeks, and we welcome the measures that have been taken in the interests of public safety. It is not only appropriate but absolutely necessary that suitable legislation and codes of practice are in place to enable and enhance future success.

From a law enforcement perspective, I support the strengthening of the Proceeds of Crime Act in Northern Ireland through the four orders that are before the Assembly. In addition, the

support from across the House for the Minister and the motions that she has brought before us is very welcome. I support the motions.

**Mrs Long:** This has mainly been a positive debate, and I very much welcome the contributions that Members have made to it. This is an opportunity for us, as an Assembly, to make it clear that organised crime is not victimless and is not conducted in a vacuum. Its detrimental impact can be seen and felt in our communities, where it causes real harm and wrecks lives and livelihoods. It diverts money away from public services that we need and use every day and undermines the legitimate economy. It puts lives at risk by peddling substandard goods, often dangerously, to a public who think that they are getting a bargain and that the deal that they have got is too good to be true. Indeed, it is too good to be true.

**Mrs D Kelly:** Will the Minister give way?

**Mrs Long:** I will.

**Mrs D Kelly:** Will she send out a public message that as well as some of the items being dangerous, the cigarettes and alcohol can quite often be poisonous in nature?

**Mrs Long:** The Member is, of course, right. Only today, we were, with the Health Minister and the PSNI, looking at the haul of goods that were seized during Operation Pangea — significant numbers of medical devices and pills that were taken off our streets. People order them online and do not know what they are going to receive from the organised crime gangs: it may be what it says on the packet or it may not. However, even if that medication is the real deal, if you take it in combination with other medication and without the supervision of a medical professional, it can kill you. There is no question about that. What you are doing is putting people's lives at risk. People may think that those things are a bargain and that they are getting a great deal, but somewhere somebody is paying the price, whether it is people who are enslaved in order to produce the goods or the end consumers who find that their lives have been destroyed. We need to take a stand against organised crime. We have to recognise that it is completely unacceptable, and we need to do all that we can, in the Assembly but also more widely in society, to stop it.

Working with partners in the organised crime task force, I am committed to tackling organised criminality in all of its forms. We have had a considerable debate about paramilitaries and

organised criminals, and it was raised during the previous debate as well. I do not care how those organised criminals brand themselves, whether they brand themselves as paramilitaries or as simple organised criminals. Either way, they are parasites who are feeding off our communities, causing misery and destruction. They need to desist from their activity, and they need to disband. They need to let the rest of us get on with our lives in peace and free of the coercive control and intimidation that they exert on our streets every day not just in parades and shows of strength, although those are significant, but every day in the housing estates to which the Member referred, where people are afraid to speak to the police for fear that a neighbour might see them doing so and where people are afraid to report suspicious activity because they are worried that it will lead to a brick through their window the next day or worse. We need to be real about the impact that those organisations have in our communities, and we need to stand united in our opposition to their continued existence.

**Mrs D Kelly:** I am grateful to the Minister for giving way again. On that note, Minister, we are meeting tomorrow at the political reference group on ending paramilitarism and criminality. Does you agree that it is now time for more stick and less carrot? People are fed up.

**Mrs Long:** The Member will see from what I brought forward today that I believe that there has to be stick. I think that there has been sufficient carrot in giving people time. There certainly has been plenty of time to consume the carrot because we are 23 years past the Good Friday Agreement, yet we still wrestle with these issues and with getting clarity on them.

One of the key issues in dealing with organised crime is to build confidence in communities that these are not the people who control the neighbourhood and who are in charge. It is the forces of law and order, the real people in those neighbourhoods and the local legitimate communities who are in charge, not paramilitaries, not organised criminals and not their cohorts. We need to get that message out clearly, and I hope that these tools will help the PSNI and our other partner agencies to deal with those people.

Let us be clear. Whatever badge of convenience those people wish to fly under, the only thing that motivates them is their pocket. They do not care about local communities. They do not care about local people. They do not care about people who cannot make ends

meet. They do not care that families are broken over drugs and illicit materials being trafficked through their estate. They do not care. They care about their money, they care about their own luxurious lifestyles and they peddle the material that they bring into our communities in order to sustain those lifestyles, often at the expense of some of the poorest and most vulnerable people.

So, absolutely there should be stick, and I trust that, with these measures in place, we will be in a position to start seeing increased seizures. Some incredible work has been done in this space on seizures of drugs, criminal assets and cash and on arrests and prosecutions. Instead of quibbling about whether there is a balance in how they are labelled and what they are called, let us just collectively celebrate the fact that those drugs, that money and those individuals are off our streets.

Removing the proceeds of crime is, therefore, crucial to our combined efforts. Investigating and removing criminal assets has a powerful disruptive effect on organised criminals. It can impact on their so-called status in communities, and, of course, the Member is right when he talks about people swanning around in their luxury cars and their luxury clothes while they feed off the poorest. By removing that status, hopefully we can disengage another generation of young people from following in their footsteps. It can also cause problems between criminal group when we remove their resources, and that restricts their ability to fund further criminality.

The orders ensure that Northern Ireland officers, with functions under the Proceeds of Crime Act 2002, can exercise their powers underpinned by up-to-date and effective guidance. The orders also ensure that safeguards are in place for those who may be the subject of a POCA-related investigation. I am, therefore, pleased to be in a position to say that we are moving forward on the Criminal Finances Act and to ask that the orders be accepted and the motions approved. It is a step forward for Northern Ireland and, I hope, a step backwards for criminal enterprises.

#### 12.00 noon

*Question put and agreed to.*

*Resolved:*

*That the draft Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property:*

*Code of Practice) Order (Northern Ireland) 2021 be approved.*

**Mr Deputy Speaker (Mr Beggs):** We now move on to the other motions on the draft Proceeds of Crime Act regulations, which have already been debated.

#### **The draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021**

**Mr Deputy Speaker (Mr Beggs):** I now call on the Minister to move the motion.

**Mrs Long (The Minister of Justice):** I beg to move

*That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021 be approved.*

*Question put and agreed to.*

*Resolved:*

*That the draft Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021 be approved.*

#### **The draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021**

**Mr Deputy Speaker (Mr Beggs):** I call on the Minister to move the motion.

**Mrs Long (The Minister of Justice):** I beg to move

*That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021 be approved.*

*Question put and agreed to.*

*Resolved:*

*That the draft Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021 be approved.*

#### **The draft Proceeds of Crime Act 2002 (Recovery of Listed Assets:**

## Code of Practice) Order (Northern Ireland) 2021

**Mr Deputy Speaker (Mr Beggs):** I call on the Minister to move the motion.

**Mrs Long:** I beg to move

*That the draft Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021 be approved.*

*Question put and agreed to.*

*Resolved:*

*That the draft Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021 be approved.*

**Mr Deputy Speaker (Mr Beggs):** I ask the House to take its ease.

*(Mr Speaker in the Chair)*

## Budget (No. 2) Bill: Second Stage

**Mr Murphy (The Minister of Finance):** I beg to move

*That the Second Stage of the Budget (No. 2) Bill [NIA Bill 24/17-22] be agreed.*

**Mr Speaker:** In accordance with convention, the Business Committee has not allocated a time limit to the debate.

**Mr Murphy:** The Second Stage debate follows the Assembly's approval yesterday of the Supply resolution for the Main Estimates for 2021-22. Accelerated passage of the Bill is necessary in order to ensure Royal Assent before any Departments reach the cash limits for 2021-22 that were set in the Vote on Account. I am very grateful to the Finance Committee for confirming that, in line with Standing Order 42, the Bill can proceed under accelerated passage, and I thank the Committee for agreeing to that.

The Assembly's agreement of the Executive's final Budget for 2021-22 on 25 May allows me to bring the Budget (No. 2) Bill to the Assembly to seek the legislative authority for the expenditure of Departments and other bodies for the remainder of the financial year.

The Assembly's Standing Order 32 directs that the Second Stage debate:

*"shall be confined to the general principles of the Bill."*

I shall endeavour to keep to that direction.

The Bill will authorise the cash and use of resources on services to allow Departments and other bodies to operate for the remainder of the financial year and to carry out the functions and deliver the services that are set out in schedules 1 and 2 to the Bill. The detail of how the cash and resources will be used is set out in the Main Estimates. That document was laid in the Assembly on 27 May.

The Bill will authorise the issue of the sum of £10,342,800,000 from the Northern Ireland Consolidated Fund and the use of resources totalling £11,843,690,000 by Departments and certain other bodies listed in schedules 1 and 2 to the Bill in the year ending 31 March 2022, which is this financial year. The cash and resources are to be spent and used on services listed in column 1 of each schedule. Those amounts are in addition to the amounts that were previously authorised by the Assembly through the Budget Act (NI) 2021 in March, represent the Executive's up-to-date expenditure plans and include the in-year allocations that the Executive have agreed as part of the final Budget process. In addition, as I explained to the Assembly yesterday, they include some items that are not in the Budget, namely New Decade, New Approach and confidence-and-supply funding, which has now been confirmed by Treasury, and funding for the extension of business support schemes that are delivered by my Department and the Department for the Economy. The Bill will ensure that all Departments have the statutory authority to spend the cash and use the resources that they will require to deliver services for the remainder of the financial year.

Clause 2 of the Bill provides for the temporary borrowing by my Department of £5,171,400,000. That is approximately half the sum authorised for issue out of the Consolidated Fund in clause 1. I must stress that clause 2 does not provide for the issue of any additional cash out of the Consolidated Fund or convey any additional spending power. It simply enables my Department to run an effective and efficient cash-management regime.

The Bill also repeals a number of Budget Acts from 2018 and 2019. That is a normal process to remove legislation from the statute book once it is spent.

The legislation is required to ensure that all public services can continue to be delivered for the remainder of this financial year. It gives legal effect to the Budget that was agreed by all Executive Ministers. To be clear, no Minister objected to the Budget and no Minister proposed an alternative allocation.

On that note, I will conclude my opening remarks. I am happy to deal with any points of principle or detail on the Budget (No. 2) Bill that Members may wish to raise.

**Dr Aiken (The Chairperson of the Committee for Finance):** I thank the Minister for his opening comments. My remarks on behalf of the Committee for Finance will address the Second Stage of the Budget (No. 2) Bill. With your indulgence, however, Mr Speaker, I would like to comment briefly on the question of accelerated passage.

*(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)*

As the House will know, the Committee for Finance is in a unique position, given its requirement to confirm the level of consultation on the public expenditure proposals that are covered by the Budget (No. 2) Bill. In that regard, the Committee has received oral and written briefings from the Department, participated in plenary debates, sought clarity from the Assembly's Research and Information Service (RaISe) — I thank RaISe for the work that it has done — and commissioned feedback from other Statutory Committees on the 2021-22 public expenditure proposals. Despite all of that, it is still a struggle to understand the complex data, to appreciate the assumptions that underpin the Budget process and to get to grips with the methodology by which public expenditure decisions are made. It is a complexity with which officials and academics, not just MLAs and Committees, struggle.

I will confess that, despite this being the Committee's second go at a Budget, members are still often surprised by what we learn from officials about all this.

**12.15 pm**

The Committee understands from the Department that delays to the passage of the Bill would lead to an interruption to the funding of public services. Given that we are still emerging from a public health emergency, it is not surprising that members are unwilling to risk that. Consequently, the Committee agreed, I must say with considerable reluctance, to again

grant accelerated passage to the Budget (No. 2) Bill. Mr Allister raised another matter, the funding of the Northern Ireland centenary, which, I have no doubt, he will raise and further expound on during the debate.

As you can imagine, Mr Principal Deputy Speaker, the accelerated passage situation is a highly unsatisfactory outcome that, to some degree, replicates the experience of nearly every other year. I again anticipate, therefore, that some Members may seek to remedy the situation through a suitable legislative vehicle.

The Bill provides legal cover for the balance of the expenditure of 2020-21 that was not covered by the previous Vote on Account. I understand that the Bill refers to cash and resources and, indeed, accruing resources, which is income that Departments receive from outside the Northern Ireland block grant. However, the Bill, if I have understood it correctly, does not cover capital, even though that is referenced in the Main Estimates. Perhaps the Minister might clarify in his response where the legal authority for capital expenditure comes from, given that it does not come from this Bill, despite all the Budget and Supply motions that we have been debating. Perhaps the Minister could also explain where legal authority comes from for accruing resources that are in excess of that which is set out in the relevant schedules to the Bill. That is another area that we need clarity on.

Turning to the substance of the Bill and the associated public expenditure proposals, the Committee gratefully received feedback from those Statutory Committees that, despite the considerable pressure of other work, have done their best, in quite difficult circumstances, to interrogate departmental submissions. The Chairpersons of those Committees — I see many of them here — will, undoubtedly, eloquently make reference to the pressures that their Departments face. I will, therefore, merely give the House a few key points.

The Committee for Communities noted bids that were unmet, such as around half of those relating to support for the vulnerable, including additional welfare mitigations and support for the reform of the Housing Executive. However, the Committee warmly welcomed confirmation that additional universal credit staff will be provided for and recruited. We are also looking forward to seeing the detail of the plans for much-needed social housing. The sooner the Minister for Communities can bring that in front of the Assembly, the better; it will be much appreciated.

The Committee for Infrastructure welcomed the allocations to Northern Ireland Water, which were mentioned in previous debates, but highlighted pressures on the Department to make the capital work actually happen with a challenging resource settlement. We look forward to finding out how we are going to get Northern Ireland Water on to a sustainable basis, because the challenges that we have with waste water in Northern Ireland are acting as a real drag on our economy and on our ability to get ourselves out of COVID-19 and to reboot Northern Ireland.

The Committee for Justice now sounds a little more hopeful about the trajectory of PSNI numbers but has important medium-term concerns about the Prison Service and support for rehabilitation services. There may be other issues on the Civil Service Injury Benefit Scheme that both Justice and Finance will have an interest in; time-limited proposals and issues to do with mental health in particular were put to us. Anybody who is aware of the challenge of PTSD knows that that issue should not be looked at lightly, and, indeed, I think that Justice and Finance will have a close interest in that area.

The Committee for Education welcomed the commitment to a childcare strategy but urged the Department to seek additional funding to address children's mental health waiting lists. The Committee for the Executive Office again sought clarity on the victims' pension scheme.

Much of the feedback from Committees is generally positive and refers to some of the concerns that surfaced at previous debates and are now being addressed, at least in part. That has been helped, as we have seen from comments in the press today, by the more than £6.2 billion that came from our Exchequer to Northern Ireland to help us through the COVID crisis.

All that having been said, the absence of clarity on some of the New Decade, New Approach and confidence-and-supply issues is regrettable. I am thinking particularly of the victims' pension scheme, which, like some of the above, appears as headroom in the Estimates. The Committee noted the departmental assurances, and the Minister's assurances yesterday, that at least £19 million of allocations will certainly follow for those many important expenditure items that have such significant community impacts.

2020-21 was a very unusual year, with a global pandemic challenging many aspects of the governance of Northern Ireland, including the

Budget process. There is much that is commendable about the Executive's response, including their support for the professionalism of our vital health service, education and other front-line workers. It is also correct to welcome the additional measures for hard-pressed businesses and families, which, it is hoped, will support the jurisdiction's post-pandemic recovery. However, as I said before, the Budget process, with its debates, Estimates and delays, quite frankly, is not satisfactory, Minister.

The Committee recently received evidence from the Republic of Ireland and Scotland that showed that there is a better way of doing this process. Maybe, on the next occasion when we debate these matters, some of those better ways will already have started to happen. In the meantime, I thank the Committee members for all their hard work so far and, indeed, the Committee Clerk and staff who have helped the Committee. I commend the Second Stage of the Budget (No. 2) Bill (Northern Ireland) 2021 to the House. I hope that, next time, we will begin to get it right.

**Mr Frew:** I rise again to speak in a Budget debate, as always. Yesterday, I spoke about the direction that the Executive and the Assembly — that today will support, or otherwise, this Budget — can give to our people at this time. It is a time of great trauma, worry and concern for the population's health during a very dangerous and novel pandemic. The restrictions that have been imposed on businesses have had an impact and effect on well-being, enterprise, business and jobs. I fear that we have not yet seen the horror and damage of that fully displayed because of the support mechanisms that the Government have been able to implement, not least the rates holiday that was essential to keep businesses alive and the furlough scheme that has kept jobs alive.

There is a sense, however, that businesses are still tied to a life support mechanism. I fear for the future of some businesses when those life support mechanisms are removed. I believe that there is a duty on all of us, not least the Finance Minister, to keep pressurising and talking to the Government in Westminster about future support mechanisms. It will be needed not for all businesses but for some that are still directly impacted by the restrictions that we placed on them and for those that have been indirectly impacted by restrictions — maybe their markets have fallen through and their customer base is non-existent. There are businesses out there that need support and will continue to need support in the weeks and

months ahead. It is very important that we do not rely on the Government's help, coming down from above in Barnett consequentials, to push that money out.

There will come a time when we as an Assembly and an Executive will have to be creative in how we pursue the objectives and goals that will help and enhance business and create jobs — not save them, but create jobs in the future — as we adapt to any new changing environments in the future. There will be changes; I have no doubt about that.

Before I move off the issue of restrictions, let me say this: we as politicians should never be comfortable with restrictions on our daily lives and business. They should never be classed as the default position. We should always strive to remove them, where and when we can, in order to allow people to live their lives and get on with their business. It is clear in my mind that, sometimes, businesses can obstruct or —.

**Mr McCrossan:** I thank the Member for kindly giving way. I totally agree with what he said about restrictions: when they can be removed, they should be removed, and any barrier to business should be removed to support businesses. They have had a very tough year, as the Member will agree. Does the Member also agree that the Executive's flip-flopping, poor decision-making and uncertainty have led to further difficulties for those businesses and, ultimately, the restrictions being in place for longer?

**Mr Frew:** I thank the Member for his intervention. I welcome the fact that he agrees with me. Yes, there have been times when the Executive have not displayed the logic in some of the decisions that they have taken. It was very harsh on people and business owners when they were restricted but yet could not see the logic or even the fairness in some of the decisions. Moving forward, the Executive will have to consider how to become more transparent and get information out to people in order that they are able to understand the Executive's decisions. With that, there might be more compliance. It is very important going forward that any measures and decisions taken be open, transparent and accountable to the people whom we serve.

It is disheartening that, in this massive document and the blue pages of the Budget Bill, the Finance Minister missed the opportunity — and it is a missed opportunity — to reach out the hand of friendship to everyone in society by celebrating everyone in the country in this centenary year. When I think about Northern

Ireland, I think first and foremost about its people, and that is who we should all be celebrating. No matter what your background or political philosophy or what experiences you have had in your life, we should celebrate all our people. I believe that the Finance Minister missed an opportunity to reach out the hand of friendship. He may add in his submission that no Departments made bids. Money was produced from other means to help and assist Departments. Other Departments have put into their own budget streams funds, money and capabilities to celebrate, in some guise or another, the centenary of Northern Ireland, and I welcome all that. The Finance Minister, however, could have reached out a hand to us all by doing something in his Department and making it clear to other Departments that funding would be coming forward to celebrate the diversity of this place, all its people and all Northern Ireland's achievements over the last 100 years. That would have been a lovely gesture to make, but yet we are in a place where we cannot even lay a stone or plant a rose.

**Mr McCrossan:** Will the Member give way?

**Mr Frew:** No, I will not give way again to the Member, because he will get time later.

He could not even —.

**Mr Principal Deputy Speaker:** I ask the Member to resume his seat. I appreciate that, in a Budget debate, there will be a very wide-ranging discussion. The advice that has been provided to me by the Bill Clerks is that, while Members may wish to consider provision and funding allocations for topical issues that have come up for discussion — for example, language provision, confidence and supply, victims' pensions and the allocation of funding for marking the Northern Ireland centenary — prolonged debate on specific projects is likely to be beyond the scope of the Bill. I therefore encourage the Member back towards the scope of the Bill.

### 12.30 pm

**Mr Frew:** I thank the Principal Deputy Speaker for that ruling. Of course, I could never be accused of prolonging debate in this place. *[Laughter.]* There are major issues that should concern us all, because they affect us all, including our people and our families. One of those issues is the waste water problem, which the Chair of the Finance Committee alluded to. Just because we cannot see the pipes underneath the ground and what flows there,

that does not mean that there are not issues. There are massive issues. They are massive because they affect not only our water treatment plants but development. If we cannot have development in this country, we will not have growth, new homes for our people or new business facilities for our companies, and we will not be able to create jobs from those. That is a massive issue for us. We also need better housing, as I alluded to. When I look through some of the estates and homes that people live in, I despair. When I knock doors, as I go round helping people and doing visits, I sometimes despair at what people have to live in through no fault of their own. We need to be very cognisant of that.

We need to ensure that we can bring in, attract and create opportunities for foreign direct investment in the weeks and months ahead. It will be very challenging and difficult, even to travel and to bring people over. However, we need to strive to do that as soon and as safely as we can, because that is where we will be able to create jobs and assist businesses in providing jobs here. It will also assist the businesses that are here already. That worries me when I look at the Budget Bill. I talked about it yesterday. I do not see direction; I do not see the better place the Minister is directing and leading everyone in Northern Ireland to, including businesses. We need to get to that better place sooner rather than later, because lives depend on it.

The other big issue that we cannot ignore is our health service. A massive number of people are on waiting lists waiting for operations, which, in some cases, could impact their life greatly but which should not be that big an issue for our health service. That leads to further health problems and complications, which only add to the health bill that we all have to pay for. It is vital that we get moving on with the reforms that are needed for our health service so that we have a health service that all our people, not just the rich, who can afford to go private, can avail themselves of. We do not want a two-tier system, and we do not need a two-tier service. We need a health service that is free at the point of delivery and that will help every person in our communities, no matter what age they are, where on the spectrum they reside or their experience. Those are the massive issues that will affect us all in the days and weeks ahead. We will all have to put our shoulder to the wheel and our hand to the plough. We should not and cannot look back. We need to make sure that we, as an Assembly, and the Executive deliver for the people we are here to represent. That starts with a Programme for Government that is

populated and funded by a Budget that will support it.

**Mr McHugh:** Ba mhaith liom fosta buíochas a ghabháil leis an Aire as an ráiteas. I, too, thank the Minister for the statement. I welcome the opportunity to contribute to the debate on the Budget Bill. I will comment on some of the key allocations in the Budget. In the last year, over £3 billion has been spent on COVID support. Thousands of businesses have benefited from schemes such as the localised restrictions support scheme (LRSS), the COVID restrictions business support scheme, the newly self-employed support scheme and grants to businesses in order to support their reopening. That was in addition to a two-year rates holiday for many and an 18% reduction for others, which has been extended for another year.

Huge levels of funding were directed towards hospitals and other front-line services to ensure that they had the resources that they needed to provide care, to tackle the pandemic and to administer the vaccine — an administration that has been so successful. The pandemic has shown us just how vulnerable our healthcare system is, following a decade of budget cuts. There were waiting lists before the pandemic, and we are now at breaking point as those waiting lists extend further and further. There are other long-term structural challenges to our economy in addition to that, including significant regional imbalances. There has been a decline in our productivity and competitiveness, as well as growing levels of income inequality and deprivation. Tory underinvestment has been devastating to all communities in the North of Ireland. A greater spending envelope is required to finance an ambitious programme that will kick-start our economy, encourage investment in the North and lead to recovery.

Despite the limited funding available, there is much to be positive about in this Budget, which I believe provides steps towards recovery. The Minister allocated £300 million towards an economic recovery package, and that is to be welcomed. It is hoped that the voucher scheme will be the stimulus needed not only to encourage shoppers but to allow local high-street businesses to compete with the many multinationals offering goods for sale online.

I am delighted to see £20 million allocated to the Department for Communities for the Job Start scheme, which will assist our young people back into work. None have suffered so much during the pandemic as our young people, whether that is by being restricted from socialising or, in particular, by being restricted by lack of job opportunities that they would

have depended on to support them while in college, for example.

I note that £722.5 million of capital DEL — the biggest allocation in years — has gone to the Department for Infrastructure, along with £170 million of reinvestment and reform initiative (RRI) borrowing, which will provide a major boost to our construction industry and will, hopefully, provide many jobs. We need to see delivery of key flagship infrastructure projects, such as the A5 in my constituency, Casement Park in west Belfast, more social housing units and major repair works on rural roads.

Sinn Féin welcomes the £42.8 million allocated to the Department for Communities, which will allow for the continuation of existing welfare mitigations to protect the most vulnerable in our society. Parents in receipt of support for special educational needs (SEN) will welcome the £10 million allocated to the Department of Education to assist with special educational needs provision. The draft Budget also contains a £30.6 million allocation of COVID-19 money to Education to deal specifically with holiday hunger. Children from low-income families who rely on free school meals will greatly appreciate that allocation, which will go a long way to ensuring that parents have the means to feed their children when schools are closed.

The final Budget contains limited opportunity for revenue-raising measures. The regional rate set by the Executive is the only significant revenue-raising power that the Executive hold and represents about 5% of the total draft Budget settlement, which is equal to about £500 million. The lack of any devolved tax power leaves the Executive almost entirely dependent on the Westminster Government to provide the funding needed to pay for our public services. As we have seen over the past 10 years, that leaves us vulnerable to Tory austerity measures, as is particularly evidenced in our health service. The Executive need to look at the further devolution of tax-varying powers as a means to better set out our own priorities for public spending, and I welcome the Minister's confirmation that the fiscal commission will produce a report on that before the end of this mandate.

**Mr McCrossan:** I thank the Member, my constituency colleague, for generously giving way. I note that he mentions the importance of revenue raising and the consideration of such in order to provide greater support to and funding for our public services. However, the Member may remember that, under the Ministry of Chris Hazzard, water meters were placed right across the North, more so under his Ministry than

under any other. Does the Member believe that that is the route for revenue raising? Is that his party's position?

**Mr McHugh:** Water meters only monitor the amount of water that has been consumed one way or the other. They are not necessarily an imposition of another tax on people.

Given the limited resources at the Minister's disposal, there are some good news items, including the extra allocations for Health and Education. The regional rates freeze and the continued rates holiday will be a vital boost for businesses as we transition into a post-COVID-19 position. Without an improved block grant allocation or the devolution of tax-varying powers, the current Budget represents the best option available to the Executive. Short of constitutional change under the Good Friday Agreement, we are not likely to see any other change in that respect.

**Mr O'Toole:** Yesterday, we debated the Supply resolution and the Main Estimates. Today, we are debating the Budget Bill. Although I have been an Assembly Member for not quite 18 months, this is the fifth Budget Bill that I have debated, and there were associated Estimates documents with all of those. It seems that we never stop debating financial matters and fiscal matters, but, as I said yesterday, it sometimes seems like the volume of debate is in inverse proportion to the quality of the scrutiny.

Before I go any further, I want to put something on the record. We had a robust debate yesterday, and the Finance Minister took strong exception to my party's scrutinising and challenging. The Finance Minister is entitled to do that. He is entitled to be robust in his response, and I would not expect anything less from him, but no MLA should be prevented from doing their job of scrutiny, in part because, as I will come on to, these are vital subjects and are completely critical to how we do government here. However, they are also pretty dense and difficult, and we have to do a job in unpicking and explaining how our financial reporting and budgeting works to a public who do not always understand these arcane matters. That scrutiny may not always be comfortable for Ministers, but that is how it is supposed to be, I am afraid. Indeed, the soon-to-be new Minister left the Chamber recently, and we have all enjoyed listening to him over the months as the DUP finance spokesperson. It looks like we could be hearing from him as Economy Minister, and I look forward to challenging him robustly on his plans for getting us through COVID and into long-term economic recovery.

As the Chair of the Finance Committee said, the Committee granted accelerated passage to the Budget Bill despite having concerns about the level of scrutiny that it was able to complete. There has been speculation in the past year, during the consideration of nearly all of the five Budget Bills that I mentioned, about whether to grant accelerated passage, including to the three that were required for the financial year 2020-21, which was a year that, I am sure we all agree, was unique and unprecedented. However, I must admit that I had greater reservation about granting accelerated passage to this Budget Bill than I had previously.

There are, as my colleagues and I have laid out during previous debates, genuine concerns about budgeting this year and about the robustness of the scrutiny that we have been able to apply. We have talked at length about the lack of a visible strategy and, in particular, about the absence of a vision for addressing our waiting list crisis.

I will say it again: one in four of our citizens is on a waiting list. I was glad to hear my Finance Committee colleague Mr McHugh acknowledge and recognise the need for us to have a long-term financial plan that addresses our waiting list crisis. As well as that, we need a strategy that is matched to our long-term economic recovery from COVID and to improvement in our public services, because we have a waiting list crisis not just in our health service but in special educational needs and housing.

12.45 pm

I will move on from the questions of strategy that I have talked about in recent debates, because there are also questions of clarity. As I said, this Budget Bill is the fifth Budget Bill that I have debated in less than 18 months as an MLA. We are averaging a Budget Bill a little more than once every two months. That is in addition to the formal Budget statements, monitoring updates and Supply motions that we have debated. It should be acknowledged that most of those Budget Bills have happened in the unique and unprecedented circumstances of the COVID crisis. Others have talked, sometimes with more than a little political or constitutional topspin, shall we say, about the allocations that were required. There were particular circumstances in the financial year 2020-21, but, truth be told, everyone in the Chamber will acknowledge that we slightly lost the run of ourselves in scrutinising spending over the past year. The sheer volume of fiscal events and financial reporting has, I am afraid, made it difficult for MLAs to offer the public a robust service when scrutinising how money is

spent. I have concerns about the Budget statement and the lack of strategy that were presented a month or two back and that we debated a couple of weeks back. The truth is that I do not lay all the blame at the Finance Minister's door. We need to look at this structurally, and I will talk later about the Financial Reporting (Departments and Public Bodies) Bill that the Assembly will debate in the weeks to come.

Why is scrutiny by MLAs so important? As I have said repeatedly, it is because, in the absence of an agreed and fully rolled-out Programme for Government that is being delivered on across the Executive, our Budget process is the Executive's de facto strategic decision-making tool. Yes, COVID, the end of the Brexit transition period and the beginning of our new arrangements have meant that we have had a unique year. At every point this year, however — by "this year", I mean the financial year 2021-22 more than the exceptional and unique 2020-21 — it has been next to impossible to point to a single, consolidated statement of financial priorities and allocations and scrutinise it.

The initial draft Executive Budget published in January has long been superseded by events and further allocations. The final Budget that we scrutinised a couple of weeks back was not really the final Budget, because there were further allocations made on, I believe, 1 April and 27 April that were not incorporated into the tables in the final Budget document but are incorporated into the Budget (No. 2) Bill that we will vote on today. I am sure that the Minister will say, and I accept, that that is a result of commitments not being confirmed by the Treasury or the Northern Ireland Office and of late allocations or allocations coming through at irregular times: I get that. All of us, however, from the Minister down have the job of communicating better our priorities and how we are budgeting for them. Additional headroom designed to accommodate further allocations or reprioritisations is included in the Estimates that we debated yesterday and in the Budget (No. 2) Bill that we will vote on today.

The issue that we should consider — it is a perennial subject, but it has become particularly sharp and acute over the past year — is that the constantly moving target of our Budget position presents a real challenge when we endeavour to scrutinise how we spend money and to give clarity to the public that we are delivering on their priorities. What of the Financial Reporting Bill that we are due to debate in the coming weeks? It is a modest first step in seeking to align how moneys are

reported. I am afraid that it will not go anywhere near what we need in order to offer clarity, consistency and information to the public about how budgeting is done. I am happy to be corrected, but it in fact relates to a relatively technical piece of accountancy clarification.

We need the two new fiscal structures that have been announced by the Minister to mark a proper step change in how we do budgeting. Many of us have engaged already with the fiscal council, which, I am glad to say, has serious people appointed to it. Robert Chote, formerly of the Office for Budget Responsibility (OBR), is the chair. The fiscal commission has also been announced. It would be good to hear more about the fiscal commission. I am aware that it is beginning the process of engagement, but I am keen to see its terms of reference and to understand what it will look at —.

**Mr Principal Deputy Speaker:** Order. I am sorry, but I ask the Member to resume his seat. This is the debate on the Budget (No. 2) Bill. There will be other occasions on which to discuss fiscal responsibility legislation and the work of the fiscal commission. I know that there is generally a wide remit in Budget debates, but I ask Members to get back to the content of the Budget (No. 2) Bill.

**Mr O'Toole:** Thank you, Mr Principal Deputy Speaker. Who could blame me for trying to vary things a bit? It was simply an act of courtesy and humanity to the Minister, who, I am sure, is fed up hearing me say the same things over and over again. I decided to offer a little commentary on the Financial Reporting (Departments and Public Bodies) Bill and the Fiscal Council.

Anyway, I have made my point: we need to see a step change in how we report. It is critical to the Budget (No. 2) Bill. I agree with the previous contributor — indeed, I am pleased to hear Sinn Féin talk more and more about this — on the need for us to have a proper look at how we raise revenue. That is completely related to the Budget (No. 2) Bill, Mr Principal Deputy Speaker.

There are always allocations and individual bits of expenditure that we welcome, but we should not kid ourselves that we have landed anything like a properly thought-out, strategic Budget since we returned. We also critically need to see much more in the weeks ahead — I hope that we do — on a better joined-up approach to how we not only scrutinise budgets but present them to the public and explain what our priorities are. I very much hope that the new

institutions that are being created can help us to do that.

**Mr Principal Deputy Speaker:** Before I call Mr Chris Lyttle, the Chair of the Education Committee, I remind Members that the sitting will be suspended at 1.00 pm for the Business Committee to meet. I am not suggesting to Mr Lyttle that he has to finish before 1.00 pm, but he should anticipate being interrupted during his remarks.

**Mr Lyttle (The Chairperson of the Committee for Education):** This is one of the rare occasions that I have quite a lengthy speech, unfortunately, but I will do my best.

I welcome the opportunity to speak at the Second Stage of the Budget (No. 2) Bill as Chairperson of the Committee for Education. I take the opportunity to continue to pay tribute to the teaching and non-teaching staff and students across Northern Ireland for the innovative and courageous way in which they are responding to the COVID pandemic and to ask that the Executive ensure that they are supported by this and future Budget Bills.

The COVID pandemic, the financial crisis in public services and the unreformed Budget process have made the monitoring of in-year allocations in 2020-21 extremely challenging. The timings to which the Assembly is being asked to work represent a budgetary process that is inadequate for proper transparency and scrutiny in any circumstances, but particularly so when the education and well-being of our young people has been placed under exceptional strain.

A draft Budget and final Budget had issued by the time that the Education Committee was briefed by the Department of Education this year. Those budgets were, however, subject to pending authorisations and approvals of a myriad of additional funding lines. The Finance Department had not yet issued guidance and a timetable to govern the in-year monitoring process. In those circumstances, the Education Minister overcommitted on the opening Education budget by £81.2 million. I understand that £64.7 million of that funding has now been received and that the remaining £16.5 million relates to confidence-and-supply funding, which is anticipated to be funded at the June monitoring. Despite the Minister's decision to overcommit on his opening budget, pressures of approximately £146 million, excluding COVID-19 pressures, have been assessed as remaining across the education sector in 2021-22: £146 million. The Education Department has increasingly relied on in-year allocations

secured via in-year monitoring rounds and will again engage closely with the Department of Finance throughout the year to continue to assess those pressures and to bid for additional funding as required.

In line with previous years, the Department is relying on further in-year allocations to fund children's education. In April, the Education Committee raised concerns about how it could carry out effective scrutiny in those circumstances. The Committee has also consistently expressed its concern about the consequences of the one-year, as opposed to five-year, Budget framework.

On 19 May, the Finance Department issued its in-year monitoring guidance. I do not doubt that Education officials have worked and communicated as best they could with the Department of Finance in the in-year process, but the passage of a Budget Bill is supposed to be predicated on meaningful, full and timely consultation to allow Assembly insight and influence. In fact, the Vote on Account that has taken place allows the Executive to get on with their spending proposals, while Committees attempt to mine the granular detail from bundled spending programmes. That model of Budget scrutiny makes us one of the few legislative bodies in the OECD countries that fail to authorise spending plans prior to the start of the Budget year. I hope that, in the next mandate, the Executive will bring the Assembly in from the sidelines of public spending decisions. The new Fiscal Council must play an important role. I will not dwell on that point, Mr Principal Deputy Speaker, but perhaps the Minister will reference that matter in his remarks later, within the warning that you have given. I know that he also recognises the need for reform.

In March, I referenced the Committee's priorities with regard to special educational needs; recovery initiatives and mental health support for pupils coming out of lockdown; and issues of digital equity that have been raised by the pandemic context of blended and remote learning. The Education Committee was seriously concerned about governance and value for money in the provision of special educational needs support by the Education Authority (EA). Although the Education Authority's budget has not been finalised, the Department assisted with providing some greater detail. Hopefully, when the full reform plan and budget have been agreed, we will have greater insight and security on the arrangements to ensure that there is compliance with commitments in the Special

Educational Needs and Disability (Northern Ireland) Order 2005.

The Education Committee welcomes the £28.3 million that has been made available to the Department of Education to meet pressures that relate to recovery, support and re-engagement for children and young people but will monitor the effectiveness of the implementation of that investment. Education Committee members have expressed serious concern about the extent of controlled assessments and, effectively, examination of so many pupils on their return to school and the lack of monitoring of the impact of that approach on the mental health recovery of children and young people.

Twenty million pounds of confidence-and-supply resource funding for deprivation and £10 million for mental health were anticipated but not confirmed at the time of the Committee's briefing. However, I understand that the Minister has accessed £5 million of that for mental health and counselling initiatives. The Education Committee has urged the Education Minister to seek further funding of that provision, given the waiting list for child and adolescent mental health services (CAMHS), which is already at 400 pupils.

**Mr Principal Deputy Speaker:** That is quite a good point at which to stop.

The Business Committee has arranged to meet at 1.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until 2.00 pm. The first item of business when we return will be questions to the Minister of Finance. The debate on the Second Stage of the Budget (No. 2) Bill will resume at 2.45 pm. The sitting is, by leave, suspended.

*The debate stood suspended.*

*The sitting was suspended at 12.59 pm.*

*On resuming (Mr Deputy Speaker [Mr McGlone] in the Chair) —*

2.00 pm

## Oral Answers to Questions

### Finance

#### NICS Jobs: Young People

1. **Mr McCrossan** asked the Minister of Finance to outline his plans to create more jobs for young people in the Northern Ireland Civil Service (NICS). (AQO 2175/17-22)

**Mr Murphy (The Minister of Finance):** My Department is committed to creating more jobs for young people in the Civil Service. To enable younger people and other under-represented groups to apply for posts, NICS HR in my Department has led high-volume open recruitment exercises, rather than internal promotion exercises that confined applications to existing civil servants in the grade below the vacancy, which were previously the norm. I recently launched a number of external recruitment campaigns, including one for more than 500 executive officer posts. These campaigns specifically targeted young people, using social media platforms such as Facebook, Instagram and Snapchat and advertising on digital platforms such as Spotify and Dax and on radio stations known to appeal to younger markets.

Later this month, I will be launching a student placement scheme which will give over 100 students the opportunity to work across a range of areas in the Civil Service. As well as giving students an opportunity to develop their skills and experience, it will encourage them to consider the Civil Service as a potential career path in the future. In addition, work to expand the number of Civil Service apprenticeships is ongoing, with two apprentice recruitment exercises for procurement and civil engineering now live. Further Civil Service apprenticeships are under development. We are also developing a new management trainee scheme aimed at graduates.

**Mr McCrossan:** I thank the Minister for his answer. People in my constituency of West Tyrone want to know about the Connect2 regional hub in Omagh. Can you confirm if it will be open in 2022? Can you guarantee that there will be high-value jobs for people in the area?

Has any consideration been given to such a hub for the Strabane area?

**Mr Murphy:** There is scheduled engagement, and, as the Member correctly identified, Omagh was directed as one of the 10 areas being looked at first. That was based on a number of factors, including an assessment of where people travel from to work in headquarters in Belfast. Those are all moving at different speeds. I suspect that Downpatrick will be the first one on board. After that, they will roll out. I will be very happy to get him the estimated time frame for Omagh.

Relating it to the first question, traditionally, people who live in border areas in constituencies such as mine or the Member's did not apply for such jobs as the prospect of driving five days a week into Belfast was off-putting. This gives people the opportunity to work for a number of days in a regional hub, and therefore makes the prospect of that type of career more attractive. They will be at whatever value people who get the jobs in the area —. What we are providing is the base to allow them to have a more flexible working approach. In time, that will change the make-up of the Civil Service, particularly for women, who would struggle with that amount of time travelling in and out, given that the burden of responsibility in the home often falls to them, unfortunately, but also for younger people and people from more peripheral areas who traditionally would not have been seen in the Civil Service.

**Dr Aiken:** One thing that the previous permanent secretary of the Department of Finance said before she left was that there was a lack of a fast stream for bringing high-quality graduates into the Northern Ireland Civil Service to change it. In fact, I do not think that we have had a fast stream programme for nearly a decade. Is the Minister considering introducing a fast stream and, if not, why not?

**Mr Murphy:** As the Member will know, there is an Audit Office report on capability and capacity in the Civil Service, and one of the suggested responses to that is the idea of a fast stream to make sure that you get the right people in the right place at the right time. There is clearly a need for our Civil Service to be much more agile, flexible and representative of the community that we all collectively represent and that it works for. I am open to any of those ideas. I know that it is something that the previous permanent secretary was keen on.

We are developing a reform process for the Civil Service acting on the back of a number of reports, including that Audit Office report. Those objectives are ones that we will want to have to the fore when we are developing new ideas and new ways of dealing with the Civil Service in the time ahead.

**Ms Brogan:** I thank the Minister for his answers. I welcome the information about the regional hub in Omagh. That will be very welcome to people in Omagh and across West Tyrone. Will the Minister outline what steps he is taking to ensure that there are job opportunities for those furthest from the labour market?

**Mr Murphy:** The Civil Service, as an employer, is supporting the Job Start scheme that the Department for Communities recently launched. That is open to all employers and provides paid work placement opportunities lasting from six to nine months for young people aged 16 to 24 who are at risk of long-term unemployment. The NICS HR in my Department is supporting the Department for Communities as it pilots the scheme, with a specific focus on people aged 16 to 24 with disabilities, in preparation for rolling it out across the Civil Service in due course.

As well as offering opportunities across Departments to young people with disabilities, it is proposed to broaden the scheme to include other young people at risk of long-term unemployment, such as those leaving the care system. The expansion of a number of apprenticeship schemes in the Civil Service will also be important in supporting those furthest from the job market and will provide an entry route into the Civil Service. My Department is committed to expanding the number of apprenticeship schemes in the Civil Service in order to provide an alternative career entry route into the Civil Service to help to ensure that it is reflective of the society it serves.

**Mr Muir:** The Minister referred to the Northern Ireland Audit Office's report 'Capacity and Capability in the Northern Ireland Civil Service', which was recently considered by the Public Accounts Committee (PAC). It highlights the fact that we have an older workforce in the Northern Ireland Civil Service. Is the Minister satisfied that all actions are being taken for succession planning and recruitment for those vacancies so that we have a Civil Service that has the right skills and capacity to go forward?

**Mr Murphy:** The report highlighted a number of areas, and that could well be considered to be

one of them. There is a retirement policy in the Civil Service that allows people to partially retire but to stay in work for potentially an open-ended number of years in that post. I have asked people to look at how that is being implemented. There are legal rights when people are availing themselves of early retirement. Whether that fits in with the work scheme in Departments is something that line managers and permanent secretaries need to look at again, and I have asked for some advice on that.

There is a big improvement exercise there. Let us not forget that the Civil Service has done remarkable work, particularly over the last year, across a whole range of Departments. However, a need has been identified, as you say, to get the right skills, balance and age profile into the Civil Service. That is a significant undertaking but is one that we are prepared and, indeed, keen to embrace. As the Department with overall responsibility for the Civil Service, we will want other Departments to come along that route with us.

**Mr Allister:** The Civil Service has been without a permanent head for almost a year, and now we have a proposition of a twin-headed approach. Does the Minister think that the absence of a head of the Civil Service has diminished the strategic direction of and leadership in the Civil Service, and will the twin-headed approach worsen or improve that?

**Mr Murphy:** I do not think so, to be quite honest. Regardless of what strategic direction and approach was being developed in the Executive or, indeed, across the Civil Service, we were all in response mode this year. The priority was responding to the pandemic getting support to people who needed it and to the health service. The priority was very much focused on the day-to-day needs over the last year or 15 months.

A twin-headed role is not being developed. The aim is to have someone to head up the Executive Office as a distinct Department so that the head of the Civil Service can have that more strategic approach across all Departments, all civil servants in the public sector and the arm's-length bodies. In many ways, it allows for that more strategic approach rather than for the day-to-day management of the Executive Office. That is being passed down to a newly created permanent secretary post.

My perspective on it is that it will be helpful for what he suggests is required. I will go back to the point in the debate this morning, and I am

sure we will continue with it this afternoon, about getting into a strategic approach with a multi-annual Budget and Programme for Government outcome. That is the type of work I would want the head of the Civil Service to focus on rather than the day-to-day management of the Executive Office.

## Multi-year Budgets: Health Transformation

2. **Mrs Cameron** asked the Minister of Finance what work his Department is undertaking to develop multi-year Budgets to assist longer-term health transformation. (AQO 2176/17-22)

12. **Ms Hunter** asked the Minister of Finance when he will bring forward multi-year Budget proposals in draft, including in relation to health transformation. (AQO 2186/17-22)

**Mr Murphy:** A LeasCheann Comhairle, with your permission, I will answer question 2 and question 12 together.

Multi-year Budgets are essential to help to plan services not just in health but right across the public sector.

The Health Minister and I have both called on the British Government to provide the Executive with a multi-year budget. I raised that with the Chancellor, Rishi Sunak, when I was in London last month, and he indicated his intention to announce a multi-year spending review later this year. On that basis, the Executive will shortly begin preparations for their multi-year draft Budget. Budgets are agreed by all Ministers, not just the Finance Minister. However, I will argue for priority to continue to be given to health to assist with the immediate waiting crisis and to fund longer-term transformation.

**Mrs Cameron:** I thank the Minister for his response. Does he agree that health will need to be a high priority for budgetary allocations in future to properly address the horrendous waiting lists and to deliver the health transformation that is so badly needed, which may mean a tightening of the purse strings for less important political projects?

**Mr Murphy:** For some time now, going right back to previous Executives and the adoption of the Bengoa report, we have agreed that we would try to take the politics out of health and that we would have a collective approach across the Executive. In that sense, it did not matter who the Health Minister was; it was a

collective Executive approach. We have endeavoured to continue that through very challenging times. You will see that Health has received over half the available revenue budget. Of course, in a standstill rollover Budget situation, that is not what Health needs; it needs quite a lot more just to stand still. However, we have been able to supplement that with COVID spending, and the Executive will have a discussion in the not too distant future about waiting lists to see whether there is further in-year work that we can do to bring focus to and support for what is needed.

I have given the Health Minister an additional £250 million of COVID money this year for rebuilding the health service coming out of the pandemic, £40 million of which, I think, has been allocated by the Health Department to waiting lists, and I am hopeful that that will help. However, we know that, in the longer-term transformation process, Health will need recurrent funding that is guaranteed into the future in a multi-year Budget scenario. That is the place that we all want to get to.

**Mr Gildernew:** Does this year's Budget provide the Health Department with funding that will allow it to progress a much needed transformation?

**Mr Murphy:** The Executive have prioritised the Department of Health. As I said, it receives almost 50% of the Budget. We met all the COVID-19 bids and set aside funding in the Budget, pending a Health assessment. We subsequently allocated further funding in the recent exercise in May. The allocation has provided some £6.4 billion to the Department of Health, including £380 million for COVID. Broken down, that includes £25 million for COVID-19 vaccine deployment, £105 million for ongoing operational response and £250 million for rebuilding. As I said, the Department has decided to use £40 million of that for waiting lists.

We are all in agreement about what Health needs; I think that that was the point of the question. We need the ability to plan over a number of years, certainty about resources and recurrent funding to employ the people needed to see the transformation of the health system through. The Executive are committed to that. We can only hope that the arguments that we made to the Prime Minister in the recent meeting that the deputy First Minister attended and to the Chancellor about the British Government resourcing the rebuilding of the health service coming out of the pandemic will bear fruit for us.

**Mr O'Toole:** Minister, we might not get the Treasury's multi-year spending review until close to the end of the year. If we are then waiting for a process for a multi-annual Budget in the spring, that will, with the best will in the world, be caught up in our political cycle here and there will be an election. Would it be better for all the parties here, led by you as Finance Minister along with the Health Minister, to agree on what is needed before the spending review and then bring it back to the Assembly immediately afterwards? Other Departments can be filled in afterwards.

**Mr Murphy:** I spoke to my Department's Budget team just this week to kick-start the discussion about how we plan and prepare for a multi-year Budget. We have to begin that preparation, and I am hopeful that the Executive can do that over the summer, beginning in early summer, to start to look at the priorities in the time ahead. As the Member correctly says, we will not know what the funding envelope is. We hope that that will come early in the autumn, but, last year, it did not come until 25 November.

## 2.15 pm

Nonetheless, the Executive have to prioritise, and that is probably a more useful exercise in the scenario where we are coming to the end of the mandate and no party or Minister knows whether they will be back or what party will hold which portfolio in the Executive. It is much more of a blank-sheet approach to agreeing priorities across the five parties that make up the Executive and trying to set a course ahead. Hopefully, we will then get the Budget as part of the comprehensive spending review announcement to match our ambition in that regard.

**Dr Aiken:** Minister, bearing in mind what you have said, including about multi-year Budgets and the rest of it, can we say that the threat of top-slicing the Department of Health's budget is no longer on the table?

**Mr Murphy:** As the Member knows, I said that, if we were to end up paying the entirety of the victims' payments — we are still in discussion and dispute with Treasury on that — one scenario would be to take the money from all Departments. We have created the headroom for sufficient funds for this year to cover that cost from the Executive, but the Member will understand that the Executive are in agreement that it is not our responsibility to cover that cost.

In recent times, a discussion has been prompted on immediate action on waiting lists. One Minister had offered to reduce her budget to meet any challenges with the waiting lists. The Executive could decide to take that approach, although that would be putting money into Health, rather than taking money from it. However, Health needs recurrent funding. It needs money not just in this year's Budget but going forward so that it can recruit to tackle the waiting lists and for broader transformation.

**Ms Bradshaw:** One of the reasons that we have such horrendous waiting lists in Northern Ireland is the number of vacancies. I do not think that, if we were paying our Health and Social Care (HSC) staff better, we would have such a big problem. You will be aware of Unison's campaign for all Health and Social Care staff to receive an immediate £2,000 a year pay increase. Obviously, the money for that would need to come from the UK Treasury, so what conversations have you had with it on that?

**Mr Murphy:** We have had broad conversations about providing the necessary support to rebuild the health service. The Prime Minister has been hosting discussions across the devolved areas on what needs to be done in the time ahead, and the deputy First Minister firmly put rebuilding the health service on the agenda with him. Some of us complained about the ongoing cuts at the time, which saw people leaving their jobs and being asked to work longer hours for less pay. Inevitably, that led to some leaving the service, others not wishing to join and a difficulty in recruiting. We need to get sufficient resource into rebuilding, and that will include the issue of wages and fair working hours for health staff.

## Departments: Financial Monitoring and Reporting

3. **Mr Chambers** asked the Minister of Finance what progress has been made to align financial monitoring and reporting across Executive Departments. (AQO 2177/17-22)

**Mr Murphy:** In December 2016, the Executive agreed to the commencement of a review of the financial process to simplify financial reporting and better align budgets, Estimates and accounts. Since that time, a project team in my Department has been working with colleagues across all other Departments to implement that review. While it was initially planned that the changes would be implemented in 2020-21, that was, unfortunately, delayed, first, by the

lack of a working Assembly and the inability to progress legislation and, subsequently, by the coronavirus pandemic. Implementation is now planned for 2022-23. Legislation is in progress to enable that implementation, and the Financial Reporting (Departments and Public Bodies) Bill was introduced in the Assembly on 1 June.

**Mr Chambers:** I thank the Minister for his answer. In his conversations with the independent fiscal council, what recommendations did it make on reporting standards? Will he commit to following OECD standards?

**Mr Murphy:** The fiscal council is not long in place. It is engaged in consultation and discussion with various interested parties and should be with the Finance Committee this week. It has not yet made recommendations to me on the outcome of that. I expect it to consider enhancing its terms of reference. Essentially, we gave the council start-up terms of reference and allowed it, as an independent body, to examine the scope of what it wanted to deal with. I expect that it will turn its attention to reporting and a range of other matters relating to the sustainability of our finances and the analysis of all of that. However, I am not being prescriptive.

If it has its independence and if it has engaged in a consultation exercise, I will expect it to come back to us to tell us what it intends to do and what recommendations it intends to make in the longer term.

**Mr McHugh:** Minister, staying with the fiscal council, an issue that I mentioned in the debate prior to lunchtime, I ask you in what way do you think that the fiscal council will improve financial reporting.

**Mr Murphy:** As I said, the council is yet to fully confirm its own terms of reference as to how it will work. Our intent in establishing it has been for it to assist in scrutinising the processes and decisions involved in the Executive's management of the Budget. That would mean that it will be interested in the review of the financial process, how that will work and how that will assist in changing the reporting to the Assembly and to the wider public. That is a discussion that we have had not just today but many times in Budget debates here. As you know, the fiscal council is an independent body, so it is not for me to say how it may approach that task or how involved it may be in the oversight of that work, but I welcome anything

that brings transparency to the financial processes.

**Mr Catney:** Minister, there is £500 million of COVID funding allocated for 2021-22. What guarantees do you have that the money can be reallocated and will be?

**Mr Murphy:** With the COVID money, we made an initial allocation to the Department of Health. We waited on Health to bring forward its assessment for the year before we allocated some of the rest of it, because it had first shout on need. Once we got that, we were then able to meet the bids from other Departments. Departments make bids for that money on the basis that they can spend it, and we will monitor that as the year goes on. If it is not being spent on what it was intended for, it will have to be surrendered and then redistributed at a later stage in the year. We proved last year, with a much more significant amount of COVID funding, that our Department and all the other Departments were able to spend out that money before the end of the financial year. There had been quite a degree of scepticism around the Chamber in January and February that that would be achieved, but, nonetheless, it was. I therefore do not anticipate the money not being spent in some useful fashion to assist us in our COVID response.

## Working from Home Costs

4. **Ms Bradshaw** asked the Minister of Finance how civil servants who have been working from home during the pandemic will be recompensed for costs incurred. (AQO 2178/17-22)

**Mr Murphy:** A Civil Service-wide survey has indicated that respondents in most Departments have made financial savings as a result of working from home: for example, from a reduction in travel costs. Nevertheless, employees who incur additional costs may be reimbursed by the Civil Service for costs incurred in the making of business calls on a personal mobile phone or home landline; additional home broadband costs, whether those be installation costs or increased data charges required solely for work purposes; and desk costs of up to £100. IT equipment and chairs are already provided by the Civil Service. Staff who have incurred additional costs can also claim tax relief in line with HMRC rules. HMRC publishes guidance on how to claim tax relief on any homeworking expenses incurred that are not reimbursed by the employer. In October 2020, HMRC set up a new dedicated working-from-home microservice, recognising that the tax years 2020-21 and 2021-22 are

different and thereby making claiming tax relief quick and easy.

**Ms Bradshaw:** Thank you, Minister, for your response. I have been contacted about this, so I am conscious that the communication around it may not be as clear as you in the Department would like. To echo what you said earlier, many of the staff have been working so hard during the pandemic. Are you going to introduce any special recognition scheme for civil servants?

**Mr Murphy:** The Executive agreed to support a recognition scheme by way of a £500 payment for healthcare staff, and we have endeavoured in our pay awards for civil servants not to follow the model that was adopted in London, where they went for a 1% pay increase for healthcare staff and a freeze for all other public servants. We have introduced an increase over two years for the Civil Service. Of course, we are on a very fixed budget, and that is very challenging across all Departments. We had to balance what pay increase we could give against what was affordable across the Departments and other demands on public services. We are keen to support our public servants where we can, and we do recognise the efforts that have been made, particularly over the past year. We have provided an enormous amount of IT support to people. The general feedback on that blend of working from home and coming in has been very positive. Sickness levels have dropped and productivity has gone up. We want to ensure that people have a good working experience and feel well supported, financially and through what other measures we can provide. If there is a communication issue with that, I am happy to raise that with the Department and make sure that it is looked at.

**Ms Dolan:** Minister, will you clarify where employees who have incurred extra costs can find out more about what support is available to them?

**Mr Murphy:** As I said to the Member who asked the previous question, if that is an issue, I am happy to clarify it. The guidance in relation to homeworking expenses for Civil Service staff is available on the COVID-19 hub on the Department of Finance's website. I suggest that people go there in the first instance. If we find that there is some breakdown in that communication, I am happy to have it looked at to ensure that people understand what they are entitled to.

**Ms McLaughlin:** We know that blended and flexible working is particularly welcome for those who have young families or caring

responsibilities. What is the Minister doing to close the gender gap among civil servants?

**Mr Murphy:** I appreciate that the Member may not have been in the Chamber earlier but, on the first question, we had a fairly lengthy discussion about reform of the Civil Service, attracting new people and enhancing the working experience. Through the Connect2 hubs that we talked about, we can employ people living in peripheral areas such as Derry or the other border areas who, otherwise, would not have been attracted to working five days a week in a headquarters in Belfast. Travelling is particularly a disincentive for women who bear the burden, unfortunately, of managing family life. Civil Service employment can become more attractive if we present those different options.

While the Civil Service has performed heroically over the last year, a number of steps tell us that there is a need for substantial change and greater diversity in gender, age profile, disability and ethnic minorities. There is certainly much room for improvement, and we have a range of measures that we hope to bring forward to try to achieve that.

## Cost of Division

5. **Mr Muir** asked the Minister of Finance for his assessment of the cost of division on public finances. (AQO 2179/17-22)

**Mr Murphy:** A report by Deloitte, in 2007, estimated the cost of division at £1.5 billion. In 2016, the Ulster University Economic Policy Centre estimated the cost of division at a lower figure, between £403 million and £833 million. The report outlined the significant complexity in the cost of delivering services in the North, costs that cannot be solely attributed to the context of a divided society. For example, delivering services in such a small region means that we do not benefit from economies of scale. The report also found that while, on average, the cost of public service provision tends to be higher than in Britain, across most areas, the costs here typically fall within the range of costs identified in other regions. The one exception to that is the cost of policing.

**Mr Muir:** I thank the Minister for his response. As the Minister is aware, during the multitude of Budget debates, it is often mentioned that we need to provide much more finance to deal with our waiting list crisis and for other services, and that we need to consider revenue raising. Does the Minister not agree that none of those arguments will carry any weight or credibility

until we are prepared to look at our own finances and tackle the cost of division in Northern Ireland?

**Mr Murphy:** As I have said, it is not a straightforward issue. There is a complexity in determining what can actually be attributed to the cost of division. Of course, one of the ways that we can deal with that is to deal with the division itself: to try to reduce the divisions in society and the policing costs that are associated with it, which are significantly higher here than in other areas, and encourage the reconciliation process that is necessary.

We have an ambition to try to reduce that, but it is an ambition for society not just for the public purse, albeit it has that knock-on effect on the public purse. Obviously, we strive to do that as best we can. The Executive Office leads on some of these reconciliation measures. We have been challenged, this year, in providing the level of support that it wanted to go into those programmes and projects. Nonetheless, it is incumbent on all of us to try to heal the divisions in society, promote reconciliation and, thereby, reduce the costs of sustaining division.

2.30 pm

**Mr Deputy Speaker (Mr McGlone):** That ends the period for listed questions. We now move to 15 minutes of topical questions.

## Procurement Legislation: Human Rights

T1. **Mr Carroll** asked the Minister of Finance for an update on plans to review, change or amend procurement legislation to include human rights clauses. (AQT 1401/17-22)

**Mr Murphy:** We are looking at a range of measures. As the Member will probably know from listening to me previously in the Chamber, we reconstituted the Procurement Board and brought on practitioners, including people from the social enterprise sector. We have been engaging with the community and voluntary sector. There is a sector in my Department that looks at ethical procurement from which we will seek advice. One of the early objectives that we have set ourselves — the Procurement Board will meet tomorrow to consider a paper on this — is around social value, which is about not just job creation but environmental impact, ethical procurement and human rights in the supply chain. The further you get from where we are, the more difficult some of those things are to measure, with companies that supply

companies that supply companies before they eventually end up with us. Nonetheless, there is an attempt to improve what we do in terms of not just value for money, which is important, but our responsibility, as an organisation that spends £3 billion a year, to make sure that we procure in a way that supports human rights, ethical procurement and environmental and social value objectives.

**Mr Carroll:** I thank the Minister for his answer. Does he agree that it is immoral for the Executive and Departments to take contracts or services from states with terrible human rights records and breaches? Will he work to end that practice by changing legislation? Is that area included in the social value method that he talked about?

**Mr Murphy:** We will look to legislation to underpin social value. We are trying to get procurement policy right in the first instance. Part of the change that we made with the Procurement Board was to make the adoption of policy an Executive adoption, which gives it an imprimatur across all Departments. My Department's objective is to advise other Departments on ethical procurement. As I said, the further down the supply chain you get across the world, the more difficult it sometimes is to get accurate information, but that should not stop us trying. Where we have a sense that either companies or countries are involved in anti-human rights or unethical behaviour, we should consider very strongly our willingness to spend money on their products.

## Working from Home: Assessment

T2. **Mr Beggs** asked the Minister of Finance, in light of the fact that, during the past year, new working practices have emerged, with people working from home, what assessment there has been of the effectiveness of civil servants when working from home and the corresponding potential for savings given the reduction in office requirements. (AQT 1402/17-22)

**Mr Murphy:** The Member hits on something that was a developing question but, as with a lot of other things, has now been accelerated somewhat by the pandemic. What was a growing practice became a necessity for a time, which, obviously, has given us an opportunity.

As I referred to in a previous answer, there has been an assessment of the Civil Service survey that was carried out of people's experience of working from home and the costs associated with it. The response has been very positive; people have enjoyed the ability to work from

home. I cannot speak for all Departments, but there is a broad sense that sickness levels have gone down and productivity has certainly gone up in certain areas. We are looking to a more blended model, which is a mixture of working from home and the availability of the Connect2 regional hubs around the North that I have talked about previously. That will reduce travel time and the carbon footprint. We have to consider the knock-on effect of that on the Civil Service estate. That does not mean the wholesale shutting up of offices in Belfast, but it allows us to consider how to rationalise the estate. The cost of the estate for each Department is a significant one. I hope that there will be savings in the longer term in that regard. It is an exercise that we are well into now. We need to assess the impact on the estate and what the office requirements will be, and we need to try to minimise the costs so that that money can be used for public services instead.

**Mr Beggs:** With that change in working practice, there has been a reduction in commuting levels and pressure on our roads.

Will there be a review of all new roads development in order to ensure that it is justified by the developing traffic levels and to enable additional moneys to be directed towards green infrastructure in our towns and cities so that people can walk and cycle to their work more often?

**Mr Murphy:** That is a question for the Minister for Infrastructure. As I am sure that the Member knows, the business case for any significant road-building exercise is based on the volume of traffic and whether that reduces in the same pattern. While traffic is not back up to anywhere near the levels that it was pre pandemic, people like me who commute daily have noticed a significant increase in traffic over the past number of months.

The objective of changing working arrangements is to reduce travel time and carbon footprint. We should, of course, encourage more people on to public transport, and investment in green infrastructure, as the Member said, points to a better way forward.

### **Subregional Stadia Programme for Soccer: Funding**

T3. **Ms Bunting** asked the Minister of Finance what engagement his Department has had with the Department for Communities to ensure that the necessary funding is available to progress

the subregional stadia programme for soccer. (AQT 1403/17-22)

**Mr Murphy:** We discussed the Budget process with the Department for Communities pre Christmas when we were waiting, and after we set the initial draft Budget, when we asked what the Department's requirements were. A standstill Budget scenario, particularly for the Department of Communities, which is a big Department with a lot of staff and costs, means, in effect, a reduction. While we had some increase in our capital budget and we gave some Departments an increase in capital budget, I am sure that not all got everything that they wanted or would like to have had brought forward.

I do not have specific figures for the subregional stadia programme on what was bid for or what was received. That may be a question for the Department for Communities. Certainly, there was an increased capital budget this time, and it is up to Departments, when they receive that, to prioritise it accordingly.

**Ms Bunting:** The Minister will be aware that local football clubs have waited some 10 years to see the benefits of the programme. Given that sport plays a huge role in the general well-being of our whole society, does he agree that it is time to make vital capital investment in sport and, in so doing, benefit the construction sector?

**Mr Murphy:** Yes, I am all for it. That is why, overall, there is disappointment with the Budget allocation that we got. There was a ray of hope with the capital allocation, which was an improvement, and I am all for putting that into sport. I am a sports fan. In the couple of years when the Executive were not functioning, I represented some of those clubs that tried to access the subregional fund. There was difficulty in distributing it because permanent secretaries were not prepared to take decisions that they thought that Ministers should take. I would love to see that on the ground. I know the benefits that it brings not only for construction jobs but for the much broader benefit to the community and younger people in particular from access to and involvement in sport. I am a keen supporter of all that, and I hope that the Department has sufficient capital to invest all that it wants in supporting sport in the time ahead.

**Mr Deputy Speaker (Mr McGlone):** Mr Catney is not in his place for the next question. Anois iarraim ar John O'Dowd. I call John O'Dowd.

## Businesses with Multiple Premises: Support

T5. **Mr O'Dowd** asked the Minister of Finance whether there is any way that the Executive or the Department of Finance could offer further support to those businesses that, regardless of the number of premises that they have, are judged to have a single premises, given that the grants that have been provided to businesses over the past 15 months have been a lifeline, not only to the businesses but to their employees, in keeping roofs over heads and paying bills. (AQT 1405/17-22)

**Mr Murphy:** We have had a number of engagements with what are known as the multiples. It has been very difficult. It has proved difficult in other jurisdictions, and different Administrations have come up with different schemes to provide support for them. It was not possible, with the time frame for rolling out the previous scheme, to include them. At the lower level of premises in particular, it is complex to differentiate them from other schemes. They do not all come under the one banner. They are not all the same business franchise; there are multiples within that. We have asked Land and Property Services (LPS) to look at the possibility of devising a scheme later in the year, once we are clear of all the schemes that LPS is running.

We will talk to representatives from the multiples in the next week or so to advise them of what we intend to do. I am hopeful that we will be able to devise a scheme that will provide some level of support for them, because they are one of the groups that, while they have had support for one business premise, have not had support for the rest due to owning a range. Therefore, they are one of the groups that have been left out in that sense, and we are determined to do something, if we can, to support them.

**Mr O'Dowd:** That news will be very welcome to those affected. The £10,000 and £25,000 grants that have been announced will hopefully be issued this month to businesses that missed out on some of the grants and will also be very welcome. However, there is another group. Despite the economic downturn, there have still been businesses that opened up in the last year. Those businesses may not have been able to avail themselves of any of those grants. Will there be support coming forward for those businesses?

**Mr Murphy:** The businesses currently availing themselves of the £5,000 and £10,000 top-up

grants were able to open, but it was a recognition that footfall had been down, for example shops that were dependent on office workers to be in the vicinity to keep them ticking over. Those grants were specifically for businesses that did not get localised restrictions support (LRS) or the Department for the Economy's similar scheme, and the £5,000 and £10,000 top-up grants were made available to them.

Of course, the retail and hospitality sectors, and quite a lot of other sectors, will enjoy another full year of rates holiday as well. We also have the economic package that has been supported for the Department for the Economy, including the high street voucher, which will hopefully have a stimulant effect in terms of people shopping in local retail. There is a range of measures, and we recognise that all of that will not, and never could, replace lost earnings for people over the course of this pandemic. However, it is trying to target the finances we were given — limited as they were — as effectively as we can to try to keep people alive in the time ahead until they can get back to full trading and recover their businesses.

## Fiscal Commission: Terms of Reference

T6. **Mr O'Toole** asked the Minister of Finance when he expects to update the House on the terms of reference for the fiscal commission. (AQT 1406/17-22)

**Mr Murphy:** The commission, like the council, is off doing some of its work at the moment. I am sure that the Member, and others in the Finance Committee, will be engaging with it in due course. As he acknowledged in one of his earlier contributions, there are some very experienced and able people involved in both the council and the commission. We wanted to give both bodies the space to engage and establish independence — particularly the council, which has an ongoing remit for reporting — so that they did not just become tools of the Department that do its bidding. From the people involved, the Member will know that that will not be the case. I look forward to them coming back to us with initial findings. The time frame that we have given them for the provision of a report is the end of the year. It will be for an incoming Executive to act on that report, but it will inform a debate that will bring us beyond the annual Budget cycle into the future and the opportunities for raising our own revenue.

**Mr O'Toole:** Can the Minister confirm that, when the fiscal commission formally responds to him, its findings will be published and laid in the Assembly — that is, that it will not be a report that goes to the Executive and has to get on its agenda, but will be publicly laid and debated in the Assembly?

**Mr Murphy:** Some people were not hugely warm to the idea of a fiscal commission. It is an exercise that both Scotland and Wales have gone through, and a debate and an informed discussion such as that is beneficial to us all. My intention was to assist in a public debate, a debate inside the Assembly and a debate outside the Assembly. Therefore, I want to make sure that any report that it produces is available to the Assembly and the public so that we can have a proper and informed debate in the time ahead.

**Mr Deputy Speaker (Mr McGlone):** We have time for a brief question from Paula Bradley.

**Ms P Bradley:** Minister, what discussions have you had, if any, with the Minister for Infrastructure about rolling support for the taxi, bus and coach industry to counteract the ongoing challenges that the sector is going through while we build up public confidence?

**Mr Murphy:** The Member will know that there was some financial support offered up specifically for those sectors. There was quite a bit of wrangling between a couple of Departments as to who had responsibility for all of that. When Infrastructure eventually stepped up to take that responsibility, finance was made available. It was not all used, certainly not in relation to coaches. At the end of the financial year, we had additional COVID money and tried to get Departments to come back in for more money where it could be used. That was not the case for the Department for Infrastructure in relation to this.

I am happy to discuss at any time the requirement for additional support. We have allocated most of the COVID money that we have available to us. We are not expecting any more to be made available, unlike last year when we received updated tranches over the year. If any of it is not used and is surrendered or if more is made available to us, I would be very happy to look at any urgent schemes for which a Minister might think it is important to tap into that.

**2.45 pm**

**Mr Deputy Speaker (Mr McGlone):** That concludes topical questions. I ask Members to take their ease before the next item of business, which is the Budget Bill.

(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)

## Executive Committee Business

### Budget (No. 2) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Budget (No. 2) Bill [NIA Bill 24/17-22] be agreed. — [Mr Murphy (The Minister of Finance).]*

**Mr Lyttle (The Chairperson of the Committee for Education):** I will try to move this along as quickly as I can. I understand that this speech has now potentially spanned two different Education Ministers [*Laughter*] so I will try to keep it moving.

Our children and young people have made a significant sacrifice to protect all of us during the COVID-19 pandemic, so we must make sure that the Budget, particularly the Education budget, invests in their education and future. It is my understanding that £42.3 million of confidence-and-supply capital money is anticipated for ultra-fast broadband. The Education Committee trusts that that will go some way to addressing rural connectivity, which acted as a barrier to digital equality and equal educational opportunity for many families during the period of blended and remote learning.

The Education Committee had an informal meeting with Apple at which it considered the introduction of one digital device and internet connectivity per child, and it heard of projects of that nature that have been rolled out across Scotland in particular local authorities, including Glasgow, to some effect. That would certainly address some of the many issues that we have heard about of children having difficulty accessing education during periods of remote learning and the disruption that that caused to families with variable capacity to provide such equipment. I note that the Department of Education also anticipates a teachers' laptop refresh and has a priority 1 capital bid of £19 million for that. I understand, however, that it is, as yet, an unfunded COVID-19 bid for 2021-22. We are eager to hear more about that.

A need of £64.7 million has been identified, but, as far as I am aware, it has not been included in the final Budget for teachers' pay, the Bright Start scheme, school summer schemes, the Youth Service's summer programme, the

Engage II programme and Sure Start. It would be useful to hear more about that.

I move now to capital. The Fresh Start Agreement provided funding for a number of initiatives aimed at building a shared future. I note that the Secretary of State confirmed provision of the additional amount of £28.4 million in 2021-22 in capital DEL for shared education and housing. I look forward to exploring that with Department of Education officials, on 23 June, at our next budget briefing. I note the Secretary of State's comments regarding the integrated transformation of schools referenced in recent media.

The Education Committee also hopes to engage, in the near future, with the Construction Employers Federation to hear its perspective on major and minor works at schools across Northern Ireland. School accommodation must be fit for purpose. It is my understanding that there is a 40% gap between the 2020-21 final budget of £74 million for minor works for schools and the £47 million for minor works in the initial budget for 2021-22. That deficit is a serious concern, considering the impact that it will have on the condition of the school accommodation in which we educate our children and young people — accommodation that is already in a dangerously poor state of repair.

The allocation of so much additional money to address COVID issues may well be masking the underlying financial crisis in education. Education continues to face extensive, unavoidable cost pressures and rising service demands associated with delivering statutory and policy obligations. The Institute for Fiscal Studies annual report on education spending found that real-term cuts in school spending, per pupil, since 2009-2010 have been largest in Northern Ireland, at about 10%, and that the total budget fell in real terms by 5%, meaning that pupil population growth of 6% led to larger cuts in spending per pupil.

The financial crisis affecting the education of our children and young people means that we need an Education Minister capable of decisive action to address the issues and to implement the independent review of education that was agreed in New Decade, New Approach, which will focus on efficiency and movement towards a single education system. According to the 2021-22 budget distribution table for Education provided to the Education Committee on 22 April 2021, the Minister had provisionally set aside £4 million from the Education budget to progress in 2021-22, where possible, the

actions arising from the review. Since that is a New Decade, New Approach commitment, the Executive may decide which actions they support and are prepared to fund. The Education Committee welcomes the review and will hear from its panel in due course. I note that the outcome is anticipated to take 18 months. That brings it into the ambit of a new Assembly. I wish the panel well in delivering the education reform that our young people need and deserve.

There are a few other urgent issues in Education, such as investment in a childcare strategy, holiday hunger and period poverty. Initiatives are needed to address those systemic impediments and barriers that people experience, on occasion, according to gender, and which can have long-lasting impacts on their quality of opportunity. The Education Committee welcomed the funding for holiday hunger during COVID-19 and hopes that more sustainable funding can be found for that measure.

There can be no further delay in relation to investment in a childcare strategy. The failure to deliver on that, to date, is an unacceptable record of the Education Minister and his Department. We need to see urgent action in that regard. The Education Committee has also engaged with young people, on various occasions. Dedicated investment in a children's and young persons' recovery plan and budget is needed urgently.

I will speak briefly as an Alliance MLA. There is considerable interest today in the people who hold the Ministries, and I wish Peter Weir all the very best for the future and welcome Michelle McIlveen to her post as Education Minister. The interest of the Alliance Party, however, is very much in the decisive action and fundamental reform that are needed to arrest the financial crisis and address the inequality and separation that exist in our education system. There can be no further delay to the childcare strategy; the funding formula review; the emotional health and well-being framework; or the new SEN framework, including the SEN regulations and code of practice. Alliance's vision of a well-resourced, innovative and integrated education system that will deliver high-quality educational opportunity for all is more relevant now than ever. The people of Northern Ireland demand better, and we in the Assembly and the Executive must work together to deliver that.

**Ms P Bradley (The Chairperson of the Committee for Communities):** I welcome the opportunity to speak on behalf of the Committee for Communities. In the debate on

25 May 2021, I highlighted that, in the first instance:

*"the Department is allocating its resources to protect key services." — [Official Report (Hansard), 25 May 2021, p10, col 2].*

On that occasion, I did not get the chance to say all that I wanted to say, so this is my opportunity to highlight the issues that I did not cover and to reiterate some key points. I reaffirm the Committee's commitment to work with the Minister and her Department, within its budget allocation. I reiterate the Committee's dissatisfaction with the overall Budget process. It seems somewhat pointless having debates now, rather than earlier in the Budget process. As we know, however, some aspects of timing were outside the Executive's control.

The Committee, at its meeting on 3 June 2021, highlighted its general support for the fiscal council and its hope that it will have positive input into Budget scrutiny. Members noted, however, the need to focus on the scrutiny of cross-cutting expenditure and its effectiveness at improving outcomes. We also discussed the futility of making bids or allocating spend if Departments do not bring forward relevant legislation in a timely manner.

I will move on to the Budget itself. Let us continue to hope that this one-year Budget is the bridge to a multi-year Budget and that we can soon get to the stage of having a Programme for Government with agreed outcomes so that resources can be directed to achieve those outcomes.

I will quickly remind Members of the allocations for the Department for Communities, and I will then move on to the specifics that I did not get to in my previous speech. The Department's 2021-22 allocations total around £876 million resource DEL, which, thankfully, is an increase on the £824 million in the draft Budget; almost £225 million capital DEL, which is an increase of over £10 million on last year's allocation; and £38.8 million in financial transactions capital. The Department submitted resource bids of £301.6 million but was allocated only £109.6 million. That means that, although the final Communities budget represents an increase of over £55 million on the baseline draft budget, it remains a very challenging situation, and there is absolutely no funding to take forward many of the NDNA commitments. The pressure was eased somewhat by the recent confirmation of additional funds of £50.3 million to address a range of COVID pressures.

The Committee, at its meeting on 20 May, expressed concern that the resource bids that had not been met covered a range of key areas. I will highlight more of those areas today. The budget for Supporting People is £73 million for 2021-22. Unfortunately, the almost £6.5 million inflationary bid has not been met, so the funding for that vital programme continues to decrease in real terms. The bid for almost £6 million for COVID pressures has been met as one of the confirmed in-year allocations, however, and the Committee was pleased to note that the bid of £9 million for homelessness has now been met as one of the confirmed in-year allocations.

I am at a loss as to where to begin when it comes to the lack of allocations for New Decade, New Approach. The Department made bids totalling over £139 million for NDNA, including over £57 million for new welfare mitigations.

Only the £42.8 million bid for existing welfare mitigations was met, which effectively means no money for any progress on NDNA commitments.

### 3.00 pm

On many occasions, the Committee has raised the lack of progress on developing new mitigations and closing loopholes. We know that the Minister proposes to bring forward draft regulations to amend the bedroom tax and benefit cap mitigation schemes by closing the loopholes as soon as possible. We have been hearing that for many months, however, and we still have no timeline. The Committee has requested a briefing on those issues before recess.

The Committee was pleased to hear that the Minister is committed to addressing the terminal illness rules and that policy development is under way. Members expressed the hope that Westminster may yet provide for that under annually managed expenditure (AME).

Despite being busy with the Licensing and Registration of Clubs (Amendment) Bill in recent months, the Committee made time to hold an informal stakeholder event on welfare issues in January and one last week on issues for the community and voluntary sector that highlighted the need for community wealth building. Committee members remain concerned about the slow pace of action, the lack of finance to take forward welfare reform issues and the impact on vulnerable people and families.

Other important NDNA bids were also not met. Those include bids to take forward social strategies, language strategies and the sign language framework and legislation commitments. The amount of planning that it took for the Committee to hold an evidence session with members of the deaf community earlier this year clearly shows the need for urgent progress in that area. At our meeting last week, we had an update from the Department on the progress that has been made on developing a regional video relay service. We would like to see action being taken on that as fast as possible.

On Northern Ireland Housing Executive (NIHE) reform, I highlight the fact that the bid for £3.4 million for housing transformation was not met in the draft Budget, and, sadly, that remains the case in the final Budget.

On capital allocations, compared with last year, there was a £10 million increase, plus £38.8 million of FTC to support the co-ownership housing scheme. The capital budget is allocated to deliver on priorities such as social housing building targets, as well as to meet statutory and contractual commitments.

The Committee supports the aim of remaining funding being used for prioritised projects in areas such as regeneration, housing, culture, arts, sports and libraries. The Committee knows that there are risks when delivering capital projects, particularly with one-year budgets and is pleased that the Department has projects such as urban regeneration that can be used to backfill any slippage.

The cost of the project for the regional stadium at Casement Park is now estimated at £112 million, so the total committed by the previous Executive, plus GAA partnership funding, falls far short of what we will need. The Committee is concerned that there will be similar increases for the subregional stadia programme.

The Committee looks forward to engaging with the Department on addressing priorities throughout the year and shortly on the June monitoring round. Although that is a substantial pot, it is expected that much of it will already be spoken for.

**Mr Gildernew (The Chairperson of the Committee for Health):** I will speak on behalf of the Health Committee and then make some brief comments in my role as my party's spokesperson on health.

As the Minister of Finance outlined yesterday, the Department of Health has been allocated

almost half of the entire resource budget, with a resource allocation of almost £6,451.9 million. There is no doubt that that is a significant amount of resource funding for the Department. It has indicated, however, that, despite that large allocation, this is a standstill Budget and there is no space or funding available to tackle backlogs and waiting lists.

We have to be honest and admit that our waiting lists are among the worst in developed nations across the world. An example is cataract operations. OECD figures provide data that shows that the longest average wait for cataract surgery in 17 OECD countries is in Poland, at 250 days, with the average wait in England, Scotland and Wales being approximately 60 days. The Committee, however, received correspondence from an individual just this week who had been advised that the waiting time for their father's cataract surgery here is four years.

The length of waiting lists is having a significant impact on our constituents' and families' quality of life and a massive effect on health outcomes for patients. We need to do more. We need to help people, such as the person who is waiting for cataract surgery, to have a better quality of life. That can be done by funding the implementation of the transformation programme and by listening to the experts: the health and social care professionals who are working in the system. A good example is the recent '10 Steps Not 10 Years' action plan from the Royal College of Surgeons. We also need to work with the unions and those who receive the services to come up with the solutions that are so badly needed.

I mentioned yesterday that only 0.7% of the Health budget has been allocated to transformation. That allocation is to keep already implemented programmes resourced. We know that investing money in the system now will provide savings further down the line. We know that investment in waiting lists, early interventions and prevention provides significant savings and better outcomes for patients. That has to be a priority in the coming years.

On scrutiny of spending plans and priorities, it can be difficult first to identify spending priorities and then to track that spending over the financial year, particularly in the complex area of health. The Department has such a large budget that we tend to get the headline figures with no real detail on total spend to tackle waiting lists, total spend to tackle health inequalities or spend in relation to mental health. Further work needs to be done in the

Department and at Executive level to provide more information to enable the Committee to fully scrutinise spending plans and priorities and track how effective those plans and programmes are in delivering the outcomes that we are looking for. We need to be able to identify how much is being spent to address waiting lists rather than having to write to the Department to request that information.

Recently, we received a briefing from NISRA on health inequalities in the North. The information provided was hugely concerning. We see an increase in health inequalities in key areas such as mental health and drug misuse and a life expectancy gap in males of over seven years between the most and the least deprived areas. Today, where you live has an impact on your life expectancy. If you live in the most deprived area, you will live, on average, seven years less than someone who might live just a couple of miles from you. I understand that that is not the responsibility solely of the Department of Health and that there needs to be an Executive approach to tackling inequalities, but the Department is paying for the outcomes of those inequalities.

We need to be able to identify and track spending on the key issues. How much is being spent to address waiting lists? How much is being spent to address inequalities? How much is being spent on mental health? Is the spending on waiting lists, inequalities and mental health making a real difference to people's lives? Activity is easy to measure. Outcomes are much more difficult to measure, but outcomes matter most. Transparency should be based on the issues rather than on finance headlines, which can be difficult to understand and track. The Department has been good at identifying and tracking COVID spending and pressures. We need to see the same approach being applied to the other priorities over the coming year.

The Committee will continue to engage constructively with the Department to ensure scrutiny of its spending over the coming year. I thank the Committee Clerk and staff for the huge amount of work that they put into the Committee in general in what has been a hugely busy period and in supporting the Committee's scrutiny of the budgeting procedures.

I will now add some remarks as a Sinn Féin MLA. As an MLA with a busy constituency office, I can safely say that health and social care queries are the number-one issues that we encounter. I am sure that that is the same for every Member. It is about people having

difficulty accessing their GPs or a care package to get a loved one home from hospital. It is also about that wide range of waiting lists, with one in every four of our population on some sort of health waiting list. I will not dwell overmuch on the obvious problems; we all know and recognise those.

What is being done to address and fix those problems is key. The Bengoa report and the ministerial action plan, 'Delivering Together', set out not only the need for transformation but some of the areas in which to start delivering it. As I mentioned, only 0.7% of the budget has been allocated to that transformation. The double running and funding of services have not been anywhere near sufficient to support a long-term transformation. We will all have to grasp that fundamental problem.

As has been referenced often today and in yesterday's debate, there also needs to be progress on multi-year budgets. The staggering levels of workforce vacancies remain a huge difficulty for delivery in the health service. The Health and Social Care (HSC) system needs to address workforce pressures and staffing as a matter of emergency. If there are no staff, there is no service. If there is no service or capacity to be seen, you are placed on a waiting list, and, until capacity increases, that waiting list will continue to grow. Even if we had money to throw at the problem, it would not immediately or automatically solve it. We urgently need to put effort and planning into health service staff.

Yesterday, I covered some issues facing carers, but, as it is carers' week, it is worth recapping those issues. Without carers, there is no health and social care system. It is that simple. Unless we address the practical issues facing carers, we are at grave risk of seeing carers stop asking about breaks and starting to talk about care arrangements breaking down. We need to give carers a break. I urge the Minister to look at what he can do now to increase the provision of respite and day-care services, which have been run down for such a long time now as a result of the pandemic.

This week is also infant mental health week. I encourage the Minister and his officials to consider what can be done through the mental health strategy to ensure that early-years mental health needs and, in particular, infant mental health needs are not only considered but included in the final strategy.

**Mr Humphrey:** I am grateful to the Member for giving way. Does the Member agree with me — I speak as a member of the Education Committee — that this needs a joined-up

approach across government, involving not just the Minister who has been referred to in this debate but the Education Minister, the Health Minister, Communities Minister, councils, the Public Health Agency (PHA) and so on, in order to get a multi-agency approach to tackling a huge issue in our community?

**Mr Gildernew:** I thank the Member for his intervention, and I absolutely agree. In fact, two weeks ago, the Health Committee called for an emergency summit to take place across the Executive to deal with health and social care. I believe and I think that the Committee believes that we need to adopt the same urgency, attention and action to deal with waiting lists and the other problems in health as we did with COVID-19. I absolutely agree.

I acknowledge that it is a one-year Budget, but, when we look at how last year's one-year Budget pivoted to emergency action on COVID-19, we see what can be achieved when everyone works together and when staff are involved, are delivering the service that they can do so well and are given the tools to do so. Although COVID-19 is certainly not gone and we cannot become complacent about that, I pose this question, to which the Department of Health, the wider Executive and, collectively, the House must find an answer: what can be done now and in this year to address the public health emergency that faces the entire Health and Social Care system, that we see daily in our constituency offices and clinics and that our people are suffering as a result of?

**Mr Newton:** I speak as a member of the Education Committee and agree with its Chairman: it is not every day that you start a debate with one Minister in place and end that debate with another Minister in place. Initially, I pay tribute to Peter Weir and the service that he has given since the Assembly was brought back into operation after three years. He has been unstinting in his attendance at Committee and in the Chamber. Whereas other Ministers have perhaps had to be encouraged — I will use that word — to attend Committee and to be questioned by Committee members, he not only attended but gave generously of his time at Committee.

It would be remiss of me not to wish the Minister who is incoming next Monday all the best for her tenure in the position. I welcome Michelle's appointment and, indeed, wish her well as she sets about delivering, perhaps in a different style, on the priorities that we all know.

The Chair, on behalf of the Committee, outlined the serious problems and financial challenges that face Education. I wish Michelle well as she delivers on those in the coming months.

### 3.15 pm

The Minister has indicated that he wants the debate to be on the general principles of the Main Estimates, and that is the direction that he hopes that Members will follow. I will follow that direction. In the Main Estimates document, in the introduction to the Department of Education, it states:

*"This Estimate provides the vision of the Department of Education, for 'an education system that is recognised internationally for the quality of its teaching and learning, for the achievements of its young people and for a focus on meeting their needs.'"*

As I have stated previously in the Chamber, I believe that, by and large, pupils and young people in Northern Ireland get excellent teaching and educational facilities, not only in primary and secondary education, as we are discussing here, but up to third-level education. Many of our students, having had that good foundation in primary and secondary education, continue to university and are sought by universities in GB to take up their education there.

Given the academic year that we been through — I suppose that we could even call it the "pandemic year" as opposed to the "academic year" — it is only right that we pay tribute. I want to go a bit further than the Committee Chair in paying tribute to every single teacher, all teaching staff and those who support the teaching staff: school assistants, classroom assistants, and the ladies and gentlemen who are the caretakers and the providers of food for the children. We owe a debt of gratitude to every single one of them, and, indeed, for the leadership from principals, because they faced huge challenges this year that have never been experienced previously, whether that was with classroom learning, remote learning or a combination of both, and then to come back into the classroom and conduct examinations or alternatives to direct examinations. Teaching and support staff have risen to those challenges, very much under the guidance of Peter Weir, to whom I have already paid tribute.

The Education Department also rose to challenges, along with the Education Authority. On the Education Committee, we know the challenges that the Education Authority and the

Education Department faced, particularly with regard to children with SEN. Pupil assessments in that area were taking twice as long as they should have taken. Every Committee member has been impressed by how that challenge has been taken on board under Sara Long's leadership, how she has risen to the challenges and the progress that she and her team have made.

The Education Committee is made up of the disparate attitudes of each party that is represented on it, but, by and large, it is fair to say that we have carried out the scrutiny role very much in a positive way. We have certainly had differences. We have had differences of emphasis. I support transfer testing and grammar schools in general, and others on the Committee are not supportive of that approach. However, by and large, we have risen to the challenge and have placed the emphasis on really doing what is right for each of our pupils and young people. It is not too strong to say that we have come through what can be described as a crisis, and thankfully — hopefully — we are coming out of it with a much stronger education system than when we went into it. There has been a huge amount of learning by the principals and the teaching staff that will undoubtedly be of benefit to them in the longer term.

In what the Minister has put forward, under the subheading on detail and resource to cash allocation, he starts his outline by saying that the purpose of this is to ensure:

*"all young people, through participation at school, reach the highest possible standards of educational achievement that will give them a secure foundation for lifelong learning and employment; and develop the values and attitudes appropriate to citizenship in an inclusive society."*

Many of us recognise that we work in a difficult society, but we have an opportunity, as the review of education is undertaken, to look at what role primary schools and second-level education can play in addressing those last few words:

*"appropriate ... citizenship in an inclusive society."*

That should be where we get to after the review of education. Provision should be one of the objectives.

The Minister also outlines where the resource and cash reconciliation should go. Under annually managed expenditure (AME), 10

categories of expenditure are outlined, including the Education Authority; voluntary and grant-maintained integrated schools; the Council for the Curriculum, Examinations and Assessment; and Middletown Centre for Autism Limited. I remember when we first debated the Middletown autism unit in the Chamber and were supportive of that. One of the big challenges that the Education Committee, the Education Authority and Department have faced is the provision of SEN education. Perhaps there is a case for special educational needs schools to be a new AME category. It is an area that is in need of investment and an area that has faced challenges, and we as a Committee, both formally and informally, met the principals and leadership groups of special educational needs schools. After listening to the principals' group, you could not have come away from those meetings without having an appreciation of the very difficult job that those principals were doing, the fact that they were rising to the challenges, the fact that they needed more support than was being given and a special understanding of the challenges that they were facing. I believe that a special educational needs AME would be helpful as we move into the next budgeting period.

It is right to say that, of all the issues, the one that has united the Committee the most has been the support for school places for children with special educational needs and disabilities and helping families and carers to meet the increasing demands that they face each day. The outgoing Education Minister needed support in that area, and the incoming Education Minister will need additional investment to create more school places in primary and secondary education.

Science continues to make progress, and, a relatively short number of years ago, some children may not have lived after birth.

**Mr Principal Deputy Speaker:** I am terribly sorry, but I ask the Member to resume his seat briefly. I encourage the Member — I have done this with other Members — to return to the core principles of the Bill rather than to focus on the substance of issues that are not addressed directly in the Bill. As you will know, I am always loath to interrupt Members during a Budget Bill debate because, in many cases, it will be the only chance that Members get to speak on particular issues, but I encourage all Members to return to the core principles of the Bill. I do not want to act as a tyrant in the Chair. I hope that all Members understand that. I do not make the rules; I am simply here to enforce them.

**Mr Newton:** Thank you, Mr Principal Deputy Speaker. I understand, but the point I am coming to is the recognised need for additional investment from the Minister through the Budget for the provision of SEN resources. I will quickly move on.

There is temporary special educational needs provision in a school building in north Belfast. It is temporary in that it is in a building that is not entirely suitable. There is a site adjacent to mainstream schools in east Belfast where, with appropriate investment, there could be a high-tech, state-of-the-art, new-build special needs school, which is primary to addressing the need. We need the Minister to look at how he can effectively spend money towards that type of provision.

I hope that you will not rule me out here, Mr Principal Deputy Speaker, but, in the 2021-22 Budget, the Minister sets out, under the confirmed in-year allocations that are not included in the final Budget departmental outcomes, a number of areas appropriate to DE: teachers' pay; the Bright Start summer scheme; the Youth Service summer programme; the Engage II programme; and the Sure Start programme. Those are all extremely relevant and meaningful areas of expenditure, and my colleague Mr Humphrey raised with the chair of the expert panel the need for a holistic approach to engage with the 2021 summer scheme, which is based on addressing the mental health of many of our pupils who, we believe, will have faced challenges over these days.

### 3.30 pm

In those areas of the Budget, there is a need for the Minister to support the New Decade, New Approach fair start programme. You cannot expend money on those issues or just do one-offs in those areas if you are not prepared to invest in and accept the findings of the expert panel on educational underachievement. Those areas need to be addressed with investment, leading on to the investment as outlined by the expert panel.

**Mr Humphrey:** I thank the Member for giving way. I endorse his remarks entirely and pay tribute to Dr Purdy and his team for their work. Does the Member agree that it is statistically proven that early intervention is cheaper and much more effective in terms of end product and results and that young people would benefit from early intervention if the Minister can find the money for it?

**Mr Newton:** I thank the Member for that intervention. Absolutely: the case for early intervention is unchallengeable. If we do not invest in early intervention, what we get at the other end is much more costly to put right. It also has negative impacts on society as a whole.

The Member referred to Dr Purdy. I pay tribute to him and, indeed, to every member of his expert panel. They really rose to the challenge and worked within a very tight time frame to deliver what, overall, has been accepted as an excellent approach. Hopefully, this is the last approach that we will have. I can quote from at least four other reports that, in my political life, were to address underachievement, lack of investment, and how we go forward. I hope that this is the last report that will be necessary and that we will implement its recommendations.

The point that Mr Humphrey made is key area 1 in the report:

*"Redirecting the focus to Early Years."*

The expert panel refers to implementing the actions outlined in the report. There is a page and a half of that, but it is summed up in this way:

*"Ensuring all children get a fair start, will lead to more equitable outcomes for all children, families and communities. The benefits of effective early intervention"*

— the point that Mr Humphrey was making —

*"will be in terms of physical and mental wellbeing, educational attainment and longer term employment prospects."*

I do not expect that the Finance Minister's giving a dollop of money will be the only thing required. I do believe that if we are to succeed, we need to move to point 4 of the key areas that Dr Purdy and his team highlighted:

*"Promoting a whole community approach to education."*

The Chair of the Health Committee accepted that there is a need for a holistic approach. I hope that other Members, particularly from the Communities Committee, and the Communities Minister, would accept that promoting a whole community approach to education is what we want to achieve. There are excellent examples to follow. Key area 4 of the report says:

*"A 'whole community approach to education' has a 'place-based' focus that coheres the greatest concentration of effort in those localities with the greatest concentration of educational underachievement."*

Dr Purdy and his team gave a number of examples of the approach: the Delivering Equality of Opportunity in Schools programme in the Republic of Ireland; the Flying Start programme in Wales; the Scottish Attainment Challenge; and the children's zones in west London, which is an international approach that came from Harlem, New York. The report says that, if this can be done:

*"the interventions will be more targeted than before, encouraging partnership with the voluntary and community sector, particularly in areas which currently lack capacity, as well as between schools."*

You can see the connection between what Dr Purdy is saying and what the Minister is laying out in his in-year allocations for summer schemes, Youth Service, the Engage programme and Sure Start. The report feeds back into what the Minister is already intent on funding.

I will very quickly highlight a point that was made by Mr Humphrey and the Chairperson of the Health Committee. In key area 8 of Dr Purdy's report, "Ensuring Interdepartmental Collaboration and Delivery", he asks:

*"What do we want to achieve?"*

He then stated:

*"There was considerable consensus amongst stakeholders about the need for government departments, local government and voluntary and community sectors to be more joined-up in terms of how they approach issues associated with educational underachievement."*

There are opportunities for resources to be implemented more effectively than at present and in a way that requires more collaboration between Departments.

I will finish by saying that Dr Purdy outlines the budget that is required. He lays out all of the 47 actions that are required and says that, in the long term — five plus years — £73 million is required. If we do not invest that additional relatively small amount in those areas today, as recommended by the expert panel, we may as well not invest in them. If the budget for those

areas is not invested over the time span that Dr Purdy estimates necessary, we may as well not invest in them in a one-year Budget.

Two areas brought the Education Committee together. The first is supporting children and families who face the most difficult challenges of special educational needs. We need to support them, and we need to provide additional facilities and up-to-date, high-tech school premises. It has been agreed by both sides of the House that those young people need that investment to address underachievement and to provide them with the good start in life that will allow us to benefit from their expertise in later life.

**Dr Archibald (The Chairperson of the Committee for the Economy):** I will speak first as the Chair of the Economy Committee before making some brief remarks as the Sinn Féin economy spokesperson. You end up repeating yourself quite a bit in Budget debates, but we continue to live in exceptional times, which impacts very much on the budgeting process. Since I last spoke on the Budget at the end of May, the Economy Committee has received the Department's bids for the June monitoring round. The Committee considered those bids at its meeting last week, and I will comment on them following some more general remarks.

I have put it on record in previous debates that the context in which the Economy Committee and the other Statutory Committees scrutinise departmental budgets is less than ideal. Annual budgeting and a dramatic increase in the use of ministerial directions to implement COVID relief schemes is less than ideal, as is a heavy reliance on in-year allocations to meet essential spending, particularly in the case of the COVID response. Despite that, the Economy Committee has received regular Budget briefings from the Department, and members have engaged robustly with departmental officials and, indeed, the Minister, who briefed the Committee last month on her economic recovery action plan and the first of the 10X Economy papers, which referenced innovation.

The Department for the Economy budget has flatlined in 2021-22, which has resulted in the realignment of budget lines and the Department's beginning the financial year with an overcommitment of £7.3 million. The Department has received £12.2 million from the Treasury to manage protocol issues, which the Committee will scrutinise carefully.

The Executive have agreed to fund the economic recovery action plan at a cost of approximately £290 million of resource funding

and £11 million of capital spending. Roughly half of the resource allocation for the economic recovery action plan will go on the high street stimulus scheme. That puts a lot of eggs in one basket, as I have said in previous contributions, and the Committee is not fully convinced that the voucher scheme will deliver to the degree that is necessary. As such, it will continue to engage with officials and the Minister on it.

The Department has secured £23 million from the NIO: £8 million to support the development of Invest NI locations overseas over the next two years and £15 million for skills spread over the next three years. That funding is welcomed by the Committee and should help vital skills development work to be undertaken in the months ahead, as furlough ends and we seek to turn around our economy.

The Department leads on a range of New Decade, New Approach commitments, and the Committee believes that it is important that those be closely aligned with the Programme for Government and a range of other strategies, in both the Department for the Economy and other Departments. A failure to do that will run the risk of duplication or a failure to maximise the impact of spending.

The Department has suggested that the economic recovery action plan, the recently published 10X Economy innovation paper and the trade and investment papers have the potential to be game changers for our economy. The Committee will, however, be looking for clear delivery on what remain very high level statements of intent. There are also issues around the securing of funding.

I will turn to the June monitoring round paper from the Department that the Committee considered at its previous meeting. Committee members welcomed the news that Departments will have greater flexibility to reallocate non-ring-fenced budgets in-year without Executive approval. Committee members hope that that will mean less budget having to be returned and reallocated in haste, which was a theme last year in the Department for the Economy's COVID response.

The Department's bids of just under £12 million are modest in the context of the times in which we live. Committee members are concerned, however, that almost £11 million of that is required as a result of a change in the treatment of depreciation in FE colleges. The view of members is that that surely could have been anticipated. Of the £19.5 million of resource DEL reduced requirements, the Department has managed to reallocate £15.5

million, leaving £4 million to use against inescapable pressures that will arise in-year. Again, that level of movement in-year does not make scrutiny any easier for the Committee. As I indicated, however, the flexibility to reallocate internally is somewhat welcome in that context.

The Department has also flagged up £14.2 million of unallocated capital DEL that it hopes to utilise further into the financial year, thanks to increased flexibility. The Department is still waiting, however, for a capital DEL allocation of £42.3 million for Project Stratum and for capital DEL funding for city and regional growth deals, as well as for the Magee medical school. The Committee urges that the allocation of that very necessary capital DEL proceed without delay.

### 3.45 pm

Another key area of concern for members is the number of vacancies that the Department continues to carry. As a Department at the heart of the COVID response and the recovery and rebuilding of our economy, it is vital that it is properly staffed. Funding is available, so members strongly advocate that recruitment proceed at speed.

As I have outlined, the Committee welcomes the funding of the economic recovery action plan, as we are keen to ensure that the Executive fund the skills-related commitments included in it, in NDNA and in the 10X Economy papers, as well as those flowing from the energy and skills strategies, particularly the job-creating aspects of the green new deal. The Committee believes that the work of the high street task force and any funding that it deploys will need to be aligned with the economic recovery action plan and other strategies. That is why members are joining the Committee for the Executive Office and the Finance Committee on 16 June to receive a briefing on the work of the task force.

The Committee will play its part in the delivery and scrutiny of departmental strategies and legislation to support our recovery and rebuilding from COVID and in moving our economy to a place of greater prosperity for all our people. On behalf of the Economy Committee, I support the motion.

I will now make some brief remarks on behalf of Sinn Féin. I have already outlined many of the issues in respect of the Economy Department's budget. Those have been well rehearsed throughout Budget debates. The British Government's Budget has in no way provided the stimulus that is needed to drive the recovery that we need. Members in the Chamber have

made proposals and suggested things that should be included and that need to be included. Concerns also remain about at what point austerity measures will kick in. Those measures are contrary to the recommendations of financial institutions around the world. Some who previously championed austerity think that we need a stimulus-driven recovery to reboot the economy and to give businesses and workers the opportunity to get back on their feet collectively; that is widely accepted.

My party colleague Mr McHugh outlined the significant support in grants and rates holidays that have been made available to businesses here to help them to survive and to protect jobs. It is clear that we need a recovery that is about protecting jobs and creating jobs and opportunities and promotes greater equality and prosperity. That means promotion of greater health and well-being supports as well. It is important that our recovery plans and strategies aim to deliver on those things and align, as I said, with our Programme for Government commitments and New Decade, New Approach commitments. As other Members have referred to, we need to see really strong cross-departmental working and budgeting.

I congratulate the newly announced incoming Economy Minister on his appointment. I look forward to working with him. I hope that, in his new role, he will be honest enough to recognise the potential of the protocol in attracting investment, creating jobs and helping to drive forward the recovery from COVID that we need. We face the loss of EU funding, which, beyond this financial year, remains a huge concern, particularly in the context of the Economy Department's budget beyond 2023, when the ESF runs out. We need to see some longer-term clarity on the Shared Prosperity Fund, including its design and delivery.

**Mr Frew:** Will the Member give way?

**Dr Archibald:** Sure, I will.

**Mr Frew:** I thank the Member for her kind words. I give her the commitment now that I will work with her and all of the rest of the Economy Committee. I enjoyed my time on the Economy Committee. I am glad that I will be working alongside you guys in trying to make the economy better.

**Dr Archibald:** I thank the Minister for that. Hopefully, we will get you in front of the Committee in the not too distant future.

Concerns have been expressed that the British Government's so-called levelling-up agenda bypasses the Assembly and the Executive and there is no guarantee that projects funded through it will align with our Programme for Government commitments or Executive priorities. It is my strong view — I imagine that the Finance Minister agrees — that, if the British Government actually wanted to level up our economy, they would return some of the hundreds of millions that have been stripped away from our block grant over the past decade.

Other Members mentioned health funding. Like many others, I have too many constituents who are concerned about being able to access GP appointments or have been on waiting lists for too long. My party colleague Colm Gildernew referred to a constituent. Last Thursday night, I was contacted by a constituent who has been on a waiting list for surgery for some time. She was taken into hospital because she had been quite sick with her condition. It was thought that she might need emergency surgery, and she was put on IV antibiotics. Fortunately or unfortunately for her — I am not sure which word you would use in her case — the antibiotics brought her condition under control, so she was no longer deemed to be an emergency and was sent home to remain on a waiting list. At the end of her tether, she sought a private consultation and was told that her surgery was urgent. If she paid £6,000, she could have that surgery done before the end of the month, but she does not have that sort of money. As far as I am concerned, it is not OK that those who can afford it get treated and those who cannot stay sick.

I am really glad to see that the Finance Minister has provided additional funding to the Department of Health. All of us recognise that we need to see much-needed system change there as well. We have all talked about taking the politics out of health. When we talk about the system change that is needed, we all recognise that there needs to be additional investment before savings will be realised. One of the issues that we all talk about is that we need multi-year budgeting processes to be able to plan for the change needed in our health system. That is where we really need to see the multi-year budgeting process. Hopefully, the promises that the British Government have made in respect of multi-annual Budgets will be realised this year.

I welcome the establishment of the fiscal commission by the Finance Minister as part of that broader conversation about how we fund our public services and what powers we might

need or could have access to. I very much look forward to the work of the commission and to engaging with it.

**Mr McCrossan:** When Minister Frew got to his feet, I thought that he was going to state his support for the protocol. I nearly bit my tongue off. I want to congratulate Minister Frew on his appointment and wish him well. There are many challenges in that Department, as in them all.

I welcome the opportunity to participate in the debate and make my comments as the SDLP spokesperson on education and an MLA for West Tyrone. I reiterate the concerns raised by my party and others in yesterday's debate on the Supply resolution for the Main Estimates. There is great dissatisfaction with the budgetary process. It is a complex process that is not properly explained, and we essentially debate decisions that have been taken already with little input, at this stage in the overall budgetary allocation. It is short-sighted and lacks aspiration and any prioritisation of the key challenges that our community faces. I will go into more detail as we go forward. As noted by my colleagues in yesterday's debate, we continue to miss out on the importance of multi-year budgeting, which would set a longer-term, joined-up strategy to deliver better in the greater interests of our people across Northern Ireland.

I will focus my remarks on the Education budget, before outlining concerns regarding the impact of this Budget on the wider issues that face my constituency of West Tyrone. Before I do that, I pay tribute to the outgoing Minister, Peter Weir. Many in the House know that Peter and I did not always see eye to eye on matters of education or the challenges that have been faced this year. I appreciate that the Minister had a mammoth task. There was no blueprint or rule book to follow, and we reacted as the situation emerged. I appreciate that that is an extremely difficult situation to be in. I genuinely believe that the Minister was acting in the best interests of children as he believed them to be and that he always did his best. That said, there will always be a record set in the House on Ministers and their performances, and Peter will be remembered as one who was courteous and approachable in office — he always responded to me in my role as SDLP education spokesperson — but I cannot leave out the fact that the House had to be recalled on three occasions to hold the Minister to account over failures to put the interests of young people first. That said, I wish him well for the future. I also wish Michelle McIlveen, the new Minister of Education, well. I look forward to working with her on the many challenges that exist.

Education has been on its knees for a number of years. We often talk about cuts to education when we should be talking about investment in it. Education is not a cost; it is an investment in our children and young people and an investment in this place. It is an investment in our economy because, ultimately, young people and children who have been supported through schools that have had access to adequate facilities and support will be better skilled and educated; it will benefit their outcomes in the long run.

Budgetary cuts and challenges to education predate COVID. We have had the distraction this year of the huge challenge — no one in the House should underestimate it — that COVID has presented to every Minister, the Executive and the House. I know that all of us wanted to act in the best interests of doing all that we could to save lives and livelihoods. The COVID pandemic has absolutely compounded the issue and highlighted how far behind we are in properly funding and resourcing our education system. That has been said many times in the House over the past 14 years of the DUP/Sinn Féin-led Executive. The Institute for Fiscal Studies reported last year that, in real terms, cuts in spending per pupil since 2009 have been largest in Northern Ireland, with a 10% reduction in overall spending. That is a 10% cut to our children's education. No one would say that that is appropriate. It is not appropriate. It is having a direct impact on our children and young people.

Many times, I have heard Members to my right say that a decade of Tory austerity has been disastrous for this place, but we have to take some responsibility for the lack of prioritisation, strategy, focus and planning. Education should never face cuts. We should always strive to improve the educational outcomes of our children. We have to remember that, while the Tories have been no friends to this place — no one knows that better than the DUP in recent times — the Budgets and cuts have been rolled out and administered by a Sinn Féin/DUP-led Executive. It has crippled our education system and affected the educational outcomes of so many young people. While we have witnessed cut after cut, additional funding has been provided in England through the pupil premium policy; Scotland has spent £1,500 more — £7,300 compared with £5,800 in Northern Ireland — per pupil; and the South has the delivering equality of opportunity in schools programme, which aims to address the issues around funding.

I remind the Finance Minister and the incoming Education Minister — I cannot reiterate this

strongly enough — that spending on education is not a cost; it is an investment in the future of our young people, this place and our society, and we should do everything that we can to ensure that we fund our schools and provide the necessary resources, which are absolutely vital for the development of our children and young people. It is high time that education was treated as seriously here as it is in other jurisdictions. This place has challenges, but we have to recognise that it is quite small and manageable: it is six counties and 18 constituencies. It is not rocket science. It is about planning and strategy. It is about ensuring that money goes to the right places and that we are not simply throwing money at pet projects or wish lists from parties, particularly in the face of an election. We may see that evolving over the next few weeks and months.

In the context of today's debate, it remains extremely concerning that the education budget faces pressures of £146 million. Again, that is not a new figure; it was discussed in the House prior to the pandemic. It is hoped that that will be made up this year as a result of funds from the monitoring rounds, but it has shed a bright light on the fact that a lack of proper planning and cross-departmental working is damaging the educational outcomes of our children.

That brings me to an important point that other Members have mentioned: special educational needs. There is no deviating from the debate around the subject. It impacts us all. It has come to every one of our offices and desks. Young people and children are being failed by the system. When you look at the figures and the amount of money that has been allocated, you scratch your head and say, "Is this an issue with funding, or is it a case of complete and utter incompetence on the part of those who have been responsible for resolving the issue?".

#### 4.00 pm

When you look at the block grant for the Education Authority, you will see the £359 million that has been allocated for special educational needs and the additional £22 million. What is it going to take to resolve this issue? Not enough has been done. There has not been enough planning or prioritisation, and, certainly, the interests of those young people have not been put first. We have heard serious revelations about the Education Authority in recent times. It was revealed by whistle-blowers that, in order to delay the process, statements were not date-stamped because the EA was so inundated and the system was so fractured and broken. It took an immense amount of pressure

from the Education Committee when this place was re-established to get to the heart of that problem.

As we in this Chamber all know, special educational needs children are continually, continually, continually being failed by the current system that is not delivering for them. We can talk about reviews. We can talk about reform. We can talk about money. We can talk about how we think it could be fixed. It is necessary now more than ever for this issue to be prioritised. Far too many children are stuck on a waiting list for an assessment. We have hundreds of millions of pounds being rolled in to resolve this issue, yet we still have 5,124 children waiting for an assessment. We have seen that go on for years and years. That is not good enough. We cannot fail our children. The test for this place is about how to prioritise their needs and what we do in a crisis situation. Rest assured that the situation facing special educational needs children is a crisis.

**Mr Lyttle:** I thank the Member for giving way. Will the Member agree that addressing that issue from a budgetary point of view will require close cooperation between the Department of Education and the Department of Health and that pooled budgeting should perhaps be explored in order to address the completely unacceptable waiting lists for assessment and awarding of statements of special educational needs?

**Mr McCrossan:** I thank the Member for his intervention, and I welcome his remarks. He is absolutely right that there is a desperate need for cross-departmental working and cooperation. A lot of the issues that have been identified point to the fact that Health and Education are not working closely or effectively enough and, indeed, that Finance is absolutely vital. We can talk about all the things that are needed, but without the necessary investment from the Minister of Finance it is impossible to resolve these issues. It is not in isolation. We can fire money at these things — rest assured, there is a desperate need for investment in SEN — but there is also a need for prioritisation and to properly deal with the issues.

I will finish on the SEN point by saying that children have absolutely been failed. We have all seen the tears. We have seen parents in absolute desperation. We have seen parents who literally have never had one minute of respite. We have seen parents throughout the pandemic who have spent seven days a week over the course of the past year without any support and who are literally on their knees, pleading for support and help, but it has not

happened. It is unforgivable for this House. We are a small jurisdiction, and it could be dealt with very easily with the proper focus, plan and prioritisation. We need to ensure that those who are in positions of responsibility for this and have failed are held properly to account. If we fail to do that, we will repeat the mistakes of the past.

The childcare strategy was mentioned by another Member. Over the course of the pandemic, the childcare sector was also hit very hard. It is clear that a long-term strategy for the sector that includes additional investment and resources from the Minister is needed. I have heard members of the Minister's party and, indeed, of other parties mention the serious issues that affect the childcare sector. I have seen the fancy graphics that call for action, but when their colleagues who are sitting in positions of power fail to actually deal with the issue, it begs serious questions. Is this just lip service, or are there meaningful intentions to deal with these serious issues? The childcare issue needs to be addressed, can be addressed and should be addressed by cross-departmental working and money from the Minister of Finance.

On that point, it is very disappointing that today's Budget contains insufficient funds to enable the development of a comprehensive childcare strategy. That is the famous childcare strategy that we have talked about and talked about. Again, there is no action, no money and no follow-up; we just talk and talk. People are fed up with it and want that to change. Given the issues and pressures facing the sector, I am sure that Members will agree that the childcare strategy is needed immediately and needs that vital investment. Robin Newton mentioned in great detail the recommendations in the report on educational underachievement. I, too, put on record my sincerest appreciation to Dr Purdy and his team for the immense work that went into that report. The report is a vital piece of work, and it was damning on educational underachievement. That did not shock any of us. We knew, certainly from an Education Committee point of view, how serious the issues are and what the major failings are that exist here in tackling educational underachievement. The vast majority of those failings emanate from a failure to properly fund and resource an already stretched education system. I see no effort to rectify that in today's Budget.

In the House, we have had many reports suggesting all sorts of reforms. We have talked about Bengoa and everything else, but this report is vital to address what is a very serious

issue. However, will it be just another report? The only way to address the issues in the report is for the Minister of Finance to put the money in place to ensure that the recommendations can be addressed. Let us be clear about this: whilst there is an issue with underachievement among Protestant boys, there is an issue with underachievement generally across all our communities, and it needs to be addressed. No child should pay the price for political failure. Make no mistake about it: there has been a political failure in this place to address educational underachievement, and that is on the shoulders of us all. It should be addressed, and it must be addressed. The report is very good.

Today's Budget sets aside only £4 million to take forward the panel's plan, which has been costed at £36 million per year. That hardly even scratches the surface. It is like throwing a deckchair off the Titanic and hoping it will work out. It is not going to work; we need meaningful investment. I know that money is tight, but what is more important than addressing the educational underachievement of our children? The £36 million would be money well spent. It would certainly be better spent than the £100 million that is going to be fired into tokens for the high street. This plan is a better-value investment, and it should be prioritised at all costs.

I ask the Finance Minister this: where is the shortfall? Does he believe that educational underachievement merits additional funding? What is his Department going to do about it? This is a political problem; it can be fixed by prioritisation. It is a serious issue, and it is concerning that it is not being taken seriously enough given the work that the expert panel put in. I have to say that I thoroughly enjoyed working with the expert panel. I reiterate that the report cannot be left to gather dust. The recommendations are very good; they are critical. We know what the problems are, and it will take money to resolve that. It will take £36 million. We need to see the money put up in order to resolve educational underachievement.

I heard other Members mention holiday hunger. I thank the Minister and the Minister of Education for, at an earlier stage, addressing holiday hunger during the pandemic. Holiday hunger is having a huge impact on many disadvantaged children across the North. I have welcomed the interventions to date. I believe that was a positive intervention and one worth making. It is also concerning that there is no long-term plan to deal with it, and I hope that it is addressed.

I would like to focus my remaining remarks on the issues that are facing everyone in the beautiful constituency of West Tyrone. We face many challenges. There are infrastructure deficits that long predate the —.

**Mr Principal Deputy Speaker:** Can I ask the Member to resume his seat briefly? Before the Member decides to take us on a rhetorical tour of West Tyrone, can I suggest to him that his remarks, insofar as they relate to his constituency, must also relate to the core of the Bill that the House is considering?

**Mr McCrossan:** Yes, absolutely. On the Budget, there are key issues and challenges that face constituencies such as West Tyrone. There has been a lack of investment, and the Strule educational campus and our roads infrastructure, through the A5, have not been delivered. Despite the once-famous hokey-cokey politics of the DUP and Sinn Féin dragging down the Assembly, Sinn Féin and the DUP have been in power for 14 years. That arranged marriage has delivered very little, but it is high time that it did, particularly for places west of the Bann such as west Tyrone. Promises are good, aspiration is great, but money and delivery are vital. What we need, now more than ever, is properly funded Departments that can address Ministers in place —.

**Dr Archibald:** I thank the Member for taking an intervention. What are his proposals for finding the money that he suggests is required? There is no low-hanging fruit in our Budget, given that it has been decimated by Tory austerity, to which you referred, over the past decade. Where do you propose we find the money? From where do you want to take it?

**Mr McCrossan:** I thank the Member for the intervention. For a start, collapsing the institutions is not an option for resolving the challenges that we face. People need politicians in place to deal with the challenges that our society faces on a daily basis, be they waiting lists, education or housing. To collapse the institutions for three years was unforgivable, and to entertain any debate or discussion about doing that again is entirely unforgivable, particularly when so many are suffering. Yes, I understand that there are budget restraints. I understand that there is not an endless pot of money. What we do have, however, are people in political positions now, whom we did not have for three years, who could prioritise and address the issues of need. There is no better starting point than waiting lists, when we have

so many people suffering as a result of what I can only describe as political failure.

**Mr Lyttle:** I thank the Member for giving way briefly. Does he agree that meaningful action to address the upwards of £100 million cost of division or separation in education would be a good place to start in releasing funds that can be redirected to the front line?

**Mr McCrossan:** I thank the Member for that very good intervention. I have to say yes. I go back to prioritisation. We have a terrible habit of simply sticking a plaster on something and hoping that that resolves the problem instead of dealing with it. Bengoa did that with Health. What have we done? It is gathering dust. The education underachievement document will do it with Education. Let us hope that it does not gather dust. Sticking plasters no longer work. This political institution has, hopefully, matured over the last number of years and will know that we need to prioritise those issues before they spiral any more out of control.

I remind the Minister that there are many areas dotted across Northern Ireland, the North of Ireland, that have very high levels of deprivation. People are stuck and need investment in infrastructure, education, good-quality social housing and road infrastructure. If we do not get that, people will remain stuck, and there will continue to be high levels of unemployment and economic inactivity. It gives me no pride whatsoever to say that my constituency is exactly reflective of that reality, because people there feel as though there has not been the meaningful investment that has been needed so for long in the area.

That brings me to a positive point. The city deal funding will be transformational. The SDLP has long fought for that money and that intervention in the north-west. It will be transformational. It will be a fantastic launching pad, and I am delighted to see that Strabane will also benefit as a result. That will deal with some of the issues, but areas such as Omagh, Castlederg and west Belfast also need serious intervention and a strategy that will help to take people out of poverty. Minister, you are in a very strong position to do that. We need to start talking about improving people's lives.

The Strule campus in Omagh, which I have mentioned, has the potential to provide first-class facilities to a number of local schools that are currently teaching in inadequate — I put that mildly to cause no offence — accommodation. They have been promised and promised and promised that the project would be delivered. The collapse of the institutions led

to delay in the delivery of that vital priority — a priority clearly stated by Martin McGuinness and Peter Robinson when they were deputy First Minister and First Minister. To date, all that I have seen is the site being cleared, but there has been no development. As a consequence, we have seen an entire generation of schoolchildren go from first year to right past their A-level year without any form of delivery in the same schools that have received no investment in their current infrastructure. All the schools in Omagh, which is in my constituency, that will form the Strule education campus are inadequate — some are unsafe.

Unless there is delivery on that now, some prioritisation of funding needs to be given to address the school estate, because this cannot continue. Again, children are paying the price for political failure. It is just not on. Nothing in today's debate or in the Budget has set out anything that suggests the advancement of that scheme. It will continue to slip further and further. As a result of that slippage, the school buildings in which children in my constituency sit are crumbling around them. That is not good enough.

#### 4.15 pm

This issue has been raised on many occasions, but it cannot be said enough: health waiting lists are the biggest crisis facing these institutions — the biggest crisis. While parties have their own issues and other issues are going on across Northern Ireland, such as Brexit, the protocol and COVID, people are literally dying on waiting lists. Our health service has saved countless lives this year. It is a health service that has buckled under pressure and underinvestment. It needs reform. It also needs leadership from this place and tough decisions made that will eventually resolve the huge issues that affect our people.

*(Mr Speaker in the Chair)*

Colm Gildernew rightly said that no office of any Member has not received correspondence, messages or phone calls or requests for meetings from constituents who have been in tears, in pain and suffering. They are desperate. It makes me, as an MLA, feel entirely useless that, because there has not been enough investment in waiting lists, I can do nothing to help those people. There are 335,000 people on waiting lists in Northern Ireland. That is a terrible reflection of how this place has failed. I have heard Members say that we need to take politics out of health: I agree. It is a problem that we need to resolve

together, with tough decisions, action and investment. We cannot allow waiting lists to continue spiralling out of control. One in four of our population is on a waiting list: that is absolutely shocking.

**Mr Carroll:** Will the Member give way?

**Mr McCrossan:** I will.

**Mr Carroll:** I agree that the stats are very concerning. Does he agree that the strategy of simply throwing money at the private or independent sector to address waiting lists is unsustainable, more costly in the long run and, ultimately, unfair to the people who clapped for the NHS during the pandemic?

**Mr McCrossan:** I welcome the Member's intervention. He just missed an intervention by Mr Lyttle, who pointed to a similar issue in education. Mr Carroll is right. The time for the mentality of sticking a plaster over a problem is long gone. It is like brushing the dirt under the carpet. At this stage, the carpet is touching the ceiling.

We need to grab this head-on and deal with it. Nobody wants their granny or granda, mum or dad, brother or sister, neighbour or friend to suffer on a waiting list. A few weeks ago, I visited the house of a lady who has been on a waiting list for four years. She had needed one hip operation; she now needs two. All the bedrooms in her house are upstairs, and there are no facilities downstairs. At 77 years of age, that lady is literally crawling up and down the stairs. Is that how we look after the vulnerable in our society? When that lady presents to me, as an MLA, or to another MLA, what are we supposed to say except, "It's a terrible problem. It's desperate"? What are we doing about it? We need this crisis to be prioritised, and we need it to be resolved. Tough decisions need to be made. If we do not do that, more will die on waiting lists, and the figure of one in four will increase.

Anybody looking at this place from the outside will say, "Is that really how they look after the vulnerable in their communities and their society?". We need to deal with that issue, and we need to deal with it now.

The crisis that absolutely exists in GP services is adding to the pressures. That is not a popular thing to say, but there is a crisis in GP services. I said that publicly a few weeks ago and got the sharp end of many GP tongues, but there is a crisis in GP services, and it is the responsibility of this House to deal with that crisis. GP

services are people's first point of call when they are in need of medical attention. How many phone calls to a surgery will it take before someone gets an answer? One hundred? One hundred and twenty? There are people who are desperate to speak to a doctor, and the doctor is obviously under immense pressure, when we consider that 5,968 GP out-of-hours shifts were not filled in the past year. That issue will be resolved only by proper planning and investment.

On the opposite side, A&E managers in Altnagelvin and other places say, "Daniel, there must be something that can be done. We have huge numbers of people who can't get a GP appointment now appearing at A&E". There is no siphoning-out process. If I was sick or unwell when I was a student in Liverpool, I literally walked down the street from my student accommodation to a walk-in clinic. The triage nurse in that clinic determined whether I needed to see a GP or go to A&E. If I needed to go to A&E, the clinic got me to A&E.

The system here is broken. GPs have told me, in countless emails, that they are under immense pressure, that the system needs reform and that there is a need for intervention. In A&E, staff tell me that they cannot cope any more. Waiting lists are spiralling out of control. It is a serious crisis that Members elected to this House need to address together. That is my plea to the Minister of Finance, the Minister of Health, the First Minister and the deputy First Minister. We can do it. It is not rocket science. This is a very small area. Our population is not massive. In everyone's interests, we need to get this right.

I have mentioned that social housing has been largely underfunded for many years. We talk about vulnerable people, but, when you drill down into it, we are not good at looking after vulnerable people. There is a serious lack of bungalows available for disabled people, elderly people, people in need and people who are blind. There are no suitable houses. How do you put people who cannot see into a two-storey house? They therefore sit on a waiting list. Some will wait for 10 years, because no bungalows are being built. Nine times out of 10, when people go into a bungalow, they remain there until the day and hour that they pass away, so there is no availability of bungalows. That is a serious social housing issue that needs to be addressed and prioritised. Housing is generally a considerable issue, and there needs to be greater investment in housing stock to provide high-quality and good-quality housing for all our people.

I have extreme concern that the budget allocated to the Infrastructure Minister will not deal with the state of our roads network, will not deal with the pressures facing NI Water and will not fix every single pothole that constituency colleagues of mine, particularly those in Sinn Féin, stand and point into every single day of every week. I am just as frustrated about the potholes, but pointing at them will not resolve the issue. Allocating money and spending money to invest in our roads infrastructure is the only way in which we will resolve those problems. The roads affect every single one of us and every single one of our constituents. We need good-quality roads. We need investment in our roads.

**Ms Ennis:** Will the Member give way?

**Mr McCrossan:** I will not at the moment, but I will.

The other point that I will make is this: I remember going to Donegal as a child. They used to say that the state of the roads there was an absolute disgrace. Compared with the roads in the North, it is an absolute pleasure driving in Donegal now. The state of our roads is an absolute disgrace. They need to be dealt with.

As the Minister, Nichola Mallon is doing a very tough job in a very tough Department that is filled with challenges. The Minister of Finance will know that, because he previously held that Ministry, as did his colleague Chris Hazzard. It is not an easy Department. NI Water desperately needs investment and money put into it. Developers cannot build houses and businesses cannot invest because the infrastructure is not there to deal with that.

**Mr Muir:** I thank the Member for giving way during what is a very long and interesting speech. The Member continues to highlight problems rather than solutions. Would he accept that the Infrastructure Minister has had a 29% increase in her capital budget? Whilst that will not deal with all the issues that he outlined, it is a 29% increase. For Northern Ireland Water, a mutualisation model needs to be considered. Otherwise, this speech will be repeated year after year.

**Mr McCrossan:** I thank the Member for his intervention. I absolutely welcome any extra resources, but there should have been more to date. There is not enough money. Yesterday in the House, the Chair of the Committee agreed when I intervened and said that that Department is underfunded. That Department is

underfunded. Anyone who looks at the figures will know that it is desperately underfunded. As a consequence, each and every one of our constituents is being affected.

Nichola Mallon is a great Minister — I may be biased in saying so — but she is no wizard. She cannot create miracles and resolve things without money. She cannot pay staff if she has no money. She cannot fix potholes, street lights or the issue with NI Water if she has no money.

**Ms Ennis:** Will the Member give way?

**Mr McCrossan:** The only way to resolve those issues is through a meaningful intervention by the Minister of Finance and for him to listen to Minister Mallon and work with her to try to address those very serious issues.

That brings me to another point. The A5 has often been debated in the House, and there is no greater advocate for that road than me. I want to see it built. There is nothing more important to West Tyrone than the development of that road. It will change people's lives and create necessary connectivity and links. It will also address decades of funding neglect from this place. The delays are frustrating, but I hope that the Minister of Finance will work with Minister Mallon, the Irish Government and whoever else will give us money to ensure that that project is realised. It is an Executive flagship priority, and I and the people whom I represent desperately need it to be delivered. I will give the Member an intervention.

**Ms Ennis:** Thank you. I appreciate that.

All that I am hearing from the Member is childish politicking. If the Minister for Infrastructure cannot fix a pothole or our rural roads with the largest allocation and biggest budget that that Department has ever received, what is she doing? What is the point? If she cannot do it with that budget, what is she doing? Maybe the Member will enlighten the House on what she is doing with that money.

**Mr McCrossan:** Gladly. The money has just been allocated. As I said many times, she is not a wizard or a miracle worker. She is just a North Belfast MLA, a hard-working mother and someone who cares about the people in this place. Nichola Mallon will do everything that she can to address the issues with our roads infrastructure, but she cannot do it without the necessary funding and investment.

*(Mr Principal Deputy Speaker [Mr Stalford] in the Chair)*

On the Member's intervention, let us be clear: Nichola Mallon is addressing a three-year collapse and neglect of our roads network because the Member's colleagues walked out the door and, as a consequence, left our roads network in its current state. In fact, prior to doing that, they did not even allocate a budget to deal with the issues.

**Mr Beggs:** I thank the Member for giving way. For the Member's information, there are two aspects to the infrastructure budget. There is the resource side, which is used to fix potholes and which is under-resourced. There is a lack of staff, which we certainly found recently when we were trying to address unadopted roads. There is a lack of resource funding. There is also capital funding. There is a very healthy capital bank account to expend on new roads but not to maintain them once they are built. Our problem is that we are not maintaining our roads.

**Mr McCrossan:** I thank the Member for his meaningful intervention.

During the previous intervention, I noted that the Member said that this is playground stuff. Would she rather that I came into the Chamber and said, "People are on waiting lists, but they will be grand", or, "There is a big pothole the size of a crater in the middle of Omagh, but it will be grand", or, "The flooding issues in Omagh need investment and have not been resolved, but they will be grand; we will get a canoe and get people out of their businesses"?

I am not here to talk about fluffy-duck politics. I am here to paint the picture that my constituents have reflected.

4.30 pm

**Ms Ennis:** Will the Member give way?

**Mr McCrossan:** No, you have had your moment. No Member, except probably the Members from West Belfast, can safely say that there has been a serious starvation of funding and investment — anything with "west" in it — but West Tyrone has certainly been starved. No matter what picture is painted or how people portray that I am playing politics, I am reflecting how people's lives are affected. That is what I am elected, and continue, to do. It is high time that we prioritised those issues. We cannot drive on our roads unless they are safe. We can talk about new roads all we like, and Mr Beggs is right to point out the money for them, but if we do not invest in our infrastructure, people

get killed. People get killed. That is not playing politics; that is a fact.

There are many issues. The Budget is not ideal. It lacks vision, aspiration and strategy. I appreciate that this place faces serious challenges. We will not resolve those problems by pulling down this place, poking each other in the eyes or talking about collapsing or wrecking devolution; it is about pulling and working together and delivering on those important issues.

**Mr Principal Deputy Speaker:** The Member has finished. I had to nip outside, but I had noticed a pattern developing, where the Member veered dangerously away from the content of the Budget Bill but then quickly veered back in. He probably brought his remarks to a conclusion at the appropriate point.

I now call — in, I suppose, his final time as Chair of the Justice Committee — Mr Paul Givan.

**Mr Givan (The Chairperson of the Committee for Justice):** Thank you, Mr Principal Deputy Speaker. It is always a pleasure to follow the Member for West Tyrone, who speaks in a very forthright manner. My family is native to County Tyrone as well; I like to do that on occasions, and I am sure that I will do so in due course. I will come to some of those points later, when I make some wider points on the Budget. I will first discharge my responsibility as Chair of the Committee for Justice.

The Committee for Justice considered a written briefing on the Department of Justice's final 2021-22 budget allocations at its meeting on 22 April. It requested further information from the Department on a range of issues. The Department's response was provided in advance of an oral evidence session with departmental officials on 29 April, and it informed the discussions on the final 2021-22 budget.

During that briefing, the Committee was advised that £8 million for tackling paramilitary activity, which had been included in the Department's draft allocation, had been removed from the baseline to be held centrally by the Department of Finance. The Department had received £7.7 million of COVID funding for allocation to the Police Service, the Prison Service, the Northern Ireland Courts and Tribunals Service and core and smaller bodies, and there had been small technical transfers between Departments of just over £0.5 million.

As a result, the Department's final budget allocation saw a small increase of £0.3 million on the draft allocation that had been announced in January. The Department will also receive an allocation of £12.3 million for police staffing in-year, which, for technical reasons, could not be included in the final budget outcome.

The capital allocation for the Department was £96.4 million, which is an increase of £8.3 million from the previous year. The Department believes that that is sufficient to meet existing commitments and to progress priority projects.

The Committee heard that a critical examination had been undertaken on the £55.7 million of pressures identified in November. Those had reduced to £20.4 million, of which £5.9 million related to the Police Service. The Police Service still has pressures of nearly £6 million for EU exit and £1.6 million for transformation, bringing the overall pressures facing the Department to £27.7 million.

The Committee sought information from the Department on the public services or programmes across the sector that will need to be reduced or will not be delivered in order for the Department to live within its budget. The Department advised that the funding requirements far outweigh its allocation. The extent to which the priorities can be delivered and the impact on front-line services will depend on how the budget is prioritised and whether any additional funding is forthcoming in-year. The impact of any shortfall will be seen across the justice sector, including in policing, prisons, courts and legal aid, and will be felt across the community.

I take this opportunity to reiterate the Committee's main concerns arising from the Budget settlement for the Department of Justice. As I outlined in the Budget debate a few weeks ago, much of the discussion with officials on 29 April focused on the Prison Service, given the suggestion in the written papers that its staffing complement may need to be reduced. Officials advised that it is not expected that jobs will be lost but, rather, that new staff will not be recruited. That may not have an immediate impact, as the Prison Service is very close to being at full complement, but, over time, it certainly would have an impact. Although it is hoped that the shortfall in the Prison Service budget can be managed through easements, plans must be in place should those easements not materialise.

Options that may be considered to help the Prison Service to live within its budget include the relocation of working out units back to

prisons, the reduction of learning and skills provision or the closing down of policy units. The Committee's view is that those approaches will clearly have an impact on rehabilitation, which will be negative not only for prisoners but for their families and wider society, and for prison staff. It is, therefore, of concern that the Prison Service could be put in that position.

Based on the Probation Board's draft allocation, there had been some doubt about whether the board would be able to fulfil its statutory duties. Officials sought to assure the Committee that some of the pressures for the Probation Board had been met. It will receive £1.6 million for the Aspire and Engage programmes out of the tackling paramilitarism programme. It has also been allocated £400,000 to meet its COVID requirements in full. Despite those assurances, it is still not clear to the Committee whether all the Probation Board's requirements have been met. It had previously advised the Committee that, although it was aware of that additional funding, inescapable pressures remained. Those pressures largely related to pay, which, if not funded, will exacerbate issues with the recruitment and retention of staff. That may impact on the ability to resource those projects. The Probation Board does important work that can save costs in other parts of the system — for example, by preventing reoffending and, thus, court appearances or prison sentences. It is important that it is properly funded and that any reduction in service to deliver short-term savings does not lead to costs in the longer term. The Committee is also aware that there is a disparity in pay scales between social workers in the Probation Board and those in the health trusts, which needs to be resolved to assist in recruitment and retention of such staff by the board.

A key concern for the Committee in its consideration of the draft budget was the information from the Policing Board and the PSNI that a reduction of 300 officers may be required this year, bringing the number of officers down to 6,700. It appeared, therefore, that we were moving away from New Decade, New Approach commitments to increase the number of police officers to 7,500. The additional £12.3 million for policing staff to which I referred earlier is to be welcomed as it enables the PSNI to retain its current numbers and allows for the recruitment of 100 new officers. There will, obviously, be recurring costs beyond this year, which the Department believes should then be included in future baselines from 2022-23. The Finance Minister has advised that future Budgets will depend on funding being available, and it will be for the Executive to agree allocations at that time.

Therefore, it remains a concern to the Committee that we could still be some way off from meeting the NDNA target. As I mentioned, the PSNI is still facing a shortfall on funding requirements for the European Union exit. The Committee understands that discussions are ongoing with HM Treasury to secure the balance, and the Department advised that a bid for that funding will be included in its June monitoring submission.

In respect of COVID-19 funding, the Department received an allocation of £7.7 million in the final Budget against requirements of £25.6 million. That left a resource pressure of just under £18 million. Following reconsideration of requirements by the Department, that pressure has been reduced to £11.6 million, with £5.1 million of that reduction being transferred to a cross-justice recovery bid. That bid was developed at the request of the Criminal Justice Board in order to increase capacity in the system in a coordinated way to support and speed up recovery with the associated benefits for victims and witnesses. The Department subsequently received allocations in the most recent COVID-19 exercise, leaving a pressure of £6 million for the Legal Services Agency. The Department advised that it would submit a bid to cover that shortfall as part of the June monitoring round. The Committee's scrutiny of COVID-19 expenditure will continue.

Applications to the Troubles permanent disablement payment scheme are set to open by the end of the month. Although the Department of Justice is responsible for delivery of the scheme, responsibility for funding the payments rests with the Executive Office and will not come from the Department of Justice's budget. The Committee is keen that there be no further undue delays in getting payments to victims. While the commitment to funding the scheme is welcome, there are still questions about the source of funding. The Committee will continue to monitor that issue.

The Committee has a heavy legislative programme and is concerned about the lack of information that is available on the financial implications of the Bills that it is considering and the availability of funding to ensure that necessary and adequate resources are available to ensure that the legislation is properly implemented. The absence of such detail has been noted by the Finance Minister and his former permanent secretary in written submissions on the Bills, with the permanent secretary advising that any financial effects should be quantified in the explanatory and financial memorandum so that the full effects of

any proposed legislation are understood. It is the Committee's view that legislation that is passed by the Assembly requires full implementation and that anything less is unacceptable. The Committee will continue to pursue this issue to ensure that adequate funding is identified and committed so that the legislation can be fully and properly implemented.

Finally, I want to mention some issues in areas that the Committee will continue to focus on as part of its scrutiny of the Budget cycle and its wider scrutiny of the Department, its agencies and NDPBs. On behalf of the Committee, I reiterate the importance of not seeking to cut costs for short-term gain that may have negative consequences in the longer term and which would not just be limited to the justice system but could impact on other parts of the public sector, including the health service, and wider society. The Committee expects to see appropriate funding being committed to initiatives and programmes, such as enhanced combination orders, problem-solving justice and restorative justice initiatives. Many of those have the potential to provide savings in the longer term and must be financed if better outcomes, including the draft Programme for Government outcomes framework statement:

*"Everyone feels safe – we respect the law and each other",*

are to be achieved.

The Committee accepts that, while it is not ideal, the main source of funding for a number of programmes and projects across the justice sector will be allocated in-year because of the nature or source of that funding. In addition, the Committee recognises that flexibility in financial management is required to manage easements and pressures that arise in-year. However, the Committee does not believe that it is appropriate to plan an annual budget on the basis that inescapable pressures can be met in-year, as there is a clear risk to programmes and organisations should that funding not be forthcoming, and it is very difficult to plan and operate on that basis. The Committee would also welcome a move to a multi-year Budget, which would assist in planning ahead for all justice sector organisations. For example, the PSNI needs to be confident that recurring costs will be met in future years when it recruits new officers in line with the NDNA commitment and has regularly called for a multi-year Budget to be put in place.

The Committee recognises the challenging Budget position for the Department of Justice,

which is made even more difficult by the uncertainty that has been brought about by the COVID-19 pandemic. Departmental officials have advised that difficult decisions will have to be made, given the pressures that the Department faces. The Committee expects there to be ongoing engagement and to be kept fully informed to help to ensure that the Department's budget is maximised and key priority areas are funded to deliver effective outcomes across the justice sector.

I will make some comments in my capacity as an individual MLA. So far, Members have spoken about the financial pressures right across the public sector. Colleagues have spoken of the pressures on education, infrastructure and the economy and the support that needs to be provided to businesses. Therefore, the pressure on the Finance Minister is not exclusive to him; it is on us all. We all have that collective responsibility to identify the issues that people face. We need to find solutions, as Mr Muir mentioned earlier, rather than just identifying all the problems that exist, and there are many. Mr McCrossan rightly highlighted the pressures on the health service, the waiting lists and the hurt that is being caused to the people who are on them. I agree with him. People are dying. It is shameful. That is the top priority that needs to be addressed.

**Ms Dillon:** Will the Member take an intervention?

**Mr Givan:** I will give way shortly, Linda.

Just calling for additional funding for the Department of Health, however, will not solve the problem. We can all point to the financial pressures on every single Department. Those Ministers will defend the allocations that they have been given and will want more.

While people say that more money needs to go into health, not many Ministers are saying, "I will volunteer x amount of tens of millions and pass it on to Health". I do not see that as a viable solution for addressing the Department of Health's financial difficulties.

#### 4.45 pm

I support the calls for a health summit. I know that the party leaders' forum talked about that and that the deputy First Minister has said that we need to have a health summit. We need to apply our collective efforts to address that. There will be many solutions. Mr Carroll spoke about some concerns about the private independent sector. That has to be part of the

solution, but so does more recruitment into the National Health Service. We are losing an increasing number of staff. There is an inability to retain them and a dependency now on the bank nursing system, but extra costs go with that. Why are people leaving the health service? Why is it more attractive to be in that bank system? Rather than run a GP practice, it is more attractive to be a locum because of the flexibility that that provides. There are systemic issues that need to be addressed by the Department of Health, but we also need to utilise the private independent sector to address other issues. I support the call for that health summit. It is a priority that, I feel, the Executive need to take forward.

I will give way to Ms Dillon.

**Ms Dillon:** I thank the Member for giving way. I agree with what you just said about health, and it is not just Ministers who have to take responsibility for the fact that money will have to be taken out of Departments' budgets to go towards health. You are right: it is not a financial problem but a much bigger issue. However, you cannot continually say throughout your speech that we have to prioritise but then put out a shopping list that means nothing is prioritised. If we are talking about prioritising health, that is where the priority will have to be.

**Mr Givan:** I thank the Member for that contribution. As always, in her own way, she makes important contributions not just in the Chamber but as she has done over the past 12 months in the Justice Committee. She has demonstrated her ability in that role.

The Minister gets to the point that we all have to face: difficult decisions need to be taken. The Executive are under considerable pressure. There is limited time left in the mandate, but decisions have to be taken not just on the basis of the next nine months but on the basis of what is good for the next two years, five years and 10 years. We will not see transformation across our public sector before the next election in nine months' time. Decisions need to be based on not just what is good now but what is good in the medium and long term.

We have that responsibility to work together. It is a five-party coalition. I understand that Members will come in from their parties and have a rattle at the wider Executive and the parties in it. That is part and parcel of politics. It is certainly not the "fluffy duck politics" that Mr McCrossan referred to. That is par for the course. We are all in it together because we all represent our people, and it is important that we

seek to get the right processes and decisions for them. The Executive need to take big decisions, but I am of the clear belief that we are by far the best placed to take those decisions through our devolved arrangements. Yes, we will have differences. Yes, we will have different community backgrounds and will seek to reflect the different identities that we come from, but the Assembly is the best place to do this, not Westminster in England and not in some kind of dual governance between east and west. We need to find the common ground to do that.

When devolution fell, our waiting lists stood at around 100,000: now they are at almost 350,000. We were on a trajectory of having those waiting lists go down and down before devolution fell, but, since then, they have been on an upward trajectory, and that has accelerated at great pace during the last 12 months as a result of COVID. I look at the legislative programme that the Assembly is taking forward. We have the Health and Social Care Bill, which is part of that Bengoa transformation, and that legislation has to be rolled out and changed. Protecting people from stalking behaviour needs to be funded from the financial allocations that flow from the Budget. I look at the legislation on domestic abuse and see that that needs funding over the next 12 months, and other legislation has to flow from that to provide the protections to do it. Let us make this place work. Let us make politics work. That is what the people who elect us expect us to do.

**Mr McAleer:** I welcome the opportunity to speak on the Budget. During the Supply resolution motion yesterday, when I was speaking in my capacity as Chair of the AERA Committee, I referred to the challenges of planning future budgets in the context of COVID and Brexit and the importance of supporting our public bodies in rural communities to recover and modernise in the next financial year.

In recent weeks, we took evidence from the Department on the budget plans for 2021-22 and the plans for June monitoring, and we are pleased with the investment of £9.8 million in 2021-22 to support the agri-food sector and the roll-out of the new surveillance scheme co-led by DAERA and the Belfast Trust to facilitate early detection of coronavirus in waste water outlets and the £2 million investment for green growth strategies in rural areas.

We as a party welcome the £7.5 million contribution from the Department towards Project Stratum. That is absolutely vital. Anyone who represents a rural area will know that that

is a hugely strategically important project. Connectivity is a massive issue in rural areas, particularly in the west, which has a disproportionate number of not spots, which increases isolation and inhibits people's ability to work from home. That is crucial as we emerge from the COVID pandemic and perhaps look at new ways of doing things. We also welcome the planned capital investment of over £90 million for improvements in research, development, ICT, rural development and the planned investment in the College of Agriculture, Food and Rural Enterprise (CAFRE) college network.

When considering the impact of funding on agriculture and rural affairs, we have to look at the impact of Brexit, because no sector of our community has been impacted as much by the Budget and the financing of those initiatives. We are concerned about the £19.5 million shortfall in DAERA's budget this year as a consequence of Brexit. That has been compounded by the British Treasury's decision to net off £34.4 million of EU funding. Had we remained in the EU in accordance with the democratic wishes of the majority of people here, we could have rolled over that £34.4 million under what is known as the n+3 rule. We could have spent that £34.4 million up to 2023, which we had in the rural development programme, but, because it has been netted off, the rural projects have been deprived of that £34.4 million. Had we been able to keep it, it could have directly supported innovations and developments in our rural communities, but, unfortunately, it has been pinched off us by the British Government.

It is no overstatement that Brexit has driven a wrecking ball through agriculture and rural affairs. Not only has leaving the EU created a policy void as we left the CAP pillar 1 basic farm payment scheme and pillar 2, which is the rural development programme, but it has deprived our communities of investment and development. Whilst we have some certainty for the year ahead for farmers, we have no certainty beyond next year. In comparison, the South of Ireland has secured a £10.7 billion chunk of the EU budget for its farmers and rural communities on top of their national contribution

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**Mr Principal Deputy Speaker:** I ask the Member to resume his seat briefly. I have with me advice given to me by the Clerks before the debate started. The advice that I have been given is that EU funding is separate from the Consolidated Fund, so lengthy debates about EU funding or Brexit more generally are likely to be beyond the ambit of the debate.

**Mr McAleer:** I thank the Príomh-LeasCheann Comhairle for that, but it is extremely difficult to disaggregate the issue of lost EU funding from agriculture and rural affairs because it has been so crucial here; indeed, it has left a difficulty. The loss of EU funding and, indeed, the review by the British Government's Treasury have made it impossible to bring forward a multi-year Budget that would enable us to plan more strategically.

**Mr McCrossan:** I thank the Member for kindly giving way. I think that I am right in saying that what the Member is trying to say is that the removal of the EU funding is adding further financial pressure on the Department's budget.

**Mr McAleer:** I thank the Member for that intervention. Yes, on this occasion, Mr McCrossan, I agree with you. He is right in what he says: the loss of EU funding is putting a greater strain on the block grant and our Budget here, which is already under pressure. That is a fair point, and I thank him for making it.

We had been told by the British Government that they would introduce the UK Shared Prosperity Fund to replace, pound for pound, the lost EU funds. So far that has not materialised. As the Finance Minister stated a few weeks ago, our annual EU funding contribution was approximately £70 million, but the replacement fund, the UK Community Renewal Fund, has an £11 million budget for here, leaving a £60 million hole in our Budget this year as a consequence of Brexit. You can see the direct impact that the pressure has on our block grant and Budget here.

To add salt to our wounds, the UK Community Renewal Fund is not even administered through the Executive. The British Government will oversee the project, and they have stipulated that bids be submitted to the Ministry of Housing, Communities and Local Government (MHCLG) by Friday 18 June. That is another example of the British Government acting in a high-handed way. We saw more evidence of that recently with the appointment of a US special envoy over the heads of our local Executive.

As for the rhetoric of leaving the EU and taking back control, when we were in the EU, at least we received our multi-annual allocation from the rural development projects. The LEADER approach was implemented through the formation of local action groups (LAGs) comprised of councillors and social partners. There are probably Members in the Chamber who are members of those LAGs. Taking a grassroots approach, the LAGs identified a

local strategy and local projects. Now, courtesy of a Brexit decision that was supposed to be about taking back control, Westminster has disempowered those communities and the Executive.

The failure of DAERA to bid for June monitoring is deeply disappointing. Unfortunately, I feel a sense of déjà vu. In January, DAERA did not bid when the Finance Minister invited bids for the additional £200 million that had become available at that stage. When we quizzed the officials in January, we got the same excuse: it was too late in the financial year to draw up any schemes and the Department could not run the risk of underspend, even though all other Departments had made bids for that money. That was despite the fact that, on behalf of Sinn Féin, I had made suggestions to the Department for schemes to support farmers.

**Ms Dillon:** I thank the Member for giving way. Does the Member agree that councils have been successful in developing schemes in a short time and that other Departments used councils to spend that money at late notice? Why could the Agriculture Minister not do the same?

**Mr McAleer:** You have backed up the point that I was making. We were told that it was too late to develop schemes and get all the money out the door and spent by the end of the financial year. Unfortunately, the available options were not taken up.

Last week, we heard from the Department that it does not intend to make bids for June monitoring, as it has a sufficient budgetary allocation to cover its expenditure. That is despite the pressures, which include the huge loss of EU funding. I will use this forum to urge the Department to scan the horizon for areas where additional funding could address need and create opportunities for economic and social development in rural areas.

As a rural dweller and someone who has been heavily involved in the community sector for years, I know many local groups that have clearly identified needs. They have match funding and the necessary statutory approvals in place, making them shovel-ready to implement many capital schemes. Many groups that I have met hoped that, following Brexit, rural development opportunities would continue through a successor fund such as the UK Shared Prosperity Fund.

**5.00 pm**

I therefore propose here and now that the Agriculture Minister make a bid to June monitoring in order to implement, for example, a rural basic services scheme that is similar to the scheme that we had under the EU rural development programme, not to mention similar to the pilot scheme that the Minister has in his draft rural policy. Taking an overly cautious approach may make it easier for the Department to balance the books at the end of the year, but an approach that lacks ambition also deprives local communities of investment and development. The situation has been compounded by the fact that DAERA has been dragging its heels on introducing a new rural policy.

As I said, courtesy of Brexit, we have been forced to leave the EU rural development programme, and that has left a void. The development of a replacement rural policy began with a stakeholder event in November 2018, and there have been further engagements since then to map out a new policy, but, despite my questioning the Minister, writing to him last year and getting pledges that the draft policy would go out for consultation last autumn, it is still not out for consultation, although I do expect it to be soon.

I am aware that the draft policy includes a number of schemes that look good. They are on website development, tourism, microbusinesses, the social economy, microfood and rural halls refurbishment. For any areas that want to apply to it, the rural halls refurbishment scheme closes on Friday. Those are all pilot schemes, but had the policy been developed sooner, they would be not pilots but actual schemes with a good level of funding attached to them, which would have had a better impact in communities. Had the Department moved sooner and finalised the rural policy and engaged in a public consultation exercise before now, we would be in a better place to introduce schemes and make better use of available public money, instead of passing up on opportunities to bid in June monitoring.

**Mr Muir:** As the Alliance Party's finance and infrastructure spokesperson, I support the Budget (No. 2) Bill. To be fair, today feels like Groundhog Day. The Budget process as it is currently structured is desperately in need of reform. It is repetitive and convoluted and an opportunity for some Members, until the Speaker or Principal Deputy Speaker intervenes, to try to depart on some amazing tangents. Reform is desperately needed, and the sooner, the better, because I do not feel that a good proportion of our time is well spent

on proper scrutiny. In fact, it is wasted so often for Members, the Minister and civil servants alike, and just because the Budget process has always been done that way does not make it right and not in need of real reform.

Throughout the 2021-22 budgetary process thus far, the Minister of Finance has presented, as he described it, a challenging Budget that is in a standstill position in cash terms. As the Ulster University Economic Policy Centre (UUEPC) noted in its consultation response to the draft Budget, however, that sits oddly in comparison with the table in the document that showed an overall increase of 4.7% in departmental baseline resource budgets, which has been revised to 5.7% in the final Budget.

There is a large discrepancy among Departments, with, for example, the Department for Communities receiving a 12.1% increase but the Department for the Economy receiving a mere 2% increase. In the interests of making the Budget more accessible to Members, particularly those who do not sit on the Finance Committee, of which I am one, and, indeed, to members of the public, I suggest that that needs to be looked at.

I understand the story about other adjustments and allocations, particularly around COVID-19 funding, but when a key table in the final document does not reconcile with the overall narrative, it obscures the entire picture. We all know that the pressures that are identified by Ministers far outweigh the amount of available funding. That is for sure. That is the sort of issue that the fiscal council should have a hand in addressing. I note that financing for the fiscal council is contained in the Budget (No. 2) Bill. An independent and well-resourced fiscal council for Northern Ireland will assist in providing greater financial transparency around how the Executive make their financial decisions and in informing the debate about the long-term sustainability of our public finances. Indeed, with the fiscal council up and running, I hope that debates like today's will be much better informed.

I am disappointed, however, that the fiscal council was not established to contribute to this Budget process, the last full Budget process of this Assembly mandate. Whilst we fully accept that COVID-19 has been a priority for all Ministers since the return of devolution, there is a notable disparity between those Ministers who have managed to make significant progress with a policy agenda and those who have not. The fact that the fiscal council and fiscal commission were not established until March of this year, and even then not on a statutory footing, was a major disappointment.

We are all in agreement across the Assembly that this Budget's biggest shortcoming is that it is another single-year settlement. Whilst we continue to support the Finance Minister in pressing Treasury to make good on its commitment to provide a multi-year Budget from the start of this financial year, it is important to remember that multi-year Budgets are a means to an end rather than an end in themselves. Multi-year Budgets enable better strategic spending decisions in order to target an agreed set of priorities and goals. The Northern Irish public will only see the benefit of the former if the leading parties in the Executive can agree and work towards the latter.

A multi-year Budget, informed by the work of the fiscal council and, in due course, the fiscal commission, could identify solutions to fix our broken healthcare system rather than us simply having us repeat how bad things are. A multi-year Budget could set out how we plan to grow our economy and thus increase the income that we receive in taxes whilst boosting employment, rather than having us simply lamenting the inadequacy of this year's funding envelope from Westminster. A multi-year Budget could identify the savings to be generated by tackling the cost of division, which is estimated to be between £500 million and £800 million a year, and how that money could be better utilised in our education system, our communities, our roads network and our healthcare system, bringing solutions rather than problems. A multi-year Budget could be used to deliver a green new deal, which the House unanimously backed in a motion just last month. That would tackle the climate emergency in a positive, socially just and fair manner.

A multi-year Budget could be used to do all of those things, but there is no guarantee that it will. It could just as easily be used by the leading parties in the Executive to perpetuate division and the politics of a battle a day, and we would continue to see our public services living hand to mouth. We must make that change, otherwise, like in the movie 'Groundhog Day', we will be back here again, again and again repeating the same problems and having the same issues, the same outcomes and the same long speeches. As Bill Murray asked in that movie:

*"What would you do if you were stuck in one place and every day was exactly the same?"*

I know what my response would be to that: fight hard for change and break the cycle of groundhog days. That is what we must do.

**Mr Sheehan:** I intend to be fairly brief. I will do my best to stick to the subject: I do not want to be chastised like some other Members.

*[Laughter.]* I commend Mr Muir for his speech, which was very good and very welcome. A lot of hot air has been spoken in here today by many Members. It is unlikely that any of that will get into the media, because there is only one news story today and it is not the Budget.

I am speaking as Sinn Féin's education spokesperson. The Finance Minister has demonstrated his commitment to children and young people. In the challenging context of a standstill Budget, he has funded all of the pressures that were identified for this academic year by the Education Minister. I am hopeful that further investment will be forthcoming for the next academic year when the time comes. Education received 18% of the resource budget and £108 million of COVID funding to deal with the impact of COVID on the well-being and learning of children and young people. That will continue to be a problem.

The mental health champion, Professor Siobhán O'Neill, told the Committee some months ago that she expected a tsunami of emotional and well-being issues among our young people and schoolchildren because of the effects of the pandemic, the lockdown and so on. It is an issue that will have to be dealt with in the time ahead.

Supporting children with special educational needs has been a priority for Sinn Féin, and I welcome the additional £10 million that the Minister has made available.

Prior to the pandemic, addressing holiday hunger was a priority for Sinn Féin. On that issue, I have spoken a number of times in the Chamber about Marcus Rashford, the Manchester United footballer, who was lionised and eulogised by the media in England. I do not know how many front-page headlines he got in the tabloids and how many column inches he got in the broadsheets for the work that he did in forcing the Tory Government to make funding available for food for schoolchildren from disadvantaged backgrounds during school holidays. The praise that he got was entirely justified, but I am still waiting for the media to pick up on the fact that, here, the Finance Minister made £30.6 million available for holiday hunger. There was hardly a word about it. The media are very quick to paint the Executive and the Assembly as dysfunctional and never getting anything right. However, when they do get something right, like that, the media practically ignore it. The Finance Minister is to be heartily congratulated for making that

funding available, and the Executive as a whole also should be congratulated for making the decision to allow that money to be made available for holiday hunger.

**Mr Storey:** I thank the Member for giving way. No one will be surprised to hear that I find what he is saying to be as much hot air as some of the rest of the hot air. Has he not read the Northern Ireland Audit Office report that is a damning indictment of this Assembly? We have received £900 million of funding, and we have not addressed the needs in socially deprived areas. There is a crisis. Throwing money at it has not worked. There is a real problem, so how are we going to address the Northern Ireland Audit Office report's finding, given that £900 million since 2005 has not done it?

**Mr Sheehan:** I do not disagree with the Member, but I am making the point about the difference between the media response to a footballer across the water and a decision by the Executive here. We did not need a professional footballer to come in and force us here and the Finance Minister to make a decision about providing funding for food for children during school holidays.

Disadvantage, deprivation and poverty are issues that have to be dealt with in a joined-up way. The Member, having spent a long time on the Education Committee, will know the problems that face children. The biggest impact on educational outcomes is the socio-economic background of the children. Those who come from a disadvantaged background are more likely to have poor educational outcomes. They are more likely to live in poor housing that is not heated and has poor insulation. As a result, children will have more illness and miss more days at school and fall behind in their learning. We cannot deal with issues like that through just Education; Communities, Finance and Health have to be involved. If we are to deal with poverty, we need to deal with it in a joined-up way. Therefore, I do not disagree with what the Member says.

In any event, I live in hope that, at some time, even at this late stage and given that we are dealing with the Budget and the funds that have been allocated, maybe some local media will pick up on the fact that holiday hunger was dealt with here before Marcus Rashford even began his campaign across the water.

### 5.15 pm

Last week, 'A Fair Start' was published, which investigated the links between educational

underachievement and socio-economic backgrounds. The report concluded that £180 million would be required over the next five years to address educational underachievement. I understand that there is a collective agreement in the Executive on implementing the action plan, but that is a lot of additional investment when dealing with a British Government who continue to plunder the block grant.

I heard what my colleague Daniel McCrossan said. We all understand what goes on. People come in here and play politics. They look at opinion polls and say, "We have to do something to get our ratings up a bit, so who will we attack?". That is what people do in here, and that is OK. We all understand that. However, we cannot ignore the fact that the block grant has been plundered by this Tory Government for over a decade. We are operating on reduced budgets.

Another important point in 'A Fair Start' is that, due to the austerity agenda over a 10-year period, spending per child here was cut by around 10%. In Scotland, spending rose by 5% and is £1,500 a year more per pupil than here. In Scotland, £7,300 goes to a child's education; here, it is £5,800. I give out that information because surely it galvanizes the argument for the devolution of fiscal powers so that we can fund our own public services and invest further in our children and young people.

As Mr Muir pointed out, we also need to see the realisation of another NDNA commitment: multi-year Budgets. Departments need that certainty and stability to develop long-term policy and deliver on strategic outcomes.

**Mr Muir:** Will the Member give way?

**Mr Sheehan:** Certainly.

**Mr Muir:** There has been a lot of discussion on waiting lists and the need for funds to address that issue because it is having a massive impact on our citizens. However, the policy issue is multi-year Budgets. How on earth can you recruit people when you have a budget that takes you only to the end of March? No wonder we have a workforce crisis. That is why multi-year Budgets are a key issue in addressing finances to allow for the recovery of the health service.

**Mr Principal Deputy Speaker:** Before I call Mr Sheehan, I remind Members that, while Members may wish to consider the Budget process more generally, lengthy discussions on

the wider process are likely to be beyond the scope of the Bill.

**Mr Sheehan:** I thank the Principal Deputy Speaker for that information.

I absolutely agree with the Member and thank him for the intervention.

The forthcoming independent review of education will, no doubt, flag up issues such as area planning and investment in the school estate and infrastructure, which cannot be dealt with efficiently and effectively with in-year budgets.

**Mr Beggs:** I hear Members indicating, yet again, their discontent with the budgeting process. It is important that we improve the process. I remind the Minister that, when he was Chair of the Finance Committee, he said that he would improve the process. A Sinn Féin Minister has been in post for at least two full years and certainly for three Budget processes, and I do not see the improvement. Please take that point and move forward.

In the early years of the Assembly, there would have been an initial discussion around September, some detailed publications around October, but the Budget had to be finished in December so that all non-departmental public bodies would subsequently have their budgets well in advance of April.

**Mr Principal Deputy Speaker:** I ask the Member to resume his seat. While Members may wish to consider the Budget process more generally, lengthy discussions on the wider process are likely to be beyond the scope of the debate. *[Laughter.]*

**Mr Beggs:** I bow to you, Principal Deputy Speaker; I have obviously overstepped that area.

In the Department for Infrastructure's budget, the overall sum looks very healthy. There is certainly a very significant increase in capital funding. However, one of the biggest issues that is experienced by my constituents is potholes and the poor state of our roads. As I indicated earlier, potholes can be repaired by two means: from the resource budget or the capital budget. If you resurface an entire road, that is long-term maintenance, which comes from the capital budget. If it is an emergency repair, it comes from the resource budget. It is more expensive to do it that way, and it is a temporary repair. Generally, a pothole on our rural roads has to be 50 millimetres deep before

any action has to be taken. It is clear that we are not committing enough to our capital budget for road resurfacing. I ask the Minister to take that on board: how do we maintain our infrastructure throughout all departments rather than concentrating on a shiny new road where someone gets to cut a ribbon? It is important that we maintain all our infrastructure.

**Mr Storey:** Will the Member give way?

**Mr Beggs:** I certainly will.

**Mr Storey:** Just on that point about cutting the ribbon for a new shiny road, six months later a utility will come in and dig up the road. There is an issue about not just the finance but the legal framework in what some would describe as the very draconian way in which utilities, after money is spent on resurfacing or fixing a road, come along within six months and destroy what was there and had been repaired.

**Mr Beggs:** I agree with the Member, but I get the sense that the Principal Deputy Speaker does not want me to go there, so I will move on. *[Laughter.]*

**Mr Principal Deputy Speaker:** This is the Budget Bill.

**Mr Beggs:** It is clear that we need an independent set of eyes to look at how we spend the public's money. This is the public's money. I am encouraged that others are advocating for a fiscal council to look at the wider expenditure and perhaps how we might have to raise some funds. There is also a need for an infrastructure commission to assess how we prioritise and spend that money. Clearly, we are not spending enough on very basic maintenance. That issue needs to be addressed.

I ask the Minister this question about all capital expenditure in this Budget, but I am thinking particularly of infrastructure: where is our green book process? Where is the appraisal system to identify whether a sizeable capital project is appropriate? There are some very significant sums in the Budget for investment in capital infrastructure, but I am concerned that politics, rather than common sense and proper appraisal, is driving many decisions. A particular issue that is continually raised is Executive flagship projects. These were often created as the result of a political deal rather than because they should have been prioritised. Many came from NDNA, which was unfunded, so I can only assume that, in order to deliver some of those unfunded projects, many other

projects that would have been higher in any appraisal are being overlooked. There are choices when we set a Budget, and I am concerned about the process of how we make our choices.

You will not be surprised that I come to the A5. I understand that a basic dual carriageway would normally be developed to be capable of taking between 11,000 and 39,000 vehicles a day. A basic road takes up to 13,000 vehicles a day. I was shocked that, in answer to a question that I posed, the Minister for Infrastructure indicated that there will be fewer than 6,000 vehicles a day on the A5 at the Tully Bog area. Here we have an environmentally sensitive area — we are meant to be committing to climate change and all that — and we are committing to building a dual carriageway where there is no need for a dual carriageway. Is it any surprise? That is just one example. There is also the example of an area of Aughnacloy where — I have not got the exact figure for this — fewer than 8,000 vehicles a day pass through, yet there is a plan to build a new road.

**Mr McAleer:** Will the Member take an intervention?

**Mr Beggs:** I certainly will.

**Mr McAleer:** First and foremost, does the Member accept that there is a regional imbalance in infrastructure? Does he accept that over the past 100 years, while his party was in government, closing the railways in the west and building the motorway only as far as Dungannon and Toome are probably the main reasons why we have such a severe infrastructure deficit in the west, which is impeding growth and development? It is the duty of this generation to address that.

**Mr Beggs:** The Member is right to say that significant investment is needed to improve the infrastructure in parts of the west. It is vital that that happens there just as it happens in other places.

I am concerned that political decisions are being made to unnecessarily build capital infrastructure with our limited funds, which is going towards destroying the environment through considerable climate change activity, so that you can have your dual carriageway that is not needed. It is worse than that. I understand that, to date, over £80 million has been spent on developing the A5, and the Planning Appeals Commissioner, in an interim report, recently gave a very clear steer that sections of it cannot be justified and indicated

that we should prioritise other sections, which, to my mind should include the bypasses around Omagh and Strabane.

If the Executive continually insist on going for their flagship project in its entirety, they are likely to deliver nothing because it is unjustifiable, and they will waste even more funds in consultancy fees to deliver nothing. At some point, a judicial review will come along, and it may be found that the project cannot be justified. How can you justify building a dual carriageway over a bog when only an estimated 6,000 vehicles a day pass through the area? How can you justify building a road when there is a perfectly good road south of Ballygawley that was improved during the most recent major upgrade, when a huge roundabout was built? That will all be bypassed as per the A5 scheme.

I come back to the point that there are choices to be made when you spend capital moneys. When you choose to spend them where they are not needed, they are not available to spend in other areas where they are needed. That is why I asked about our process of appraising and deciding how we do that and why I expressed my concern about prioritising some schemes that are not even funded under NDNA.

Originally, the Republic of Ireland was to pay for 50% of the A5 project. The project was going to cost £800 million, and the Republic of Ireland was going to pay £400 million. Now it is paying £75 million, and the cost of the scheme is up to £1.2 billion. It is not paying £600 million; it is paying £75 million. Aside from being environmentally indefensible, it is economically indefensible, and it is tapping funds from other areas.

**Ms Dillon:** I appreciate you taking the intervention. Thank you very much.

In light of what Mr McAleer said and what you said when you said that there was no need for that infrastructure, let me tell you this: in Mid Ulster, there is need for the infrastructure. The answer to questions about it that businesses in Mid Ulster that need infrastructure, roads and electricity get from this place is, "If you need to grow your business, move to Belfast". That is not the response that we should give to any business that has built itself up over many years. Businesses did that against the odds and despite the fact that they did not have the infrastructure. They built up the skills base in Mid Ulster. They have built Mid Ulster; the people who live there built it. They did not get any foreign direct investment. They did not get any jobs from government or public-sector jobs.

They did it themselves, and you are saying that they deserve nothing in return. They pay £2 billion into the economy every year. They deserve the infrastructure that they have never had.

**Mr Principal Deputy Speaker:** Two points. First, all remarks go through the Chair. I appreciate that the lady is speaking on behalf of her constituents and feels passionately, of course, but all remarks should go through the Chair. Secondly, whilst Members may wish to consider provision and funding allocations on topical issues that have come up for discussion, such as language provision, confidence-and-supply agreements, victims' pensions etc and — dare I say it? — a road, prolonged debate on specific projects is likely to be beyond the scope of the Bill.

### 5.30 pm

**Mr Beggs:** I agree with the Principal Deputy Speaker. I wish to highlight the fact that, when you decide to prioritise flagship projects, whether the A5 or the Narrow Water bridge, for which there is no green book justification, you make a choice that means money cannot be spent elsewhere.

I will turn to an area with an obvious need for financial infrastructure investment: Northern Ireland Water. As others have said, the funding of Northern Ireland Water is unstable. There were, I think, up to 160 waste water treatment works that were not up to standard. As a result, development in the surrounding areas has been blighted, but there is no long-term fix. I am pleased that additional funds have been provided in the Budget to enable some more issues to be addressed, but that is key to improving our economy. If we do not have the right infrastructure, new homes, including new social homes, cannot be built. I hear some Members talking about social housing, and we need social houses. In the Riverdale area of Larne, a third of the multistorey flats need to come down, and there is a small application for some social housing. I fear that that will not be able to be built because we do not have adequate sewerage infrastructure and the application to build has not been joined to the demolition and rebuild; it is a separate, stand-alone application. It is important to have water infrastructure if we are to address social housing need.

If we are to allow businesses to develop, they have to get bigger, but will they be able to do that? Will they get planning permission? I fear not, in many cases. The biggest concern is that

it is stopping additional infrastructure investment from the private sector. It has a multiplier effect. If we do not have the right water infrastructure in place, the private sector cannot invest to improve our economy. It cannot create construction jobs and the subsequent long-term employment, and it cannot create the homes needed for people. Infrastructure rebuilding is an important area, particularly at this time to develop the economy and allow investment in infrastructure to occur. The failure to address the long-term funding of Northern Ireland Water is a millstone, and we need to improve that.

I ask the Minister to create other funnels of funding to improve our infrastructure. What is happening to enable the Northern Ireland Housing Executive to re-emerge in its new form and have the independence to draw in additional funding? We need to think smart. It is not just about how we allocate our money; it is about how we enable the additional leverage of resources to benefit our citizens and the economy.

Like others, I have to mention the school estate in my constituency, in particular Larne High School. It was built in 1957 and has a leaky roof. There have been a few coats of paint in the intervening period, but that is it. The standard of the school infrastructure is, frankly, a disgrace. Carrickfergus Academy is, again, an older school that has to operate on two sites. Some of the older primary schools in my constituency, such as Greenisland Primary School and Whiteabbey Primary School, were built 60 or 70 years ago and do not have a modern layout, design, space or light level. There is a need for investment there.

As for others, it is health that gives me greatest concern. Clearly, we have unacceptable waiting lists, and there is a clear need for reform. We need to do things differently, which will, perhaps, enable the quality to improve and the system to become more efficient. We have to think about how many operations a day can happen at each site. That is why I am pleased about the development of elective surgery at some sites. It is widely known that that will result in additional patients being treated. Given the experience that builds up, it will frequently also result in higher standards.

We need to continue to reform healthcare and bring about improvement, but funds are needed to enable some of that to happen. I am conscious that, a number of years ago, there was health transformation funding to try to assist with that. Largely, however, that was not directed towards transformation, and much of it

ended up being used for firefighting. It is vital that we fund, today, new systems and new processes that will enable more patients to be treated and our unacceptable waiting lists to be addressed.

I wish to highlight the need to improve local health and care facilities so that more patients can be treated locally, away from the hospital setting. In my constituency, the elderly health centres in Carrickfergus and Larne need to be improved. By investing in proper health and care centres — Newtownabbey is a huge urban area that would be ideal for a health and care centre — we can take some of the pressures off our hospitals. We are experiencing pressures in our hospitals today, at the middle of the summer. That ought to be a concern for us all. We need to ensure that we improve our health system, provide the funds that will enable that to happen and provide the long-term certainty to enable staff to be trained and recruited so that waiting lists can be addressed. It is obvious that long-term planning produces better funding. A key element of that will be a spending review at Westminster. We need Westminster to give us its three-year funding allocation so that we have an indication of what we will have, and, at that point, we need to plan further ahead.

I go back to what I said: there are choices in what we do. The only choice that I have seen in the Budget is, largely, to replace what was there last year with something similar. We have not made choices. We have not decided to direct our infrastructure investment to important areas. We are developing flagship programmes that are unaffordable and are likely to waste more money during a bureaucratic process that is unlikely to be successful.

**Mr McGlone:** Initially, I want to set out the SDLP's position on the Budget allocation for the Department of Agriculture, Environment and Rural Affairs. Inevitably, I will touch on other issues, some of which Mr Beggs — this was very good of him — has referred to.

As a party, we remain concerned about the failure of the Budget to address the impact of Brexit on the available funding for agriculture and rural development. Some £15.3 million has been lost from the funding to support the bovine TB programme, and £34 million has been lost from the previously available funding for rural development. That rural development funding was crucial for the rural areas that many of us represent, where small businesses are the backbone. In fact, not only are they the backbone but, historically, they have been a key part of the development of business in the

likes of Mid Ulster, where important businesses grew from small acorns, often in the backyard of a farm. Many of the big engineering works — I will refer to this later — that grew from that motivation now feed into the \$2 trillion plan that President Biden has announced for infrastructure in the United States.

That shows that a stimulus in one area has beneficial impacts — a domino effect, essentially — across the world: right to east Tyrone. That is proof of what can happen.

Perhaps the Minister has a deeper insight into this than humble me, but, last year, the Prime Minister, Boris Johnson, announced that the British Government were also going to develop a new deal. Mr Beggs referred to it. That is what we need. Unless we have significant investment in sewerage and water infrastructure in our towns and villages, we will be crippled, because we will not be able to move to deliver the social housing, the additional factories and the schools that we need. We can have all the money set to the one side for the school estate, factories and social housing, but, if we do not have that underpinned by infrastructure, it is a hypothetical situation. You can potentially have lots of money but be working on a hypothesis.

As I said, £34 million has been lost from the rural development programme, and there is a shortfall of £19.5 million for the next year alone. All of that is a result of Brexit. That funding has not been replaced, and there has still been no allocation for the New Decade, New Approach commitment to establish an independent environmental protection agency. Furthermore, we need funding earmarked to implement a climate change Act, from wherever it comes, be it a private Member or the Department. Unless we have that transitional support for the sectors that may be affected by it, we will be in a difficult situation, as will many of our constituents, which is worse. Farmers will need support to make that transition.

By the way, we have still not had any sign of the benefits to the agriculture sector that were promised by the Brexit cheerleaders. Recently, the AERA Minister warned, as he is right to do, of the impact on farmers of the free trade deals that his party's former friends in the Tory Party want to negotiate with the rest of the world. We have seen that with Australia, where no tariffs will be imposed as a result of any trade deal, nor will there be any cap on the amount of beef or lamb that can be brought into GB. That will have consequences for our farmers; there is no doubt about that. That will open the floodgates further for the likes of Argentina and Brazil. I

say that because that too will have implications for the support for our farmers that is delivered from the Department by way of the supplement that there should be for the basic payments. At the same time, some complain about the Brexit protocol, which will, in fact, protect the markets on this part of the island from the worst effects of those trade deals. At least Canute was trying to make a point about the limit of his powers when he tried to stop the tide.

The Budget and its failure to meet the challenges that we have are crucial. I am sure that the Minister will agree that the one-year rollover presents us with a difficult situation. It does not allow Departments or agencies to plan strategically, as it should do. There is a lack of urgency in addressing that. I hope that the Minister will inform us how plans are developing with the British Government on our having the ability to roll over funds, carry things through and make sure that the building programmes, for instance, that, inevitably, were held up this year as a consequence of the pandemic can be continued in a strategic manner and with necessary haste. We have a growing problem with affordable housing and social housing, and that needs to be addressed.

All of this is a huge challenge for all parties. We have to accept that. Waiting lists for health treatment are at record levels. It would be remiss of me not to say that.

Any of us who are at all active in our constituencies are bound to hear from people who are waiting for referrals, people who are waiting for domiciliary care packages, and people who are not able to get the treatment that they require. For all of us, it should be an honour-bound duty to see that through for our constituents, who are our neighbours, our friends and our families.

#### 5.45 pm

There has to be an injection, but just cash will not do it. I had a response to an Assembly Question about the levels of funding that have been ploughed into agency nursing. The amount of money that has been overspent on agency nursing is awful. Good luck to those who are doing the work and can avail themselves of that money, but we all get emails asking for our health service staff, particularly nurses, to be paid a proper wage. It is awful to have an NHS nurse walking the wards on the standard rate of pay of — I do not know what it works out as — 14 or 15 quid an hour, when someone who has been flown in from Scotland, and whose overnight stay is paid for, is getting

paid 50 quid an hour for doing the exact same work on the exact same ward. Something is just wrong with a situation that allows that to happen.

It is wrong that that there is not a method for dealing with people so that they are incentivised to work for the NHS on decent pay, rather than them walking the wards with someone is getting four or five times the amount that they are. That needs to be addressed. We see it year-on-year. When you look at the increasing amount of money that is spent year-on-year, it gets beyond being embarrassing. It is amoral. It is not immoral; it is amoral. That is but one aspect of the health service that needs to be addressed. Those waiting lists and the money, which could definitely be better managed, need to be dealt with. I will leave it to the professionals to do that. I sincerely hope that, with the impetus and thrust of the Executive, they will address that problem.

The economy has been hit severely by the COVID pandemic in some areas. However, other areas cannot get workers. I raised that with the Minister for the Economy. The Finance Minister is pretty astute on these things, so I am sure that he knows this. There are certain sectors that I speak to — as I am sure you do, Minister — that cannot get employees, be that engineering, building or other elements of construction services. Some employees have left to go back to their homes in mainland Europe, where the economy may have improved and flourished. Others have moved from posts that were furloughed.

As the Minister outlined, the key to addressing that is training and investment in skills, so that our young people and those who need to be reskilled are properly skilled to move into the sectors of the economy that need support and that see huge deficiencies. Those deficiencies also present an opportunity for our economy to grow, but employers tell me about the difficulties that they have getting employees when, this time last year, we would have thought that that would not be possible. Not only is it possible; it is very real. I emphasise to the Minister that he should be aware of the situation on the ground when dealing with the moneys that he expends on the Department for the Economy.

Brexit continues to disrupt our trade in agri-food products. The uncertainty caused by the failure to resolve problems arising from the Brexit protocol has, in some ways, hampered our attempts to recover from the economic impact of the COVID pandemic. At the same time, I speak to others in Invest NI who see growth in

trade in certain sectors. That is not as a consequence of Brexit, but probably in spite of it. Rural communities in Mid Ulster and other constituencies want to see more evidence that the joint heads of the Government in the North have a plan for the future. We may be somewhat adrift in a sea of crises, and I am sure that the Minister feels that he is treading water at this stage —.

**Mr O'Toole:** I thank my colleague for giving way. We have talked about long-term budgeting, but does he agree with me that there is real concern among local farming communities about the long-term security of farm payments now that we are outside the EU and London has not guaranteed the long-term future of farm payments? Does he agree that that is causing real concern to farmers and their families?

**Mr Principal Deputy Speaker:** Before the Member answers that question, I say that the advice that I have been given is that, as EU funding is separate from the Consolidated Fund, lengthy debates on EU funding, or Brexit more generally, are likely to be beyond the ambit of this debate on a Northern Ireland Budget Bill.

**Mr McGlone:** Thank you for that and for your tolerance of me, Mr Principal Deputy Speaker. I highlighted those points, but I am sure that you will accept that I feel very passionately about them.

On the point that my colleague made, many farmers here had best be aware that the policy of the GB Government is one of low food prices. It is not about support for agriculture, as we have it in this country, North and South. The agriculture and agri-foods sector is a key employer, which employs upwards of 100,000 people in the North. The big issue that is driving some of the trade deals is getting votes in key constituencies and providing cheap food. There is no concern for the farming community or agri-food sector.

Minister and Members, thank you for listening to my contribution. A lot of the issues are very important to our constituents, and we should try to work our way through them together. That is what the community wants. We can have a battle a day if we like, but we should come back to the same key, bread-and-butter issues of health, the economy, education and infrastructure that many Members referred to. I appreciate the comments from other Members. The same thematic issues were mentioned throughout the debate. I appreciate those

Members' contributions and their support in the Committees on which I have served.

**Mr Blair:** I support the Bill. I will make some brief comments in addition to those that were made by Alliance colleagues earlier. In my case, the comments relate to justice matters. Before I begin, I should declare, as I have done before, my membership of the Northern Ireland Policing Board.

I briefly commend the Justice Minister on the work of her Department in fulfilling New Decade, New Approach commitments, including the delivery of the Domestic Abuse and Civil Proceedings (Northern Ireland) Act 2021. Members will know that further Bills are planned.

Due to budgetary constraints, there has, however, been a significant challenge to the outstanding NDNA commitment to increase police officer numbers to 7,500. In turn, that has led to a fear that we could end up with a reduction, rather than an increase, in numbers. Mr Principal Deputy Speaker, you and other Members may be aware that there has been an announcement of an intention to increase police numbers to 7,000 and to 7,100 shortly thereafter. However, the funding package that accompanied the 'New Decade, New Approach' document falls well short of the amount that is needed to deliver that priority. Therefore, the delivery of an increase in police officer numbers to 7,500 is largely dependent on the availability of Executive funding.

**Ms Dillon:** Will the Member give way?

**Mr Blair:** Absolutely.

**Ms Dillon:** Does the Member agree with me that it is ironic that we had almost £16 million of Brexit funding for the PSNI when we did not have Brexit and, now that we have it and all the challenges that the protocol brings, it has been reduced by over £9 million?

**Mr Blair:** I thank the Member for her intervention. I agree. I also agree that Brexit brought additional challenges. Those are matters that the Policing Board will look at very closely as they emerge, in conjunction with the Chief Constable, the Minister and, of course, the Committee.

As I was saying, the finance package accompanying the document falls well short of the amount required. The Department's bid for additional funding towards the NDNA commitment is welcome, but we know that

around £40 million per annum would be required in the budget to allow the Chief Constable to recruit the number of additional officers that he requires. Recruitment would take time, so additional funding would not be an immediate panacea for police numbers, but there should be a commitment to fulfil NDNA agreements and commitments. It will be a matter for future Budgets to ensure that that is baselined and built on.

We are also aware of progress made on the victims' pension issue, through the Department of Justice, but there remains concern that the appropriate budgetary support is still awaited from the UK Government.

With those matters in mind, I support the Bill today. I hope that the Minister will be able to reflect on some of the concerns when he responds.

**Mr Principal Deputy Speaker:** Mr Blair gets a gold star. Every word related to the Budget Bill for Northern Ireland. Well done. *[Laughter.]*

**Mr Carroll:** Mr Principal Deputy Speaker, you will be glad to know that every one of my comments will relate to the Budget as well. I am sure that you will keep me right if, somehow, they do not or are not perceived to do so.

I spoke yesterday about how difficult it was to understand why certain Departments' requests for resources this year were significantly less than for the previous year. I did not get an answer from the Minister, except to say that he could not provide the answer. The budgetary process is being rushed through without an explanation as to why certain decisions are made. Last night, we were presented with a document of block figures, again with no rhyme nor reason as to why decisions are made.

In yesterday's debate, and today, regarding the ever mounting and unacceptable situation of our health service and its waiting lists, we have effectively been presented with two options: either we continue as normal or we implement the Bengoa report and gut our health service. What about this radical idea: why not invest properly in our health service? Why not end the conversations about there not being any magic money trees or never-ending pots of money or begging bowls?

COVID showed that Governments can intervene, even if belatedly, not to support everybody but to provide some protection for people's health and finances. If they could intervene then, why not now? The wealthy have amassed fortunes during the pandemic, and the

Executive should lead the calls for them to be taxed to the hilt. Why do they not do so? The UK has a record number of billionaires, including 24 new billionaires in the past year.

It is not good enough just to complain about the big bad Tories. We know how rotten they are, but what are the Finance Minister and his Executive colleagues doing to put up a wall of resistance to the Tories and defy them rather than do their bidding? Where are the Finance Minister's efforts to use his resources to build grassroots opposition to the Tories' meagre budgets and allocations? In truth, that is the only way in which change has ever happened in this place. LGBT and women's rights, as limited as they are, have come about only through relentless activism and struggle from the grassroots. Where is the plan here to join the Welsh and Scottish Finance Ministers to press urgently for a COVID wealth tax? I do not hear it, and I certainly do not see it. That is something that not only this socialist MLA but even the IMF — that well-known radical socialist organisation — is calling for. The Executive cannot bring themselves to break out of the stranglehold of neoliberal politics and philosophies that leave the wealthy untouched. It is really shameful stuff, given the year that we have been through.

The UK Government said that we are all in it together, but we never were and we are definitely not in it together now, judging by what has happened to workers because of this and previous Budgets. Although extra money has been made available to cover historical and NDNA pay arrangements, workers had to stand out in the freezing cold on picket lines and fight for it. There is no new money to cover an increase in pay for our brave and valiant healthcare workers for the tremendous work that they did during COVID. Let us not forget that, while we and the public were clapping, our NHS staff were stuck in intensive care units for 12-, 13- or 14-hour shifts and were exhausted and crying as they went back to their families. I pay tribute to all of them; they have worked through hell and high water over the last year.

I thank the many health workers in my constituency. I am sure that other Members got the notification from UNISON members who contacted me to highlight and call for a pay uplift of at least £2,000, which they fully and absolutely deserve. I will briefly quote from an email to me and other Members:

*"Now, more than ever, HSC workers like me need to feel valued. We need to see strong investment in our services. We need to*

*boost recruitment and retention of staff by making HSC employment better rewarded."*

No truer words were ever spoken. Unfortunately, the Budget does not meet those demands.

### 6.00 pm

Other unions that have demands for pay increases need to see their demands met as well. I pay tribute to them and to the work of their members, particularly over the last year. This Budget also does not allocate any extra money for Civil Service workers who, despite working hard through a pandemic, are being offered or, rather, forced to accept a 1% pay offer from the Minister. I know that those workers are challenging that poor imposition, and they have my full support. They should look at what the Hovis workers did. They were told that they had to accept a pay cut. They refused to accept it and organised against it. They saw it as a slap in the face, rightly struck, took action against it, and, in the end, won a significantly improved pay offer. The Hovis workers have paved the way and shown that the money can be found. If Civil Service workers take similar action, I am sure that the money will be found as well.

That is, of course, not to mention the complete inaction on the minimum wage, despite the promises in the NDNA agreement to increase it. I know that the new Economy Minister is here, and he will set out his plan shortly, but we urgently need to see an increase to the minimum wage to eradicate low pay and to uplift those workers. Otherwise, promises about learning from COVID are just hot air, if I can use today's phrase. What does it say about our society if we allow billionaires to grow and increase their wealth during the pandemic but ignore and insult those who provided services, kept people alive and protected them during the pandemic? To me and many, many others, that is a diagnosis of a truly sick society. My message to all those workers and unions is to keep going and keep pushing. Let us build a long hot summer of union and worker mobilisation against this state of affairs and of workers — Catholic, Protestant, neither and all our migrant brothers and sisters — standing together, united against the pay misery that people are faced with and that this Budget does not do anything meaningful to change.

Yesterday, I referred to the reductions or the gaps in the funding for the Department for Communities. Again, I received no explanation as to why they have been made, despite our rising levels of poverty. Around 400,000 people

live in poverty. There is absolutely no evidence presented in the Budget documents that those issues will be tackled in any strong or serious way. As we have said and as I have said, people are forced to wait on waiting lists, but they are also forced to wait for the Executive to eliminate poverty in our communities. It is a totally unacceptable state of affairs. People are dying seven years younger in areas of this city because they live in deprived areas compared to wealthier and more affluent areas. The Chair of the Health Committee talked about the massive levels of health inequalities as well. With the two-child limit on welfare and the benefit cap still in place, those issues will not be addressed by this Budget.

I cannot speak for others who may have made sound and good criticisms of the Budget (No. 2) Bill but then go on to endorse and vote for it. For my part and my party's part, we have been consistent opponents of austerity and meagre Budgets, which this Budget is. This Budget (No. 2) Bill absolutely fails people here. People who have sacrificed and lost so much over the last year need to see a fundamental shift in the normal order of things and a break from the status quo. Unfortunately, this Bill does not do that. That is one of the main reasons why I will vote against it. I certainly oppose it.

**Mr Murphy (The Minister of Finance):** I thank the Members, Chairs and Deputy Chairs who have contributed to the Second Stage debate on the Budget (No. 2) Bill today. It is very useful to hear the views of the Committees and of the other Members on the important financial and economic issues that face us as an Administration, particularly in these unprecedented times. I know that you did your best to keep them on track throughout the debate, Mr Principal Deputy Speaker. I have noted some of the issues, and, hopefully, I can address at least some of them. I was going to say that I know that people will want to get home, but I understand that we have more legislation to go through this evening, so I do not want to hold my colleague the Minister for Communities back any longer than is necessary.

The Committee Chair made a number of points and asked a number of questions. In relation to victims' payments — as I said yesterday and have said a number of times — we have given the commitment, reassurance and confidence to victims that payments will be made when they fall under the terms of the scheme, regardless of where the funding comes from. We have included headroom in the Main Estimates to accompany the Bill to make sure that there is no delay. Of course, we will

continue to discuss that with the Government in London, whose responsibility it is, in our opinion, to fund it, as they drafted the proposals, legislated for them, put them in place and departed from our previous agreement on them.

The Committee Chair asked about the legal authority for accruing resources. The limit of accruing resources is voted on through the Budget Bill. Any receipts over and above those that are voted on through the Bill cannot be retained by Departments and must be returned to the Consolidated Fund. He also asked about the legal authority for capital spend. That is voted on through the cash figures in the Budget Bill, which includes the cash to fund capital investment. Planned capital expenditure is also shown in the Estimates document that accompanies the Bill. The review of financial processes, which others spoke about, attempts to make the process more transparent. As part of that, capital would be voted on separately. That was discussed with the Finance Committee during its briefing on the Financial Reporting (Departments and Public Bodies) Bill.

Other points were raised. The incoming Minister for the Economy, should we get to that point in our politics, raised questions, of course, about the centenary celebrations. Perhaps the good news for him is that there is nothing to stop Ministers using their departmental budgets to cover those matters if they wish. The NIO was providing the funding for that. It did not accept bids, but decided to allocate the funding according to how it saw fit.

Maoliosa McHugh raised a question about Job Start and expressed his support for it. We agreed to allocate £26.9 million to labour market interventions for the Department for Communities as part of the final Budget, and, of that, £20 million has been allocated to the Job Start employer incentive, which aims to create six-month work placements for young people who are aged between 16 and 24. I understand that the Department for Communities has achieved funding agreements for over 350 jobs across 154 employers, and over 1,800 potential opportunities have been submitted and are being assessed. Those figures are expected to ramp up in the time ahead.

He and a number of other Members, particularly those who referenced Education, mentioned holiday hunger. Maoliosa McHugh, Pat Sheehan, Chris Lyttle, I think, when he was in the Chamber, and perhaps Daniel McCrossan all spoke on that. The Executive allocated £50.8 million to the Department of Education to fund free school meals during school closures

and holiday hunger schemes in 2020-21. The Budget has provided the Department of Education with an additional £32.8 million for the provision of free school meals during the 2021-22 financial year.

Matthew O'Toole is still here. He mentioned the notion of robust challenge and scrutiny. I absolutely welcome that. That is what Members are here for. It is what we are all here for. Ministers are here to be accountable. However, the question is about reprioritisation. Yesterday, I outlined why reprioritisation was collectively not adopted by the Executive. When people come to criticise the Budget and say all the things that are wrong with it, my point back to them is that there were opportunities, either in the Executive or when the Budget first came here, for them to vote against it or to make propositions in the Executive to change it, and none of those options was taken up. When they criticise it now, as they are entitled to do, I am entitled to point out that the opportunities to apply actual change to the Budget were not taken up by parties, and they have voted for it accordingly.

A common theme in all that, and I referenced this when talking about the draft legislation that we will bring next week, is that it is a start to the process. As Roy Beggs continually reminds me, from our experience together on the Finance Committee, that it was a key issue for me when I was Chair of that Committee. An exercise began in 2016. The unavailability of Ministers after that prevented legislation being taken forward. It was picked up again, and the pandemic has knocked it sideways. However, it is intended to be followed through. The targeted end is now 2022-23 for significant improvement in trying to straighten out the approach to all that, which I would welcome. Even as Finance Minister, with a team of people advising me, I would welcome that clarity, consistency and simplicity, as much as that can be achieved when you are dealing with significant financial matters.

Chris Lyttle, the Chair of the Education Committee, asked about the overcommitment in the DE budget. It is, obviously, a matter for the Education Minister to make decisions. The items for which the Member explained overcommitments had been made referred to funding from the British Government that had not been confirmed at the time when the Executive's Budget was being finalised. Those allocations have now been confirmed by Treasury as part of the Westminster Main Estimates process, and that means that the Executive will be able to confirm those

allocations as part of June monitoring, so the overcommitment issue should not arise.

He also raised a concern about the in-year monitoring guidelines issued by my Department that have impacted on the Committee's ability to scrutinise the Budget. To clarify for the Assembly: the in-year monitoring guidelines refer to the in-year monitoring rounds that will take place during the 2021-22 financial year. That does not impact the Budget Bill, which is written to the opening 2021-22 position.

He also asked about the allocation of laptops for teachers. We announced allocations on 20 May that included £32.7 million resource and £19 million capital specifically for the roll-out of new laptops. The Member is correct: it is not included in the Budget Bill, as it was only agreed on 20 May. However, it will be picked up in the Supplementary Estimates.

A number of Members — Robin Newton, Chris Lyttle and Pat Sheehan — spoke about special educational needs and their very strong desire, which I understand, to make sure that children who need that provision get it. Twenty-two million pounds has been allocated to help schools to prepare for the new SEN framework, to be allocated directly to schools by the Education Authority. I understand that the Department of Education is in the process of defining the terms of reference for the review for commissioning the external consultants in response to recommendations in the 2017 Audit Office report on SEN and in the 2021 PAC report.

A number of Members raised the issue of children's mental health. That will involve Minister Swann and, I imagine now, Minister McIlveen. A framework for children's and young people's emotional health and well-being, alongside an implementation plan, was launched recently. I understand that the Education Minister has allocated £5 million from his Department to support mental health and well-being in the education sector and an additional £4.05 million to support nurture provision in schools. The Health Minister added an additional £1.5 million to that on a recurrent basis.

Not surprisingly, health featured in most people's contributions. That is where the huge challenge for the Executive is, and nobody is ducking that. Daniel McCrossan told us that tough decisions need to be taken, but he did not itemise what those tough decisions are, so I look forward to him or his party elaborating on what they consider to be the tough decisions that need to be taken to provide support for

health. He made a speech that was not unexpected, and he is entitled to complain about all the issues that he feels need to be addressed, but it was along the lines of, "Here are all the things that are wrong and somebody needs to do something about them, but I cannot quite identify who or what". He talked long and hard about prioritising and then proceeded to present a long list. I lost count of the number of prioritisations that he mentioned, but they included housing, health, infrastructure, farming and communities. It is one thing to tell us all what we are doing wrong; it is another to propose solutions.

During the much shorter debate yesterday on budgetary matters, I remarked that if those criticising the Budget have propositions, considering the circumstances of the late allocation, the standstill Budget and there being no time for reprioritisation, I ask them bring them forward. In fairness, Mr McCrossan brought one forward, and he was unique among his party colleagues in that. He suggested that the voucher scheme should be done away with. He is at liberty to table amendments at Consideration Stage of the Budget Bill if he, or his party, wants to see the voucher scheme funded under COVID money, but they can see if they wish to bring down the voucher scheme. Of course, addressing the full list of priorities that he outlined would way exceed the money that is allocated to the voucher scheme in one year. I do not think that it would do the job in the time ahead. Nonetheless, as I say, he did bring forward one proposition, and, in that, he was unique among all Members.

**Mr O'Toole:** I appreciate the Minister giving way. In the spirit of looking for propositions on revenue raising, spending and saving, are there any particular taxes or areas of revenue raising that the Minister will ask either the fiscal council or the fiscal commission to look at, particularly given his party's reticence to support property tax on millionaires in Dalkey and Killiney?

**6.15 pm**

**Mr Murphy:** On the one hand, the Member wants me to appoint independent commissions to bring forward propositions; on the other hand, he wants me to try to dictate to them what they will do. I will defend my party's consistent approach across all Thirty-two Counties of this island. We do not have a foot in every single camp in the way that his party has with Fine Gael, Fianna Fáil and the Labour Party. The SDLP has that many sister parties that I am not sure how it manages all the birthdays.

If people have propositions, they should bring them forward. At least Mr McCrossan had one, which made him unique among Members. He proposed doing away with the high street voucher scheme. He is entitled to make that proposition. Consideration Stage is coming up, and people can consider whether they want to bring forward that scheme. However, we have received no other propositions for changes to the Budget.

All the points about transformation and what is required for Health were well made and well understood. The Executive get it, and, as others referred to, there is agreement to have a specific Executive focus on waiting lists. That may well lead to some reprioritisation, which would alter the Budget. If Departments and the Executive wish to do that, I will be happy to assist in that process.

It is not up to me to dictate. When a lot of people speak about what I have done, it is as if I have taken all these decisions myself. I wish that I had that power. If I had, there might be a different outcome. However, to get a Budget process and a Budget paper through, I had to bring them through a five-party Executive and manage all the politics of that.

I have no wish to keep people longer than necessary. The report on education, 'A Fair Start', was raised by Robin Newton and Pat Sheehan, and that has been shared with the Executive. The cost of implementing it will be about £73.1 million per annum by year five. The decision to provide only a single-year spending review meant that the Executive were able to bring forward a single-year Budget, rather than funding it over the five years. However, I hope that, if we get to a multi-annual position, a report as important as that will receive Executive support for funding for the length of time that it will take to implement it.

There were debates about other issues. The Principal Deputy Speaker's patience was stretched, so I do not propose to respond to things that he deemed not to be within the ambit of the debate. However, Mr Beggs and Mr McCrossan mentioned road maintenance and the DFI budget. As I said before, the DFI budget has been increased by 29% on the previous year. That is a record level of investment in infrastructure. It represents about 41% of the total capital funding. The investment in road structural maintenance — resurfacing — is one area for the Infrastructure Minister to consider when prioritising her capital budget. As Mr Beggs said, roads can be resurfaced, which, in many ways, leads to a much better longer-term outcome than jet patching potholes that

will reappear within a couple of weeks. That could lead to a reduction in the need for resource spend. The resource budget for the Department for Infrastructure was also increased last year by 9% and by 3% this year. It is a matter for the Department to consider how to prioritise that.

Mr Beggs made an impassioned plea about spending on the capital programme. I wish that he had been here 60 years ago and made the same speech. If he had, we might not have had an M1 that turns the wrong way and heads for Dungannon or a university that went to Coleraine instead of Derry, where it should have gone. A number of Members intervened. The consequence of the wrong decisions taken years ago is taking decisions today to try to rebalance things. Much as the Member may rail against it now, I am afraid that his party did not rail against it at the time, and that is why we are in the position that we are in.

John Blair asked about the NDNA policing commitment. He is right that the bids for quite a lot of work proposed under NDNA have not been met. We had engagement, and, between the initial Budget that we produced and the second one, we managed to find money to allow additional recruitment by the PSNI, which has been welcomed by the Justice Minister and the Justice Committee.

We will continue to press the British Government to meet their NDNA commitments. Unsurprisingly, the ink was not dry on the NDNA document before the funding that had been committed to underpin it was withdrawn by the British Government.

I agree with Gerry Carroll that the Government can intervene to support the health service. That is exactly the point that the deputy First Minister put to the Prime Minister last week: if the Government had been able to find money to intervene, they should intervene to support the health service. There is not much point in applauding health workers from outside No 10 and No 11 Downing Street and then reverting to type. I have made many joint requests with Scotland and Wales to the Treasury to change its approach on a range of issues in order to give us more resource.

On the issue of Civil Service pay, I have moved to address the minimum wage issue. We have departed from the approach taken in Britain, which was to freeze pay. The last time that Civil Service pay was frozen here, it did not unfreeze for a number of years, so we have undertaken to give a pay rise over the next two years, which, as I say, is a departure from the

approach that was taken in England. I absolutely accept that that is not all that the civil servants wanted; it is not all that I wanted to give to them, but we have to manage with what we have and get such agreements, because they will impact on every Department, through a five-party Executive.

A Phríomh-LeasCheann Comhairle, I will now draw my remarks to a close, you will be pleased to hear. I have tried to respond to as many of the relevant issues raised as possible. As always, the debate has been useful, with many significant points raised, and I am thankful to Members for that. It is imperative that the legislation debated here today continue its passage through the Assembly so that public services here can continue to be delivered to our citizens. In conclusion, I ask Members to support the Bill, thereby authorising spending on public services by Departments for the 2021-22 financial year.

**Mr Principal Deputy Speaker:** Thank you, Minister. Before we proceed to the Question, I advise Members that, as this is a Budget Bill, it is established custom and practice that the motion requires cross-community support.

*Question put.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** Mr Carroll and Mr Allister are the Noes.

Clear the Lobbies. The Question will be put in three minutes. I remind you that we should continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber.

Before I put the Question, I again remind the Members present that, if possible, it would be preferable if we could avoid a Division.

*Question put a second time.*

**Mr Principal Deputy Speaker:** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they retain at least a two-metre gap

between themselves and other people when moving around in the Chamber or the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

*The Assembly divided:*

*Ayes 80; Noes 5.*

## **AYES**

### **NATIONALIST:**

*Ms Anderson, Dr Archibald, Mr Boylan, Ms S Bradley, Ms Brogan, Mr Catney, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin.*

### **UNIONIST:**

*Dr Aiken, Mr Allen, Mrs Barton, Mr Beattie, Mr Beggs, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir.*

### **OTHER:**

*Ms Armstrong, Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lyttle, Mr Muir.*

*Tellers for the Ayes: Ms Anderson and Ms Mullan.*

## **NOES**

### **UNIONIST:**

*Mr Allister, Ms Sugden.*

### **OTHER:**

*Ms Bailey, Mr Carroll, Miss Woods.*

*Tellers for the Noes: Mr Allister and Mr Carroll.*

*Total Votes 85 Total Ayes 80 [94.1%]*

Nationalist Votes	38	Nationalist Ayes	38	[100.0%]
Unionist Votes	37	Unionist Ayes	35	[94.6%]
Other Votes	10	Other Ayes	7	[70.0%]

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Ms Bradshaw, Mr Blair, Mr Dickson, Mrs Long, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Mr Middleton, Miss McIlveen, Mr Newton, Mr Poots, Mr Robinson, Mr Stafford, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mrs Barton, Mr Beattie, Mr Beggs, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald [Teller, Ayes], Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan [Teller, Ayes], Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Ms Woods voted for Ms Bailey.*

*Question accordingly agreed to.*

*Resolved (with cross-community support):*

*That the Second Stage of the Budget (No. 2) Bill [NIA Bill 24/17-22] be agreed.*

**Mr Principal Deputy Speaker:** I remind Members that amendments to the Bill can be proposed through the Bill Office up until 9.30 am tomorrow, Wednesday 9 June.

I ask Members to take their ease to allow for a change to the top Table.

*(Mr Speaker in the Chair)*

**6.45 pm**

## **Licensing and Registration of Clubs (Amendment) Bill: Consideration Stage**

**Mr Speaker:** Tonight's debate on the Bill has all the hallmarks of taking us well into the early hours of the morning. Maybe some of you will be driven to drink afterwards. I urge Members to try to stick to the core topic. That includes Ms Sugden; you are laughing. I want Members to try to stick to the agenda, because the debate will run for quite a significant period of time, which is appropriate for the business we are dealing with. I ask Members to remind themselves of the timescale.

I call the Minister for Communities, Deirdre Hargey, to move the Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill.

*Moved. — [Ms Hargey (The Minister for Communities).]*

**Mr Speaker:** Members will have a copy of the Marshalled List of amendments detailing the order for consideration. The amendments have been grouped for debate in the provisional grouping of amendments selected list.

There are four groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 6, Nos 47 to 50 and No 63, which deal with the extension of permitted hours and the size of licensed premises, including clubs, and opposition to clauses 2 and 4 stand part. The second debate will be on amendment Nos 7 to 34 and No 61, which deal with additional numbers of licensed premises, including local producers and cinemas. The third debate will be on amendment Nos 35 to 44, Nos 51 to 57 and No 62, which deal with minimising alcohol-related harm in society. The fourth debate will be on amendment Nos 45 and 46 and Nos 58 to 60, which deal with the implementation and review of the Bill and the licensing system.

I remind Members who intend to speak that, during the debates on the four groups of amendments, they should address all the amendments in each group on which they wish to comment. Once the debate on each group is completed, any further amendments in the group will be moved formally as we go through the Bill and the Question on each will be put without further debate. The Questions on stand part will be taken at the appropriate points in the Bill. If that is clear, we shall proceed.

**Clause 1 (Removal of additional restrictions at Easter)**

**Mr Speaker:** The Question is that clause 1 stand part of the Bill. All those in favour say Aye.

**Some Members:** Aye.

**Mr Speaker:** Contrary, No.

**Mr Allister:** No.

**Mr Speaker:** Does the Member wish for there to be a Division?

**Mr Allister:** That is not necessary; I just wanted it to be recorded.

**Mr Speaker:** That is fine.

*Clause 1 ordered to stand part of the Bill.*

**Mr Speaker:** We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendment Nos 2 to 6, Nos 47 to 50, No 63 and opposition to clauses 2 and 4 stand part.

Within this group, amendment No 5 is mutually exclusive to amendment No 4, and amendment No 50 is mutually exclusive to amendment No 49.

I call the Minister for Communities to move amendment No 1 and to address the other amendments in the group.

**New Clause**

**Ms Hargey (The Minister for Communities):** I beg to move amendment No 1:

After clause 1 insert -

**"Removal of restrictions on late opening for on-sales on Sunday**

**1A.—(1)** *In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii) substitute—*

*'(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,'*

*(2) In Article 42 of the Licensing Order (general permitted hours)—*

*(a) in paragraph (1), after sub-paragraph (a) and the following 'and' insert—*

*'(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and',*

*(b) in paragraph (1)(c), for the words from 'except' to 'Christmas Day' substitute 'on Christmas Day,' and*

*(c) in paragraph (3), for 'paragraph (1)(c)' substitute 'paragraph (1)(aa) and (c)'.*

*(3) In Article 42 of the Licensing Order, after paragraph (1) insert—*

*'(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.'*

*(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from 'the hours—' to 'shall' substitute 'the hours on any day from 11 in the evening to 1 in the morning of the day next following shall'.*

*(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from 'the hours—' to 'in addition to' substitute 'the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to'.*

*(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—*

*'(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,'— [Ms Hargey (The Minister for Communities).]*

*The following amendments stood on the Marshalled List:*

No 2: In clause 2, page 3, line 22, leave out "104" and insert "208".— [Ms Armstrong.]

No 3: In clause 2, page 4, line 13, at end insert -

*"(1A) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—*

'2A. A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

(a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises to which the application relates;

(b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates."— [Ms Hargey (The Minister for Communities).]

No 4: In clause 4, page 5, line 26, leave out "85" and insert "104".— [Ms Hargey (The Minister for Communities).]

No 5: In clause 4, page 5, line 26, leave out "85" and insert "208".— [Ms Armstrong.]

No 6: In clause 4, page 5, line 34, at end insert -

"(4) After paragraph (3) of that Article insert—

'(4) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.

(6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned

in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(7) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated."— [Ms Hargey (The Minister for Communities).]

No 47: After clause 22 insert -

"Alterations to premises

#### **Consent required for alterations to premises**

**22A.**—(1) After Article 12 of the Registration of Clubs Order insert—

'Alterations to club premises

#### **Consent required for certain alterations to premises**

12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

(a) gives increased facilities for drinking in any part of the premises which contains a bar; or

(b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or

(c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or

(d) affects the means of passage between a part of the premises which contains a bar and

*the remainder of the premises or any road or other public place.*

*(2) An alteration such as is mentioned in paragraph (1) may be made if—*

*(a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or*

*(b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.*

*(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).*

*(4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.*

*(5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.*

*(6) If paragraph (2)(b) is not complied with, the registered club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.*

*(7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.*

*(8) This Article does not apply to an extension such as requires authorisation under Article 15A.’*

*(2) After Schedule 4 to the Registration of Clubs Order insert—*

*‘SCHEDULE 4A*

## **APPLICATIONS AND NOTICES UNDER ARTICLE 12A**

### **PART 1**

#### **APPLICATIONS FOR CONSENT TO ALTERATIONS**

*1. In this Part ‘application’ means an application under Article 12A(2)(a).*

*2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—*

*(a) the district commander for the police district in which the premises of the club are situated; and*

*(b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.*

*3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.*

*4. The applicant must attach a plan of the premises showing the alteration to—*

*(a) the notice mentioned in paragraph 2, and*

*(b) the copy of that notice which is served upon the district commander.*

*5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.*

*6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—*

*(a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;*

(b) serve a copy of the notice upon the chief clerk.

**PART 2**

**NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES**

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates' courts rules.

8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.'

(3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

'(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);'

(4) In Part 3 of Schedule 6 to that Order (penalty points punishable with level 5 fine) at the appropriate place insert—

'12A(7)	Failure to comply with court order to make alterations etc.	5-6'
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".— [Ms Hargey (The Minister for Communities).]

No 48: After clause 23 insert -

**"Removal of restrictions on late opening on Sunday**

**23A.**—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

(a) after sub-paragraph (a) and the following 'and' insert—

'(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and', and

(b) in sub-paragraph (c), omit 'Sunday or'.

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the 'or' following paragraph (iii)) substitute—

"(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following.'"— [Ms Hargey (The Minister for Communities).]

No 49: After clause 24 insert -

**"Increase in number of authorisations for special occasions**

**24A.**—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for '85' substitute '104'.

(2) After paragraph (4) of that Article insert—

"(5) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises of the club are situated.

(6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates' courts rules.

(7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(8) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(9) The terms and conditions which may be imposed under paragraph (8)(c) include those requested by the district commander of the police district in which the premises of the club are situated.”— [Ms Hargey (The Minister for Communities).]

No 50: After clause 24 insert -

**"Increase the number of authorisations for special occasions**

**24A.**In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), leave out ‘85’ and insert ‘208’.”— [Ms Hargey (The Minister for Communities).]

No 63: In schedule 2, page 37, line 5, at end, insert in column 2 -

	In Article 24(1)(c), ‘Sunday or’.
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”.— [Ms Hargey (The Minister for Communities).]

**Ms Hargey (The Minister for Communities):** I record my thanks to the Committee for Communities and to the Chairperson and Deputy Chairperson for their assistance in progressing the Bill to Consideration Stage. Their scrutiny has been robust and diligent, and the amendments that we have agreed will, I believe, result in a better Bill.

On amendment No 1, following the evidence presented to the Committee by leading hospitality representatives, the Committee asked that I accept an amendment to bring the additional opening hours for pubs and hotels on a Sunday, which are currently restricted to 12 midnight, into line with those permitted on weekdays. I acknowledge that Sunday is a day of religious significance, but the amendment does not extend to the permitted opening time for premises on a Sunday. It simply extends the

already permitted hours in the evening by one hour into Monday.

Sundays can be busy times for some premises, with family and sporting events taking place. There are professions that require people to work on a Sunday, and for them Monday is a day off. Sunday nights for those people are the equivalent of Saturday nights for most. In terms of tourism, it is understood that visitors here for long weekends find it frustrating that one of their nights is cut short. That is particularly the case for visitors whose culture involves eating later in the evening, before moving on for entertainment and drinks.

A number of other articles in the Licensing Order 1996 restrict Sunday permitted hours. I see no policy reason why additional hours in those circumstances should not be brought into line with the hours on other nights or why they should not be extended to all licensed premises where alcohol can be consumed. I also believe that a small increase in permitted hours across all licensed premises, where consumption is permitted on the premises, will result in a cumulative increase in revenue that will be welcomed by the industry, which has suffered so badly over the past year.

I therefore propose amendment No 1, which will introduce a new clause, 1A, to remove the restrictions on late-night permitted hours on a Sunday for premises licensed for consumption on the premises.

Clause 2 introduces provisions for public houses and hotels to apply to the courts for an order for further additional permitted hours, to 2 am, up to 104 nights per year. Amendment No 2, tabled by Kellie Armstrong, proposes that the number of days in any year that can be specified in an order for further additional permitted hours for public houses and hotels be increased from 104 to 208. That is a significant increase — double the number of nights in any year — and I have not heard a compelling reason to justify it. The Committee in its deliberations was content with the maximum limit of 104 nights. The police raised concerns about the impact on resources if 2 am opening were granted for weeknights. With 104 late nights, the reasonable expectation is that those nights will be used at the busiest times and usually at the weekends. The police confirmed that that was the case and that there would be no significant impact on its resources. With 208 occasions, however, it would result in late nights being granted on weeknights, with a resulting impact on resources and other agencies and organisations involved in the night-time economy. I do not, therefore, support the amendment.

In the course of progressing the Bill, my officials identified what appears to be an anomaly in the Licensing Order, in respect of the application process for article 44 additional permitted hours orders when they are made to the Magistrates' Court. In that process, although the opportunity exists for any person residing in the vicinity of the premises to object to the late opening order, there is no requirement for the applicant to notify those people, and it is therefore unlikely that they will be aware of an application. I believe that it is vital that the impact on local residents is taken into consideration and that the Bill is an opportunity to ensure that. I am, therefore, proposing amendment No 3 to clarify the position in relation to applications for late-night opening until 1 am or 2 am.

Clause 4, as introduced, was to increase the number of occasions on which pubs that are not structurally adapted to provide food or entertainment can apply to the police for late opening from 20 to 85.

On the basis of the evidence presented by representatives of private members' clubs, the Committee determined that the number of times that registered clubs can apply to the police for a late-night authorisation for special occasions should increase from 85 to 104. Smaller pubs, alongside registered clubs, have been severely affected by the COVID restrictions. They have had to remain closed, even during some of the periods of relaxed restrictions when larger pubs were able to use outdoor space.

I accept the Committee's position that it is logical and equitable for the maximum number of authorisations for small pubs to be the same as that for registered clubs. Therefore, I propose amendment No. 4, which will increase the number of times that small pubs can apply for late-night opening from 85 to 104. That is two a week, with the expectation that the authorisations will be used at the weekend. The Bill already contains a power allowing the number of occasions to be amended by regulation. Therefore, any issues arising from the increase could be addressed fairly quickly.

Amendment No. 5, tabled by Kellie Armstrong, seeks to increase the number of authorisations provided for in the Bill from 85 to 208. That significant increase would double the number of nights that I propose in amendment No. 4. I have not heard any compelling reason to justify such an increase. The Committee, after deliberations, was content with the maximum limit of 104. If later nights were granted throughout the week, the impact on communities, police resources and other

organisations and agencies involved in the night-time economy could be significant. Therefore, I do not support that amendment.

Given the significant increase from 20 to 104, which is two nights a week, I believe that residents should be made aware of an intention to apply for a late-night authorisation. That is the case for late-night opening for larger pubs that have regular late nights, but not for smaller pubs. There is also no opportunity for the police to revoke or amend authorisation once it has been granted, and there is every possibility that a licence holder could apply for most or all of the 104 nights in one application. The only option open to the police is to wait until the next application, which could be up to a year away, and reject it. Therefore, I propose amendment No. 6 to allow complaints to be made to the courts under part VIII of the Magistrates' Courts (NI) Order 1981 where undue inconvenience is caused to residents as the result of a late-night authorisation. The amendment provides the Magistrates' Court with the power to revoke an authorisation, modify the hours of an authorisation or make an authorisation subject to terms and conditions as it thinks fit.

I move on to amendments relating to registered clubs. Evidence presented to the Committee highlighted the disparity between the process for licensed premises and the process for registered clubs in dealing with proposed alterations to premises. A licensed premises is required to obtain approval from the court in advance of any alteration to its premises; a registered club is not. A court is notified of an alteration to a club only at the renewal of registration stage, and, if the court considers the premises are no longer suitable or proper, there is the potential for the club to have its application for renewal refused. Therefore, I propose an amendment, amendment No. 47, to address the disparity identified between registered clubs and other licensed premises. The amendment will insert new clause 22A in the Bill, and that will introduce a new article 12(A) in the Registration of Clubs (NI) Order 1996. The new article will require registered clubs to apply to the courts for approval to make alterations to club premises. The procedure for such applications is set out in new schedule 4A. Further to amendment No. 1, the removal of restrictions for late-night opening on Sundays in licensed premises, I propose amendment No. 48, which will apply to registered clubs. The amendment introduces new clause 23A, which will remove the restrictions on Sunday late-night authorisations for registered clubs.

Registered clubs are currently allowed to apply to the police for an authorisation for additional hours until 1.00 am for special occasions on up to 85 nights a year. As I mentioned earlier, evidence received by the Committee resulted in a request to increase that number to 104. Given that registered clubs with bars and restaurants have been subject to the same COVID restrictions in their licensed premises, I agree with that level of increase.

I therefore tabled an amendment— amendment No 49 — that will introduce a new clause 24A to the Bill to increase the maximum number of late-night authorisations that the police may grant to registered clubs from 85 to 104.

### 7.00 pm

As with amendment No 3 for licensed premises, the provision of 104 late-night authorisations effectively means two a week, which could have an adverse impact on residents. Proposed new clause 24A, introduced by amendment No 49, includes provisions to allow complaints to be made to the courts where undue inconvenience is caused to local residents as a result of a late-night authorisation. Again, a court will be provided with the power to revoke, modify or place terms and conditions on an authorisation as it sees fit.

Amendment No 50, which Kellie Armstrong tabled, would also introduce a new clause 24A to the Bill to increase the number of authorisations that the police can grant from 85 to 208. I, along with the Committee, am content with the limit of 104 set in my amendment No 49. I therefore do not support amendment No 50. The Member's amendment does not take into account the impact on local residents, with there being no requirement to notify local residents and no opportunity for the courts to place conditions on the authorisation following a complaint.

Finally in this group, I tabled amendment No 63, which adds a reference to Sundays in the replies listed in schedule 2 to the Bill. The amendment is consequential to amendment No 48, which removes restrictions on permitted hours on a Sunday in registered clubs. Those are the amendments in group 1.

**Ms P Bradley (The Chairperson of the Committee for Communities):** With your indulgence, Mr Speaker, I would like to say a few words about the Committee's scrutiny of the Bill before I touch on each amendment in the group.

The Committee requested evidence from interested organisations, and 58 written submissions were received from a diverse range of organisations, businesses, government bodies, researchers and individuals, including those representing or with an interest in the health impacts of alcohol and addiction; public health; the wider justice system, including the PSNI; those concerned about safeguarding young people; sporting and other clubs; the hospitality sector; local alcohol producers; lobby groups representing wider interests; the retail sector; and the tourism sector. In total, the Committee held 35 oral evidence sessions with interested organisations and explored the wide range of issues raised in the written and oral evidence with Department for Communities officials through oral briefings and written responses.

The Committee then considered and deliberated on the provisions of the Bill and proposed amendments at seven meetings, concluding with its formal clause-by-clause consideration on 6 May. The Committee specifically devoted a substantial amount of time to deliberations on clause 8 and on the issue of taprooms, which was not covered in the Bill. Over a total of eight meetings, the Committee devoted at least 10 hours of discussion exclusively to those issues. We will come to those amendments in the later groupings, when I sincerely hope that we do not have to debate them for yet another 10 hours.

Based on the evidence that it took in its deliberations, the Committee wrote to the Minister requesting, and getting, agreement that a range of amendments be brought forward by the Department via amending existing clauses or through a number of new clauses or other ministerial assurances, and we also tabled a number of Committee amendments. At our meeting on 3 June, Committee members were content then to agree the Minister's amendments to our Committee amendments. We were assured that that would tidy things up, and it was done at that stage to try to ensure the Bill's swift passage.

I take this opportunity to thank the departmental officials — Liam Quinn, Carol Reid and Suzanne Breen — for all their help throughout Committee Stage and to highlight the good working relationships established between the Committee secretariat and the officials.

I turn now to amendment No 1. The Committee considered proposed new clause 1A at its meeting on 6 May, and members supported the amendment. It was taken forward by the Minister at our request, based on evidence that

we considered from Hospitality Ulster. It brings the additional opening hours on any Sunday into line with those currently permitted on weekdays for both licensed premises and registered clubs.

During our deliberations, the Committee wrote to the Department to ask if the issue was covered in the proposed Bill. The Committee was advised that it was not and that the Minister would put forward an amendment at the Committee's request. The amendment deals with the request to bring the legislation relating to an article 44 permitted hours late licence on Sundays into line with the permitted hours for the other late nights granted for premises. Rather than return to the same issue later, I will, at this point, highlight the Committee's support for amendment No 48 and new clause 23A, which deals with the same issue for registered clubs, regarding additional opening hours on a Sunday.

On the basis of its evidence, the Committee remains supportive of the 104 nights provided for in clause 2. Amendment No 2 calls for that to be doubled to 208 nights. That was not called for by the Committee. Therefore, I cannot support the amendment on behalf of the Committee. The Committee called for a matching number of 104 nights for small pubs and clubs, and that has been taken forward in amendments that we will come to later.

The Committee supports the Minister's amendment No 3. It enhances clause 2 by increasing the requirement on a licensed premises to give notice in its vicinity of its intention to apply for further additional hours under clause 2. The Committee cannot support the opposition to clause 2 as it was supportive of the clause's inclusion in the Bill. The overall economy and the hospitality and tourism industry have been hit hard by the impact of COVID and will need all the help that they can get in going forward. Clause 2 offers the industry the opportunity of further additional hours. Not every establishment has to take advantage of it, but it is good that the option is there. It is for that reason that the Committee cannot support the opposition to the clause.

Amendment No 4 relates to clause 4. Members queried where the increase from the current 20 nights of police authorisations for additional hours to the 85 in the Bill originated. Departmental officials stated that that was to bring small pubs in line with the proposals for clubs in the Bill. Members suggested that, given the 104 late nights in clause 2, there was a logic to increasing that proposal to 104 nights for clubs and small pubs. Subsequently, the

Committee asked officials to bring forward an amendment that would increase the number of occasions on which small pubs and clubs can apply for late opening from 85 to 104 to allow them a more level playing field alongside larger establishments and to assist with the economic recovery of those premises once the hospitality sector reopened. The Minister accepted the Committee's request and agreed to take it forward as a departmental amendment. I welcome amendment No 4.

As I just stated, the Committee requested an increase in further additional hours to 104 nights from 85 for smaller pubs. Amendment No 5 calls for that to be doubled. That was not called for in evidence to the Committee. Therefore, I cannot support the amendment on behalf of the Committee.

I move to amendment No 6. The Committee was informed by the Department that, given the significant increase from 20 late nights a year to 104, as covered by amendment No 4, which I have just discussed, the Minister believes that local residents should be made aware of any intention to apply for a late night authorisation. The Committee is in agreement and supports amendment No 6.

In relation to the opposition to clause 4, I go back to what I said on the opposition to clause 2. The Committee cannot support the opposition to clause 4 as it was supportive of the clause's inclusion in the Bill. The overall economy and the hospitality and tourism industry have been hit hard by the impact of COVID and, as I said, will need all the help that they can get in moving forward. Clause 4 offers the industry the opportunity of further additional hours. Not every establishment has to take advantage of it, but it is good that the option is there. It is for that reason that the Committee cannot support the opposition to clause 4.

Amendment No 47 provides for new clause 22A. The Committee discussed evidence that it had received from the PSNI regarding the issue of clubs wishing to alter their premises, potentially to avail themselves of an extension authorisation. The Committee queried whether clubs should have to apply to the court before any work is carried out, rather than just advising the court when their registration is due for renewal. Departmental officials told us that there was an anomaly here between clubs and other licensed premises and that the Minister would bring forward an amendment. In addition, the Committee highlighted concerns over the use of one-day club memberships, which have been used by some clubs to allow access to their bar facilities and not to their sporting

facilities, which is the intention of such one-day memberships. We were advised that the Minister would also propose a clarifying amendment on the matter. The Committee requested that those amendments be made. The Minister accepted both requests and has tabled them as departmental amendments. I thank the Minister for tabling the amendments. The Committee supports amendment No 47. We will come to the other one in group 3.

The Committee also welcomes amendment No 49, which will increase the number of times that registered clubs can apply to the police for late-night openings for special occasions, as provided for in the Registration of Clubs (Northern Ireland) Order 1996, from 85 to 104. It is another amendment requested by the Committee that the Minister agreed to take forward, because the Committee felt that it was appropriate to bring clubs in line with the 104 nights on offer to other licensed premises.

I run the risk of repeating myself, but the Committee cannot support the further increase from 104 to 208 that is proposed in amendment No 50. The Committee requested an increase in further additional hours to 104 nights from 85 for clubs, which, I believe, is fair and reasonable. Amendment No 50 calls for that to be doubled, which was not something that was called for in evidence to the Committee. On behalf of the Committee, therefore, I cannot support that amendment.

Finally, for this group of amendments, on behalf of the Committee I welcome amendment No 63, which adds a reference to Sunday to the repeals listed in schedule 2. The Committee was advised that the amendment is consequential to the amendment that removes restrictions on permitted hours on a Sunday in registered clubs, and Committee members supported it.

I will make a few comments as my party's spokesperson for communities. While, as a party, we support most of the amendments in group 1, I draw your attention to amendment Nos 1 and 48. Following conversations with my Assembly group, we have agreed not to support amendment Nos 1 and 48. We are supportive of our hospitality sector and fully understand the impacts of the past year. We also know that the hospitality sector is key to our economy's recovery and hope that it will be assured of our genuine support as we move through each group of amendments. Our party will also not support amendment Nos 2, 5 and 50 in the name of Kellie Armstrong.

**Mr Speaker:** Can we please bring the Member Fra McCann on screen?

**Mr McCann:** Can you hear me?

**Mr Speaker:** Yes. I invite Mr McCann to make his contribution. *[Pause.]* Can you hear?

**Mr McCann:** Can you hear me, a Cheann Comhairle?

**Mr Speaker:** Yes, Mr McCann, we can hear you. There appears to be a technical problem. *[Long Pause.]*

**Mr McCann:** A Cheann Comhairle?

**Mr Speaker:** We can hear you, Mr McCann, but you obviously cannot hear us. We will switch off and try to enable you to sort out the technical problem.

**Mr McCann:** A Cheann Comhairle?

**Mr Speaker:** We can hear you now.

**Mr McCann:** Go raibh maith agat, a Cheann Comhairle. That was just a wee technical mishap. It was definitely not at my end.

On group 1, I will speak in support of amendment Nos 1, 3, 4, 5, 6, 47, 48, 49 and 63 and in opposition to amendment Nos 2, 5 and 50.

I will begin by saying, "Thank you" for the opportunity to speak in the debate today. It has been a long road for the Committee to this point, taking evidence and debating the elements of the legislation. I also thank the representatives of the Department and the Committee Clerks for their perseverance in taking us through the Bill line by line and clause by clause. I am a bit disappointed that the DUP has chosen to vote against two important amendments.

We have been at this point of trying to bring much-needed change to the licensing legislation before. We did not quite get there the previous time. To be honest, there was more enthusiasm and more of a mood for change in the Chamber this time. I believe that there was a positive attitude about the importance of getting the legislation through as soon as possible.

I believe that it could be a positive driver in our post-COVID economic recovery.

**7.15 pm**

Being from the inner city, I would have been in Belfast city centre quite a lot, either socialising or out for a walk. The number of people from other countries who were here on short breaks and who were walking about looking for somewhere to go always amazed me. I would often stop to speak to people who loved the generosity and kindness of the people here, but their big complaint was that they had nowhere to go on a Sunday or over Easter.

Tourism is a big economic generator and an employer for the future. Years ago, after a holiday in Majorca, I read about and saw the investment that it had made in the cruise industry, which brought hundreds of ships and hundreds of thousands of people and passengers to the island, generating hundreds of millions of euros. Majorca worked at ensuring that its visitors' stays were memorable, and the logistics of making it happen were first class. I argued for and had that vision for Belfast, which would have a knock-on effect across the North.

Over the past number of weeks, I have been out walking along the river and through the city, and Belfast was buzzing in these difficult times. However, on Sundays, people were walking about with nothing to do. We have the opportunity in the Bill to begin to bring change. The extension of opening hours and the removal of the restrictions on Easter opening are just some of the provisions in the Bill that will be of huge importance in attracting tourists here.

Spending time speaking to visitors over the years certainly gave me a better understanding of what brought people to the North. We had to learn how to keep them here and ensure that they would come back again. Passing the Bill will allow us to do that. If we get it right, we will see an increase in tourists staying, which can only be a positive for our tourism and hospitality sector.

Many clubs, pubs and licensed premises have been closed for the large part of a year. They have lost out on revenue through food, alcohol and entertainment. The Bill has the potential to allow many of those places to get off their knees and start to flourish again. The Bill will also allow us to showcase the North to the rest of the world by attracting major events and more tourists and visitors. It could also ensure that locals stay local.

We support the Minister's amendment No 1 to bring in additional opening hours for pubs and hotels on Sundays. Those are currently restricted to midnight, and the amendment would bring them into line with the opening

hours that are permitted on weekdays. That would be a positive outcome for our tourism industry. If that amendment passes, it will add to the attraction of visiting here for breaks or long weekends.

Amendment No 2, tabled by Kellie Armstrong, seeks to increase the number of days for permitted hours for public houses and hotels from 104 to 208. That is a significant increase and was rarely mentioned when the Committee considered the Bill. It is strange that Kellie decided to table an amendment that would alter so much. Maybe she can explain why that is the case.

We have an opportunity to send a clear message to the hard-pressed tourism and hospitality sector and those who are thinking of booking a bed and breakfast or a hotel that Belfast is open for business.

**Mr Durkan:** I also declare an interest in the Bill. It is long-awaited legislation, and our archaic licensing laws are very much in need of an update.

The demand for the changes that the Bill will make was being made long before its previous incarnation in 2016. That said, our scrutiny of the Bill has had to consider the post-pandemic challenges that our hospitality industry and, indeed, all of us will face in the months and years ahead. Pubs and the wider hospitality industry face a fight for survival and will need support to enable them to contribute to our job market, tourism industry and social lives. The measures in the Bill will play a role in that and will make the changes to modernise licensing even more pressing than before.

Before I touch on each amendment, I must reiterate a point made by the Chair, the Minister and Mr McCann thus far. It is fair to say that this legislation has undergone an extremely comprehensive consultation process. Week-on-week, we have engaged with a wide range of stakeholders, discussing the impacts of the legislation on business, tourism, young people and wider public health. We have considered a significant amount of oral and written evidence from organisations, businesses, experts and individuals, which has shaped the legislation and the amendments before us today. We are no strangers to technical blips — much worse than that suffered earlier by Mr McCann — but we have worked very well together as a Committee to get through them. Although Committee members may not agree on every detail of the Bill or the amendments, we have reached consensus, for the most part, on the bulk of the legislation. It has been deliberated

upon at great length and scrutinised to the nth degree, but, ultimately, it will fall to the House to decide on certain elements of the Bill.

Consideration Stage of the Bill is very technical in nature. I appreciate the fact that the Minister and the Chair have already covered much of the detail of the amendments. It was clear from the evidence considered by the Committee that it was necessary to amend existing clauses and provide new clauses. It was agreed that the Minister's amendments would be proposed in conjunction with the Committee's to streamline the Bill. At this point, I pay tribute to the departmental officials for their expertise, input and unwavering patience throughout the process, and I thank all the stakeholders who have given evidence.

On the detail of the Bill, we will support amendment No 1 and amendment No 48, which, similarly, entail the introduction of late Sunday opening hours in line with those permitted on weekdays for licensed premises and registered clubs. The provision will be broadly welcomed across the industry. I know that early Sunday closures have been something of a bugbear for businesses and consumers, or potential customers, alike. That issue is particularly acute west of the Bann. This provision marks a significant modernisation of our licensing law and will bring us in line with other jurisdictions.

I move to amendment No 2. Given that Committee members were content with, and voted in favour of, 104 nights, we cannot support that being doubled to 208 nights. Others have referred to the impact on people who live near bars in residential areas, as well as the massively increased policing bill to supervise that and to ensure the safe return home of customers on their way out of the bars.

I support amendment No 3 and its enhancement of clause 2, which requires licensed premises to give notice of intent to increase opening hours. In recognition of the hardship faced in the hospitality sector over the past year, it is incumbent upon us to afford every reasonable opportunity for businesses to get back on their feet. The option for further additional hours is a welcome inclusion, and I will therefore not support the opposition to clause 2.

Amendment No 4 is a provision that will give small pubs and clubs a fair crack of the whip among bigger players by increasing the number of late nights that they can apply for from 85 to 104. Those small venues have been among the hardest hit in the sector and must be supported

where possible as they navigate the economic fallout of the COVID pandemic.

As mentioned previously, amendment No 5, with its suggestion to increase the number of late openings from 85 to 208, was not discussed at Committee nor evidenced in our research. I therefore do not support it at this point, but I will listen to the debate. As the Minister has said that the number of nights can be changed in regulation, perhaps she will clarify whether the number can change upwards as well as downwards.

As I mentioned, the legislation has, from its genesis, been highly collaborative and heavily consulted upon. In that same vein, it is important, given the significant rise in late nights provided for under amendment No 4, that local residents be informed of and consulted on any changes. I therefore support amendment No 6. However, I cannot support Mr Allister's opposition to clause 4, because we need to give the sector, and small clubs in particular, a fighting chance to regrow their businesses.

Following calls for evidence, it became apparent that a series of new clauses was needed. Those have been accounted for in the following amendments that I will discuss and that I will support. Amendment No 47 addresses the discrepancy between clubs and other licensed premises by requiring clubs to apply to the court before altering their premises. The option for clubs to apply for late-night opening or late opening for special occasions on 104 nights, rather than 85 nights, is welcome and brings them into step with similar provision offered to other licensed premises. Based on the evidence submitted to the Committee, 104 nights, in this instance, is sufficient. Increasing it to 208 nights, as per amendment No 50, particularly without any consultation, is unnecessary.

In bringing my remarks on the first group of amendments to a close, I will say that amendment No 63 is technical, as it adds a reference to Sundays. I will not elaborate any further on it other than to say that I also support that change.

**Mr Allen:** With your indulgence, Mr Speaker, I will make some brief remarks on the Consideration Stage of the Bill. I assure you that, given the late hour that we are likely to run to across the groups, I will be concise and to the point on the amendments.

I thank the Chair of the Committee for Communities for her comprehensive overview of the Bill's progression through its Committee

Stage. It was a very fair synopsis of the extensive work undertaken and the time invested by all, which were important in helping to further shape the legislation. That is reflected by the various amendments. I also echo the Chair's thanks to the departmental officials, all those who contributed evidence to inform the Committee and the wider Committee staff team.

As the Ulster Unionist Party representative on the Communities Committee, I will detail our position on the group 1 amendments. On amendment No 1, we recognise the need to modernise our licensing laws to address consumers' changing expectations and to support our hospitality sector. We will, therefore, support amendment Nos 1 and 48.

I will address amendment Nos 2, 4, 5 and 50 together. Again, we recognise the need to adapt our licensing laws to address consumers' changing expectations. We agree with the position that was reached at Committee that the correct extension for additional authorisations in this case should be up to a maximum of 104 occasions. We note the Minister's important inclusion of the ability to review and amend through secondary legislation the maximum number of occasions permitted. However, we highlight the seeming omission of that ability from amendment No 49, so I ask the Minister to clarify the intent of not including the secondary legislation for registered clubs.

We cannot support amendment Nos 2, 5, and 50, but we fully support amendment No 4. On amendment Nos 3, 6 and 49, we fully support the intention of ensuring that residents have the opportunity to be better informed of proposed applications, and we welcome the provision on strengthened mechanisms to allow complaints on such applications to be raised where required.

**Ms Armstrong:** Today, as others confirmed, we are debating legislation that has the potential to modernise and update the licensing and registration of clubs in Northern Ireland. The legislation on the licensing of alcohol has not been overhauled or updated in about 24 years. Many in the House can remember the successful private Member's Bill by Judith Cochrane of the Alliance Party, which permitted sports stadia to serve alcohol during matches. Apart from that Bill, there has been little change to the rules on the selling of alcohol. We have the opportunity to bring the legislation up to date. As a member of the Committee for Communities, I reiterate the sentiments of our Chair and many others, and I add my thanks to all officials, both from our own Bill Office and the Department, for assisting us in our

considerations. Those officials definitely made technical and complex legislation easier to understand.

Yesterday, we heard in the House how the Minister for the Economy set her sights on the opportunities to grow tourism as we recover from the pandemic. I hope that the new Minister for the Economy, Mr Frew, will value the opportunity to develop our tourism offer and work with the Minister for Communities to support our hospitality industry. I met representatives from Hospitality Ulster yesterday afternoon. The industry's plans to come back stronger and better need our support. That is why I tabled my amendments to group 1.

Alongside the Minister's amendments on Sunday opening hours, I have proposed that larger and smaller venues can apply for up to 208 licences per year. That equates to four days per week. I think that there is some confusion, because I was led to believe that the number of days that are available for operation cannot be changed unless primary legislation is changed.

Given the fact that it has been 24 years since the last change and the operating hours on a day can be changed by regulation but the number of days set in the Bill cannot, I produced the figure of 208 nights so that people could apply for up to that number.

### 7.30 pm

Our night-time economy needs a boost, rather than having to concentrate late licences on two nights per week. Why not allow our hospitality industry the opportunity to open up to 208 nights per year? That would provide more operating hours, more opportunity to deliver hospitality to customers and more opportunities for employment. I accept that some may have concerns that late-night opening will be problematic and will mean lots of drunk people and violence: I do not agree. More late licences would be well managed, as professional bar personnel manage how much alcohol is consumed and door staff manage crowds through the night as they disperse. Adding more late-night offerings dilutes the intensity of a two-night weekend and could spread the ability to go out over three or four nights in a week. The hospitality sector contributes much to the economy. We should put our trust in that sector to enable the night-time economy.

Amendment No 2 to clause 2, page 3, line 22 asks that we allow larger pubs the opportunity to apply for 208 licences per year. Amendment No 5 to clause 4, page 5, line 26 asks that we

allow smaller pubs — the type that are spread across my rural constituency — to be allowed to apply for up to 208 licences a year in line with larger pubs. In saying that, I support the Minister's amendment No 1, which brings the additional opening hours on a Sunday in line with what is allowed on weekdays; Nos 3 and 6, which increase requirements for a licensed venue to give notice to its neighbours of its intention to apply for a late licence; No 47, which creates a new clause that requires a licensed venue to apply to the courts for permission to alter premises before carrying out the work and fixes an anomaly that was raised by the police; and No 48, which creates a new clause that removes restrictions on late opening on a Sunday. The Minister's amendment No 49 limits authorisations for special occasions to a maximum of 104. My amendment No 50 asks that we consider an increase in the number of potential special occasions to up to 208.

I ask Members to consider whether we are limiting the hospitality sector to two late nights a week. We can increase that. My amendments Nos 2 and 5 extend the number of late licences for smaller and larger pubs to 208. That ties in with the proposals that I have made for taprooms, much later, in the other groupings. That is why that figure of 208 has carried through in the same way as 104 has carried through from the Committee.

Like the Chair, I cannot support Mr Allister's opposition to clauses 2 and 4. We should update and modernise our licensing rules. It has been 24 long years. I ask Members to commit to moving forward by allowing the hospitality sector to be permitted to open late, not just at weekends but during the week.

**Mr Easton:** I intend to speak on amendment Nos 2, 4, 6 and 47. The first issue that I want to touch on is the number of late-night openings permitted. In particular, I welcome amendment No 4. We all know that the hospitality industry continues to suffer greatly from the pandemic. It is, therefore, only right that we do all that we can to support its recovery. The amendment is, consequently, very timely. It brings small pubs into line with clubs with regard to the number of late-night openings permitted annually, bringing the number to 104 nights in total for clubs and pubs every year. Despite reopening, the hospitality sector is still operating with reduced capacity. Hopefully, the additional late nights permitted for small pubs in the Bill would go some way to assisting their recovery. Obviously, not every business will use the additional nights or has to use them. However, I hope that it will help out some of those that struggle at the moment.

Amendment No 2 proposes nearly doubling the number of late nights permitted to over 200 annually. Neither the written nor the oral evidence that we took as a Committee called for that number of late-night openings, nor did the evidence given compel the Committee to explore the option of increasing the number of late nights beyond 104. I therefore support the decision, alongside my Committee colleagues, to reject the amendment; indeed, I will oppose all the amendments that seek to increase the number of late-night authorisations beyond 104 annually. Incorporating the power to change the number via regulations is a sensible inclusion in the Bill. That is a significant alteration to the current law, so any problems that may arise can be dealt with quickly after its implementation.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

Amendment No 6 is another sensible inclusion. The number of late nights will increase by over 80 annually, so it is only right that residents are made aware of local businesses that will take advantage of the changes. I am also pleased that the Minister has tabled an amendment that will allow members of the public to complain about late-night authorisations, should they cause undue inconvenience. That means that a court will have the power to revoke authorisations, make them subject to terms and conditions or alter the hours permitted.

I also support the departmental amendment that will close the one-day membership loophole that was used to access bar facilities or clubs rather than sporting facilities. That is against the spirit of such one-day memberships and is not their intended purpose, so I am pleased that a clarification amendment has been proposed.

I intend to oppose amendment Nos 1, 2 and 5.

**Miss Woods:** I welcome the opportunity to speak on the Bill at Consideration Stage. It has been a long time coming, as others have said. As I have done before, I will begin by declaring an interest as a frequent visitor to licensed premises and because I worked in the industry until the COVID pandemic lockdown restrictions and have family and a partner who still work in the industry. With your indulgence, Mr Deputy Speaker, I will make some brief comments on the hospitality industry, especially given that I have not had the opportunity to do so via the Committee. I will be very brief, if that is OK.

We need to recognise the devastating impact of the pandemic on the sector, the business

owners and the staff. There are problems with levels of debt and issues with grants and loans, and costs continue to mount despite government assistance. Many pubs, bars, cafes and restaurants are open again but not wholly, as others have said, and some will not have survived the last 18 months. Many of those on furlough struggle to support their families and have left to find other work. Recently, a friend in the industry described trying to find a chef with experience as like trying to find hen's teeth. We have much to do to support the sector as we emerge from the pandemic, and I fully support the call made by Unite for a hospitality and tourism rescue plan and Hospitality Ulster's call for a recovery plan. I ask the Executive and, in particular, the new Economy Minister to meaningfully engage and support the sector.

That goes for the music industry too, and I will touch on that later in my comments on the amendments in group 1. The Musicians' Union has said that, particularly in Northern Ireland, the blanket ban on all live music has left many musicians unable to work at all and that reform of our licensing laws should support them. However, we have logistical issues that make that unfeasible, and it is clear that the Executive will need to be mindful of the need for flexibility and dedicated support.

I will move on to the Bill and the amendments in group 1. I do not intend to speak on every amendment, but a few are worth mentioning. I will go into some detail on amendment Nos 2, 4 and 5 and how they relate to clause 3. First, I welcome the changes to clause 3 on consultations and neighbour involvement. It is very welcome, and having the local papers publish those types of notices will help levels of engagement. However, I hope that the Minister and Department will consider using other means, perhaps through councils, of making the information accessible to people online, because not everyone reads the papers. Granted, that is another issue, but it is worth considering in the context of more people in an area accessing information.

Prior to this evening, I spoke to passionate people about their experiences of leaving Northern Ireland — this is to do with permitted hours — and of coming back here and seeing the differences compared with elsewhere. They gave me their permission to speak about their experiences tonight. One of them said:

*"What I learnt while living in Manchester was that there was an opportunity for creatives to put on events that would be well attended because of the distinction between evening and the late-night economy. When I came*

*home in 2013, I found that our music scene is stronger than it has ever been and the level of professionalism in the industry is staggering, yet we still do not seem to have the support or progressive night-time policies to make Northern Ireland the booming cultural hotspot that it should be known as. Dance floors break down divides and bring people together".*

While we are debating amendment Nos 2, 4 and 5 tonight on permitted hours and the number of nights specifically in clause 4, it is a matter of concern to me that clause 3 should have the effect of curbing the promotion of a booming, safe and responsible night-time economy, as well as opportunities for our creative sectors. I will happily take an intervention from the Minister or perhaps in her summing-up remarks she can tell us about the basis for aligning entertainment and liquor licensing, especially given that the majority of respondents to the Department's consultation stated that they agreed with the practice of entertainment continuing after the end of drinking-up time. I direct this to the Committee and the Minister again: what consideration was given to the night-time economy and the creative sectors? I would like to know in more detail the effect that that would have on council powers to grant entertainment licences. Does it change their ability to grant them to 5.00 am or 6.00 am?

I will give Members a practical example. Let us say that I am a bar manager, and I book some live music, such as a band or a DJ, for a Friday night. I have my late licence, and it has been granted until 2.00 am, so my bar is closed to the public at 3.00 am as we finish drinking-up time. I want my DJ to continue until 4.00 am, however, and I provide water for people to enjoy the music until that time. Does that mean that, under clause 3, with amendment Nos 2, 4 and 5, I no longer have the authorisation of the late licence and must stop serving alcohol at 11.00 pm?

In the survey report that was published further to the Department's consultation, consideration of entertainment going on past drinking-up time and alcohol sales was discussed, but that has not made its way into the amendments that we are discussing tonight. It was, however, debated at Committee Stage and mentioned in the recent Committee report on page 78:

*"entertainment provided beyond 1am or 2am on the occasion of the 104 late licenses [sic] is not covered by this legislation."*

If we look at amendment Nos 4 and 5 to clause 4, however, both effectively do the same thing. They extend the number of times that a licensed premises can get police authorisation for additional hours to either 104 or 208. If clause 3 stands part of the Bill as it is, when the Bill receives Royal Assent and depending on how the vote goes tonight on the amendments, it could mean that on the 85, 104 or 208 times a year that late nights could be authorised, entertainment would also finish at the same time as drinking-up time ends.

I go back to the band analogy. If I am in a band, and drinking-up time in the bar finishes at 1.00 am, I must finish playing at 1.00 am as well. As I stated before, however, in the Committee report, under clause 3, it states:

*"the 104 late licenses [sic] is not covered by this legislation."*

Now to my question in a very roundabout way: I would like to know exactly what that means for amendment Nos 4 and 5, one of which is in the Minister's name and one of which is in Ms Armstrong's name. What 104 late licences was the Committee discussing? Are they the 104 late licences under clause 4, to which there are the two amendments tabled, or are they 104 licences elsewhere?

I go back to the band example. Read alongside amendment Nos 4 and 5 and with what is in the Committee report, when do I stop playing? It is worth mentioning, as others will, the review clause that we will deal with in group 4 as it relates to my comments on clause 3 and those on the permitted hours amendments contained in group 1. I believe that the review, done properly with all those that need to be heard involved in it, can be a way of dealing with some of those issues if that is not done through the Bill, especially with the alignment issue that is changing the 2016 legislation and that did not get the majority of support in the Department's consultation.

We can cite numerous examples of why that would be beneficial for Northern Ireland and for the creative industry. We look to European cities, including Glasgow, which implemented a similar scheme in 2018. There are numerous other examples that the Committee has given consideration to on who and what would be impacted on, including the night-time economy, staff, public transport and the police, but how does that assist in addressing the bottleneck of people leaving bars and clubs at the same time? Again, that relates to amendment Nos 4 and 5. It does nothing.

Without the entertainment licence being extended past drinking-up time and with nothing else open at that later time, we will have people leaving bars and clubs and piling out onto the streets at the same time.

#### 7.45 pm

What of the provision of public transport? Again, I would certainly welcome any intervention from Committee members or the Minister in relation to this. If we are building back better and supporting our local industries, be they hospitality, tourism, DJs, musicians, artists or creatives, how do the opportunities afforded to us, as legislators, in the Bill allow for that?

I note from Hansard, which I had a quick look at today, that, on 11 March 2021, an official from the Department told the Committee:

*"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."*

Is that the rationale for clause 3? It does not make any sense. Because few entertainment venues would seek or benefit from a later closing time, will we prescribe in law that all of them must close at a time that corresponds to the liquor licence? What was the thinking behind clause 3 and the amendments that we are debating, specifically amendment Nos 4 and 5? I can see that the officials told the Committee:

*"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."*

That begs this question: why are we changing the law in response to a lack of enforcement against those who are abusing the licence? Surely we should not be disadvantaging those who want to provide entertainment until 4.00 am or 5.00 am and are doing so lawfully.

We will be supporting the amendments in this group, bar Mr Allister's for obvious reasons. *[Laughter.]* I hope that the Minister and Committee can address some of the issues in relation to the entertainment licence that I mentioned, and amendment No 4 in her name and amendment No 5 in that of Ms Armstrong.

**Mr Carroll:** We are moving more quickly than I anticipated, but that is a good thing, I suppose. I

declare an interest as a member of Casement Social Club. Whether that is relevant at this or a later stage, I do not know. It is just to put it on the record.

Many have welcomed the changes in the Bill, and, for the vast majority of clauses and amendments, I will join them. It is abundantly clear how much of our licensing law is outdated. In the case of breweries, in particular, it is completely unfair, as Members have said. I look forward to the Assembly taking a step in the right direction on those fronts because it is clearly long overdue.

Unfortunately, there are amendments and clauses that I am not content to support because I do not believe that the interests of workers have been factored in whatsoever. In some cases, workers' conditions would suffer were these changes to pass in their current form. The amendments seek to extend opening hours without reflecting on or addressing the impact that working unsociable hours would have on hospitality workers, who are underpaid as it is. These workers are employed in one of the most precarious industries, as the COVID pandemic has cruelly illustrated. In that regard, I want to echo the concerns of trade unions in that sector, namely Unite Hospitality, as Miss Woods referred to already.

As far as I can see, there has been no attempt by the Minister in most of, if not all, the amendments to extend drinking hours to ensure that a premium is paid to those who will have to work more unsociable hours as a result of this legislation. There has been no attempt to ensure that staff's travel-home costs are covered not by the staff but by the employer. Public transport does not run into the wee hours, as we might see tonight and this morning. Workers have to fork out extra for private taxi fares to get home or walk home at a time when it is unsafe to do so. Workers are assaulted on a weekly basis while walking home from bars in Belfast, unfortunately.

These concerns were brought to the Minister and the Committee. Looking at the amendments today, however, it would appear that the voices of these workers, or certainly their representatives, have not been heard at all — or not listened to, depending on how you view it. The demand from Unite for assistance with travel-home and premium pay are not outlandish. Employers at a local level in Scotland must assist with travel-home pay. Why not here? Moreover, workers and Unite have been clear that their job can become increasingly difficult and more dangerous during drinking-up time, when they are more likely to

be subjected to abuse and violence. It is particularly prevalent and dangerous for female members of staff, who carry far too many tales of harassment, abuse and sexual harassment during that period. Again, that was made clear in the consultation submission and at Committee Stage, in a presentation by Unite, yet the Bill extends drinking-up time. At the previous stage, I asked the Minister — I apologise, it might have been the stand-in Minister — to justify the extension of drinking hours or to provide evidence that it works, but I have yet to see good reasoning that does not go directly against what the workers and their representatives are asking for, based on their personal and very difficult experiences.

I may well be in a minority, as has been the case on that issue, but I am not content to endorse clauses or amendments that would force workers to work extended hours without also extending their rights and conditions, which would make it safer and beneficial for them to do so. To be clear, it is not a foregone conclusion that workers and their unions or I would criticise extended hours under those circumstances. In fact, it is incredibly regrettable that we are unable to give them approval in their current form. Under different circumstances, I might be able to support many of those measures, but, without the protections for workers, I simply cannot fully endorse them. It is an abdication of responsibility that, from my reading of it, the Minister has not addressed workers' rights in the Bill at all, which will have the greatest impact on workers themselves. I hope that she will now work to bring supplementary legislation to the House that would put those conditions in place for staff who were thrown under a bus during the pandemic. They have been allowed to work for measly pay for too long, and they deserve much better. I understand that I may not be able to win Divisions on those points, but they are very important and have to be stated in this discussion.

In closing, I recommend that the Minister and all the MLAs who will support those provisions take a look at Unite Hospitality's fair hospitality charter and endorse it.

**Mr Allister:** I wish to examine the issue of extended hours for licensed premises through the prism of public health. It is abundantly clear, as our Health Minister is on record as saying, that the harms caused by the misuse of alcohol are a major public health issue in Northern Ireland. Of course, the harms that are caused by the misuse of alcohol are facilitated by two issues: one, by the affordability of alcohol and, secondly, the availability of alcohol. The Bill,

effectively, does nothing yet about the affordability of alcohol. On the issue of availability, of course, it is headed in the direction of increasing it, therefore, I believe, increasing the public health damage that flows from the misuse of alcohol.

In the Second Stage debate on the Bill, I referred the House to the Audit Office's report on addiction services, and I asked whether Members had read it. When you get to the stage of a Bill returning with no decrease in or no regard to the public health issues, you have to wonder. What were those key facts in that Audit Office report from last year? The estimated cost of alcohol abuse per annum in Northern Ireland is £900 million — almost £1 billion. Every day, on average, 200 hospital beds are occupied by those who are suffering substance abuse, many of them from alcohol. In 2018, 284 of our citizens died from alcohol misuse, yet the proposition before the House tonight is that we should simply increase the availability in the certain knowledge that that will increase the misuse. Some of that is done, in the words of the Chair of the Committee, because the hospitality industry has had a hard time. Yes, it has, but are we just going to pile more pressure on our health service as a consequence? Is that the answer?

It is not that the Committee was left in ignorance of what would flow from these issues. It heard some very stark evidence from the Public Health Agency. On 28 January, Mr Meehan could not have been clearer with the Committee. I want to read into the record what he told the Committee that has come before the House to advocate more availability of alcohol. This is not me; this is not some zealot; this is the Public Health Agency. Mr Meehan told the Committee:

*"Our overall view is that any increase in the accessibility of alcohol would put increased strain on health and social services resources on the basis that it would consolidate and further encourage alcohol consumption as a social norm and lead to increased overall population consumption. In turn, that would be expected to lead to increased negative effects on the health and well-being of individuals, families and communities. Although increased alcohol availability may support aspects of our economy, such as tourism, we agree that it is responsible to adopt a whole-systems approach when considering changes to legislation. In financial terms alone, it has been estimated that the social cost of alcohol-related harm in Northern Ireland is at least approximately £900 million each*

*year. That figure would be expected to increase if policies on the wider availability of alcohol were implemented."*

There it is. The Public Health Agency could not be plainer to the House: do what you want to do in the Bill and you will increase the cost of alcohol-related harm in our community. That at a time when we all profess great concern about fixing our health service. What are we going to do? Pile on more pressure. Mr Meehan went on:

*"Let us consider some of the alcohol statistics that relate to Northern Ireland."*

**Mr Deputy Speaker (Mr Beggs):** Order. I remind the Member that group 3 is the specific area where there will be discussion on minimising alcohol-related harm in society. There are some related issues with accessibility, and, as a result, I have allowed the Member a degree of time on that, but, if you are going to continue to talk about harm, it really would be better to do so in the debate on the group 3 amendments.

**Mr Allister:** I hear what you say, Deputy Speaker, but I believed that I was debating, in the group 1 amendments, the question of the extension of alcohol availability. I am quoting, not in some abstract, distant and remote way, but directly from the Public Health Agency on what it had to say on the extra availability of alcohol that clause 2, which is in this group, and clause 4 will produce.

**8.00 pm**

Mr Meehan went on to say:

*"Let us consider some of the alcohol statistics that relate to Northern Ireland. Thirty-one per cent of adults binge drink at least once a week ... Eighteen percent of adults consume alcohol above weekly limits according to the Northern Ireland health survey 2017-18. Alcohol-related hospital admissions, for primary care and any diagnosis, have also steadily increased for males and females. The same pattern was observed for admissions for the diagnosis of alcoholic liver disease. Alcohol-related deaths have increased over the past 17 years for males and females ... 40% of children and young people who are on the child protection register and 70% of looked-after children have that status due to parental substance misuse."*

Mr Meehan went on to tell the Committee how significant a gateway drug alcohol was to other drugs. He said:

*"alcohol, while pleasurable in moderation, is a very harmful drug when taken in excess. The £900 million social costs — courts, prisons, hospitals, social care, early deaths and the impact on the economy — are stark."*

When Mr Durkan asked him a question, suggesting that you could not put all that down to increased hours, Mr Owen had a very crisp and straightforward answer:

*"Yes, if you increase opening hours, you increase accessibility to alcohol."*

**Mr Durkan:** I thank the Member for giving way. I certainly share his view on the damage caused by alcohol abuse. The Member has outlined the cost to the economy, which is staggering, but that pales in significance to the cost to families and the social cost of alcohol abuse. The Member cites two factors: affordability and availability. It is not for this Bill, but we have, in a later amendment, called on the Health Minister to get to work on minimum unit pricing, which is essential when it comes to affordability of alcohol.

Later in tonight's debate, my colleague, speaking on group 4, will outline the dramatic decrease in the number of bars in Northern Ireland over the past 20 years. Have we seen any decrease in alcohol abuse and its sad effects in the same time? I contend that it is quite the opposite. Over the lockdown that we have come through, when bars were all closed, did we see a decrease in alcohol abuse and its effects? Early reports from the PHA suggest otherwise. Does the Member accept that alcohol consumption is better in a controlled environment, under supervision, than at home alone or at house parties?

**Mr Allister:** Of course, the argument that, if you do not have extended hours, you will have more harmful home drinking is quite a fatuous argument because, if there is logic in it, the ultimate logic of that is that you have no limitations on public house and hotel alcohol consumption. If the answer to people drinking too much at home is to have longer opening hours in our licensed premises, the logic of that argument, which is why I say that it is fatuous, is that you would have no licensing limits whatever. You would have opening 24 hours a day, and then people would not have the need to drink at home. That is the logic of that foolish argument, with respect.

The Public Health Agency was very clear to the Committee and to Mr Durkan about the harm that is being done. Mr Meehan, in answering Kellie Armstrong, was clear:

*"Kellie, you are right that there will be an inevitable correlation between later closing times and presentations at accident and emergency."*

It is pretty elementary in that regard.

If the Public Health Agency was not a suitable or adequate advocate for the Committee, what about Professor Niamh Fitzgerald from the University of Stirling? This is what she told the Committee on 25 February:

*"I will deal first with timing and look at the evidence internationally as to what difference it makes when premises are open later. Across all the studies that have been done, we find that there is a clear link between extended late-night opening of alcohol premises and increased harms such as drunkenness, assaults, injuries or use of health, police and other services. That link holds true across all the studies that have ever been done. We have looked at more recent studies in high-income countries. We have focused particularly on the studies in Norway, because it focuses on smaller towns and cities that are more similar in size to what you have in Northern Ireland."*

In the Second Stage debate, I referred to Norway. At Committee, Professor Fitzgerald said:

*"In Norway, studies found that, for every extra one-hour extension to opening times, you get a 16% increase in police-reported assaults at night-time and that, if you reduce those opening hours, you get an exactly converse 16% reduction in those assaults. There is therefore a really clear link in both directions between late-night opening hours and police-reported assaults."*

There we have it, Members. It is very clear, coming from an expert who has studied the matter and says that every study there has ever been reaches the same conclusion, which is this: increase the hours and you increase the assaults and all that flows with it.

Dr O'Donnell appeared before the Committee on that same day. She said:

*"One of the proposed measures is additional nights with later hours, whereby public houses and hotels can apply for an additional one hour of late opening up to 104 times a year. What difference do additional nights and later hours actually make? To answer that question, let us consider this: adding an extra nightclub to a city where multiple nightclubs already exist may create extra space for, say, a few hundred additional people to drink and dance for a couple of hours late at night. When you add an extra hour of opening to standard late-night hours, however, that allows everyone to drink for an extra hour."*

The academic studies that do not fit have just been ignored in the House. The professional advice has just been ignored. Is the House so beholden to the licensed trade and the hospitality industry that we are just going to ignore all that while mouthing platitudes about helping our health service? I really think that we have an opportunity to do that, and it is by rejecting clauses 2 and 4 of the Bill.

Dr O'Donnell went on:

*"The potential impacts of granting an additional one-hour late-night opening time up to 104 times a year also needs to be considered carefully in conjunction with the proposal to extend drinking-up time from 30 minutes to one hour. When you take the two proposed measures together, it effectively means extending late-night openings, most likely at weekends, by 90 minutes."*

She is right, of course, because the Bill does both. It extends the drinking time by an hour and extends the drinking-up time by half an hour to an hour. That will be the longest period anywhere in the United Kingdom. You are really talking about a 90-minute extension and people spilling on to our streets on a Friday or Saturday at 3.00 am.

**Miss Woods:** I thank the Member for giving way. He has raised a number of points about the additional hour. Does he have any comments to make about the combining of the entertainment licence and the liquor licence, as is happening in clause 3 with regard to amendment Nos 4 and 5? That will ensure that there is not a spillover after entertainment ends because people will be able to stay on premises, while not being served alcohol, beyond that one hour.

**Mr Allister:** I listened to the Member's very interesting speech; she made some compelling

arguments. I follow the logic of what she is saying, but, of course, the difficulty that might be ensnared in the logic of her argument is that that depends on wholly compliant premises. If a premises is still open — maybe the door is locked and the music is still playing — what assurance would we have that the rules will not be bent to a point where it extends to more drinking rather than less? That is the real ensnarement in her attractively packaged proposal, and that is where I have difficulties with it.

In clauses 2 and 4, the House, which knows about the dire state of our health service, is saying, "Although we have been warned by the Public Health Agency what one extended hour means in terms of cost to our health service and in terms of all those things, and although we have had professional advice from experts, such as the professor who told us what the international studies show, we know better, and we're going to extend the opening hours until, effectively, three in the morning". That is not a constructive or responsible way to go. That is why I oppose clauses 2 —.

**Mr Durkan:** Will the Member give way?

**Mr Allister:** I am about to finish, but I will.

**Mr Durkan:** I thank the Member for giving way. After my earlier intervention, Mr Allister said that an extension of my fatuous argument, as he described it, was that it would be better to open all bars all the time. The flip side of that is that an extension of Mr Allister's argument is that we would be better to close all bars all the time and ban the sale of alcohol entirely. What does the Member say to that?

**Mr Allister:** You have not heard anything like that from me. You have not heard any prohibition arguments from me. You have not heard any call for a ban on licensing hours from me. What you have heard is that what we have is enough. I have not tabled an amendment to oppose the extra drinking-up time. If you can be in licensed premises with drink served until 1.00 am and you have an hour of drinking up, that takes you to 2.00 am. Maybe I am an old fuddy-duddy, but that is quite long enough. The House needs to get a grip on where it is taking this society in terms of the public health implications. Maybe it is because it is fashionable and it appeals and it makes you all look so liberal and everything else that you think, "Well, let's just do it". Do not just do it; let us look at the health consequences and realise that enough is enough.

**Ms Hargey:** Thanks very much to everybody who contributed to this part of the debate. I will try to cover as many of the points as possible. Many Members made comments about the officials and the Committee. I completely endorse those.

### 8.15 pm

Members talked about tourism and life in towns and city centres, particularly around Easter Sunday etc. Opening up our towns and city centres has been widely welcomed, and it is not just for tourists. Broad public opinion is supportive of the changes that we are looking to make to bring our 25-year-old licensing laws into 2021. It is a step in the right direction, with protections built in. I am not supportive — other Members touched on it — of an increase to 208 nights. I have said that there is no big reason to do that. I will clarify the issues raised: yes, the number of nights can be changed by regulation, up or down. Those regulations would have to be filtered through and approved by the Committee and then by the Assembly. Those protections are built in. If the House is minded to go with 104 nights, that can be reviewed to see how it is operating, and changes can be made through subsequent regulations.

Many Members touched on the impact and the challenges of the pandemic. There is no doubt about that, but councils, the sector itself and the community more widely have been calling for the changes. They are outdated laws, and we need to modernise them. We need to bring them up to where people are and how they live in 2021. This is a balanced package of measures from the point of view of health and of making sure that we modernise our laws and keep them under review.

There has been a lot of concern about and endorsement of community consultation and engagement. I am really committed to that because I recognise that, even in my constituency, these issues come up regularly for the communities that live in and around the premises. We will ensure that we work with communities and ensure that they are notified, and I clarify that that will be done through councils and not just by advertisements in local newspapers. There will also be a duty on public houses to put up notices in and around their premises. Those are extra engagements beyond the normal advertising in papers.

I am glad that Members agree on the changes to the one-day loophole. They were proposed as a result of the engagement with the Committee on closing that loophole and building greater protections around it.

An issue was brought up about entertainment licences. They will allow the entertainment to run to the end of drinking-up time. That is what I propose in the legislation that I want to bring through.

Obviously, as somebody who worked for most of my life as a shopworker, as well as a community activist and worker in the community and voluntary sector, workers' rights are important to me. It is an important issue, but it is beyond the scope of the Bill, so I cannot introduce it into this legislation. We have engaged with the Department for the Economy, which is responsible for it. It has given assurances that there are protections under existing legislation, but engaging with and listening to trade unions and workers is important.

I recognise, particularly as the pandemic has raged, that, in any shock to the system, whether it is a health pandemic or an economic crash, it is often the low-paid workers and those in precarious work who are doomed to zero-hours contracts who feel the impact most. I will engage with the incoming Economy Minister to make sure that we look at what we can do to strengthen workers' rights and protections. I am committed to doing that not only in relation to the Bill but in my responsibility for addressing poverty and inequality in the time ahead.

On the health issues that were raised, I reiterate that the law has not been changed in over 25 years. There was broad public support, not just in the hospitality sector, that change and modernisation needed to happen to bring the law into the 21st century, and I am committed to doing that. That said, I want to offer a balance going forward. Some people feel that we are going too far; some feel that we have not gone far enough. I want to find a balance in the modest changes that we are making. Of course there is an issue with alcohol consumption. The statistics show, however, that 70% of alcohol consumed is bought in off-licences, in uncontrolled premises. That was touched on by a Member.

In looking at the issues, we are trying to strike a balance between modernisation and addressing the health implications. We want legislation that tries to do both. The groups of amendments that will be debated later this evening consider some of the health impacts.

*Question put, That the amendment be made.*

**Mr Deputy Speaker (Mr Beggs):** I remind Members that they should continue to uphold social distancing and that those who have proxy voting arrangements should not come into the Chamber.

Before I put the Question, I again remind Members present that, if possible, it would be preferable to avoid a Division.

*Question put a second time.*

**Mr Deputy Speaker (Mr Beggs):** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind Members of the requirement for social distancing while a Division takes place. I ask Members to ensure that they retain at least a two-metre gap between themselves and other Members when moving around in the Chamber or the Rotunda, and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

*The Assembly divided:*

*Ayes 58; Noes 28.*

## **AYES**

*Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Butler, Mr Catney, Mr Chambers, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Mr Nesbitt, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Ms Brogan and Ms Ní Chuilín*

## **NOES**

*Mr Allister, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Clarke, Mrs Dodds,*

*Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Allister and Mr Wells.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Mr Carroll*

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan [Teller, Ayes], Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín [Teller, Ayes], Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Miss Woods voted for Ms Bailey.*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

**Mr Deputy Speaker (Mr Beggs):** We will pause briefly in case some Members need to return to the Chamber.

## **Clause 2 (Public houses and hotels: further additional hours)**

*Amendment No 2 not moved.*

*Amendment No 3 made:*

In page 4, line 13, at end insert -

*"(1A) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—*

*'2A. A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—*

*(a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises to which the application relates;*

*(b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates."*— [Ms Hargey (The Minister for Communities).]

**Mr Deputy Speaker (Mr Beggs):** Before I put the Question on clause 2, I remind Members that we have debated Mr Allister's opposition to the clause. The Question will be put in the positive as usual. I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that, if there is a Division, we can dispense with the three minutes. I remind all Members of the requirement for social distancing while Divisions take place. Please ensure that you maintain at least a 2-metre gap between yourself and other people when moving around the Chamber, the Rotunda and especially the Lobbies.

*Question put, That the clause, as amended, stand part of the Bill.*

*The Assembly divided:*

*Ayes 84; Noes 2.*

## **AYES**

*Dr Aiken, Mr Allen, Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mr Frew, Mr Gildernew, Mr Givan, Ms*

*Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lynch, Mr Lyons, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGlone, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Ms Mullan, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Stalford, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Miss Woods.*

*Tellers for the Ayes: Ms Brogan and Ms Ní Chuilín*

## **NOES**

*Mr Allister, Mr Wells.*

*Tellers for the Noes: Mr Allister and Mr Wells.*

*The following Member voted in both Lobbies and is therefore not counted in the result: Mr Carroll*

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan [Teller, Ayes], Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín [Teller, Ayes], Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGlone, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Miss Woods voted for Ms Bailey.*

Question accordingly agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

**Mr Deputy Speaker (Mr Beggs):** I will pause for a moment to allow Members to return to the Chamber.

Clause 3 ordered to stand part of the Bill.

**Clause 4 (Police authorisations for additional hours)**

Amendment No 4 made:

In page 5, line 26, leave out "85" and insert "104".— [Ms Hargey (The Minister for Communities).]

**Mr Deputy Speaker (Mr Beggs):** I will not call amendment No 5 as it is mutually exclusive with amendment No 4, which has been made.

Amendment No 6 made:

In page 5, line 34, at end insert -

"(4) After paragraph (3) of that Article insert—

'(4) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.

(6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as

to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(7) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated."— [Ms Hargey (The Minister for Communities).]

**Mr Deputy Speaker (Mr Beggs):** Before I put the Question, I remind Members that we have debated Mr Allister's opposition to clause 4. The Question will be put in the positive as usual.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

**Mr Deputy Speaker (Mr Beggs):** We now come to the second group of amendments for debate. With amendment No 7, it will be convenient to debate amendment Nos 8 to 34 and amendment No 61. In the group, amendment No 9 is mutually exclusive to amendment No 8; amendment No 29 is mutually exclusive to amendment No 28; and amendment No 31 is mutually exclusive to amendment No 30.

In addition, in group 2, there are a number of amendments to amendments: amendment No 15 is an amendment to amendment No 14; amendment Nos 20 to 32 all seek to amend amendment No 19; and amendment No 34 is an amendment to amendment No 33. Members may also wish to note that amendment No 13 is a paving amendment to amendment Nos 21 and 25.

I call Claire Sugden to move amendment No 7 and to address the other amendments in the group.

### **New Clause**

**Ms Sugden:** I beg to move amendment No 7:

After clause 7 insert -

### **"Places of public entertainment: inclusion of cinemas**

**7A.—(1)** *In Article 2 of the Licensing Order (interpretation) in paragraph 2—*

*(a) in the definition of 'place of public entertainment', after sub-paragraph (a) insert—*

*'(aa) premises used for a film exhibition;'*

*(b) at the appropriate place insert—*

*'Film exhibition has the meaning assigned to it by Article 2 of The Cinemas (Northern Ireland) Order 1991 and means any premises licensed under Article 3 of this Order.'*

*(2) In Article 42(3) of the Licensing Order (general permitted hours) after 'theatre' insert 'or a premises used for a film exhibition'.*

*The following amendments stood on the Marshalled List:*

No 8: In clause 8, page 8, leave out lines 27 to 33 and insert -

*"(2) But a local producer's licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of no more than a total of four samples and one measure of any combination of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the samples or measure separate from the charge being given by the tour.*

*(3) In paragraph (2), 'sample', in relation to intoxicating liquor, means a serving which does not exceed the content, amount or strength prescribed in regulations.*

*(4) In paragraph (2), 'measure', in relation to intoxicating liquor, means a serving which does not exceed the content, amount or strength prescribed in regulations.*

*(5) Regulations may modify paragraph (2) so as to substitute a different number of samples and measures to be provided to each person for the number for the time being specified there.*

*(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Ms P Bradley (The Chairperson of the Committee for Communities).]*

No 9: In clause 8, page 8, line 32, leave out from "a" to "serving" in line 33 and insert-

*"an amount (whether in one serving or more)".— [Ms Hargey (The Minister for Communities).]*

No 10: In clause 8, page 8, line 33, at end insert -

*"(3A) In Article 42 of the Licensing Order (permitted hours)—*

*(a) in paragraph (2)(a) leave out ' ; and' and insert ' ; ,*

*(b) in paragraph (2)(b) leave out ' .' and insert ' ; and',*

*(c) after paragraph (2)(b) insert—*

*"(c) in the case of premises of a kind mentioned in Article 5(1)(m) which are authorised under Article 52B to provide samples and measures as part of a tour of production premises, these samples and measures may be provided from 10 in the morning to 7 in the evening, other than Christmas Day."— [Ms P Bradley (The Chairperson of the Committee for Communities).]*

No 11: In clause 8, page 9, line 3, at end insert -

*"(5A) Where the holder of a local producer's licence, personally or by servant or agent, provides a person with intoxicating liquor in contravention of paragraph (3A), the holder is guilty of an offence."— [Ms P Bradley (The Chairperson of the Committee for Communities).]*

No 12: In clause 8, page 9, line 23, at end insert -

*"(9A) A person guilty of an offence under paragraph (5A) is liable on summary conviction*

to a fine not exceeding level 5 on standard scale.”— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 13: In clause 8, page 9, line 24, leave out "and 52D" and insert "to 52F".— [Ms Hargey (The Minister for Communities).]

No 14: In clause 8, page 9, line 28, at end insert -

“‘tour’ means a tour of the premises of a kind mentioned in Article 5(1)(m) that—

(a) includes an explanation of, or information relating to, the process, whereby the intoxicating liquor is manufactured on the premises in accordance with a relevant licence,

(b) is carried out in person, whether the tour is guided or not, and

(c) requires a ticket to be issued to the person participating in the tour.”— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 15: In amendment No 14, leave out from "means" to end and insert -

", in relation to premises, means a tour of the premises which—

(a) includes an explanation of, or information relating to, the process whereby the intoxicating liquor is produced in the premises,

(b) is carried out in person, whether the tour is guided by a person or not, and

(c) requires a ticket to be issued to each person participating in the tour.”— [Ms Hargey (The Minister for Communities).]

No 16: In clause 8, page 12, line 4, at end insert -

“(5A) In each of the following provisions of that Order, after ‘Article 5(1)(b)’ insert ‘or (m)’—

(a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),

(b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and

(c) Article 58(1)(b) (prohibition on young persons).”— [Ms Hargey (The Minister for Communities).]

No 17: In clause 8, page 12, line 21, (middle column), after "sample" insert "or measure".— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 18: In clause 8, page 13, line 2, (after table), insert -

“(10) In Part 3 of Schedule 10A to that Order (penalty points for offences punishable with level 5 fine), at the appropriate place insert-

‘52B	Provision of sample or measure, otherwise than during permitted hours	5-6’
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”— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 19: After clause 8 insert -

**“Sales and consumption of liquor in local producer’s premises**

**8A.—(1) After Article 43 of the Licensing Order insert—**

**‘Suitability of local producer’s premises for sales and consumption in own premises**

**43A.—(1) In respect of premises to which this Article applies—**

(a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or

(b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(4).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

(a) on the application of the holder of the licence; or

(b) where, on complaint made under Part VIII of the Magistrates Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

(4) The premises to which this Article applies are—

(a) any part of a premises of a kind mentioned in Article 5(1)(m) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises.

(5) In Schedule 9 to the Licensing Order (procedure for certain applications)—

(a) in the title, after '43' insert ',43A',

(b) in paragraph 1, after '43' insert ',43A', and

(c) after paragraph (4)(a) insert—

'(aa) in the case of an application under Article 43A, on any ground mentioned in Article 43(2).'

(2) In Article 42(4) of the Licensing Order (general permitted hours) after paragraph (3) insert—

'(4) Subject to Article 43B, the permitted hours for premises of a kind mentioned in Article 5(1)(m) to which an order under Article 43(A) applies are the hours on any day, other than Christmas Day, from 4 in the afternoon to 10 in the evening.'

(3) After Article 43 of the Licensing Order insert—

**'Permitted hours for sale and consumption of liquor in local producer's production premises**

43B.—(1) In respect of premises of a kind to which an order under Article 43A applies—

(a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or

(b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, direct that the permitted hours for a part of the premises for which an order under Article 43A is in force shall be the hours mentioned in Article 42(4).

(2) Nothing in this Article shall authorise the sale of intoxicating liquor—

(a) for consumption in or off the premises unless it is produced in the production premises,

(b) for consumption in the premises to which this Article applies other than during the hours specified in Article 42(4); and

(c) for consumption off the part or parts of the premises specified in the licence other than during the hours specified in Article 42(2), or

(d) to a person admitted to a premises less than 30 minutes before the permitted hours specified in Article 42(4).

(3) In the case of premises to which an order under Article 43A applies, not more than 104 orders shall be granted under this Article to the holder of the licence of the premises in any one year.

(4) Regulations may modify paragraph (3) so as to substitute a different number of orders for the time being specified there.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) Where the holder of a local producer's licence to which an order under Article 43A applies, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (2), the holder is guilty of an offence.

(7) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence to which an Article 43A applies, shall at all times display in the production premises a notice in the form and manner, and containing the information prescribed in the regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(8) A person guilty of an offence under paragraph (2a) is liable on summary conviction

on to a fine not exceeding level 4 on the standard scale.

(9) A person guilty of an offence under paragraph (2b), (2c) and (2d) is liable on summary conviction on to a fine not exceeding level 5 on the standard scale.

(10) A person guilty of an offence under paragraph (7) is liable on summary conviction on to a fine not exceeding level 3 on the standard scale.

(11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

'43B	Failure by local producer to display notice on own premises	3-4'
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(12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

'43B	Failure by local producer to comply with licence on own premises	4-5
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(13) In Part 3 of Schedule 10A to that Order (penalty points for offences punishable with level 5 fine), at the appropriate place insert—

'43B	Selling intoxicating liquor etc., otherwise than during permitted hours	5-6
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”.— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 20: In amendment No 19, in subsection (1), leave out "43 of the Licensing Order" and insert-

"52D of the Licensing Order (inserted by section 8(3))".— [Ms Hargey (The Minister for Communities).]

No 21: In amendment No 19, in subsection (1), leave out first "43A" and insert "52E".— [Ms Hargey (The Minister for Communities).]

No 22: In amendment No 19, in subsection (1), in the new Article 43A(1), leave out from "to which" to "those premises" and insert-

"which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—

(a) a county court which grants a local producer's licence or declares a local producer's licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or

(b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer's licence".— [Ms Hargey (The Minister for Communities).]

No 23: In amendment No 19, in subsection (1), in the new Article 43A, leave out subsection (4).— [Ms Hargey (The Minister for Communities).]

No 24: In amendment No 19, in subsection (1), in the new Article 43A, leave out subsection (5).— [Ms Hargey (The Minister for Communities).]

No 25: In amendment No 19, in subsection (1), after the new Article 43A insert—

**"Authorisations for on-sales on production premises**

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of orders for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale."— [Ms Hargey (The Minister for Communities).]

No 26: In amendment No 19, after subsection (1) insert—

"(1A) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after 'or (m)' (inserted by section 8(5)) insert '(subject to paragraph (4))'."— [Ms Hargey (The Minister for Communities).]

No 27: In amendment No 19, in subsection (2), leave out from "Subject" to "Day," and insert—

"In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day".— [Ms Hargey (The Minister for Communities).]

No 28: In amendment No 19, in clause 8A(2) leave out "4 in the afternoon to 10 in the evening" and insert—

"11 in the morning to 11 in the evening".— [Ms Armstrong.]

No 29: In amendment No 19, in clause 8A(2) leave out "4 in the afternoon to 10 in the evening" and insert—

"12 in the afternoon to 11 in the evening".— [Miss Woods.]

No 30: In amendment No 19, leave out subsection (3).— [Ms Hargey (The Minister for Communities).]

No 31: In amendment No 19, in clause 8A(3), in inserted Article 43B(3) leave out "104" and insert "208".— [Ms Armstrong.]

No 32: In amendment No 19, after subsection (3) insert—

"(4) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after 'or (m)' (inserted by section 8(5A)(a)) insert '(but see paragraph (1A))'.

(5) In that Article, after paragraph (1) insert—

'(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.'

(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, before 'or 58A' (inserted by section 11(4)(a)) insert '52E',

(b) in paragraph 1, before 'or 58A' (inserted by section 11(4)(b)) insert '52E', and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(4)(c)) insert—

'(cb) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);'

(7) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(5)(a)), before '58B' insert '52F or'.

(8) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

'52F(9)	Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies	3-4'
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(9) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

'52F(8)	Failure by local producer to comply with authorisation under Article 52F	4-5
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".— [Ms Hargey (The Minister for Communities).]

No 33: After clause 8 insert -

**"Restrictions on occasional licences**

**8B.—(1)** In Article 30 of the Licensing Order (occasional licences), after paragraph (1), insert

'(1A) The holder of a licence for premises for which this Articles applies shall not make an application on behalf of a person who is the holder of a licence for premises to which an order under Article 43A applies'.

(2) In paragraph (5)(b) of that Article, at the end insert—

'(c) the sale of intoxicating liquor in premises to which an order under Article 43A applies.'— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 34: In amendment No 33, in subsection (1), leave out the new paragraph (1A) and insert—

"(1A) An occasional licence may not be granted for a part of premises of a kind mentioned in

Article 5(1)(m) to which an order under Article 52E applies".— [Ms Hargey (The Minister for Communities).]

No 61: In schedule 1, page 34, line 11, after "52D," insert "52E,".— [Ms Hargey (The Minister for Communities).]

**Ms Sugden:** Currently in Northern Ireland, patrons can purchase alcohol at theatres such as the Opera House, the Lyric and the MAC but cannot do so at cinemas. Live-show theatres provide a similar experience to cinemas, where both adults and children are welcomed. I appreciate that theatres tend to attract an older audience, but children can and do attend. Indeed, a visit to a theatre can be as much of a family experience as going to the cinema, yet theatres can provide alcohol to their patrons in the presence of children and families whereas cinemas cannot.

We are the only region in the United Kingdom and Ireland that does not offer customers the opportunity to buy alcohol and bring the drink into a cinema. I am not aware of any criticism of that position in any other jurisdiction. I am not aware of any attempts to reverse the policy or legislation since it came into force in England, Scotland, Wales and the Republic of Ireland. If anything, I understand that it has enhanced the customer experience in those regions and strengthened the businesses that provide it. Removing it would cause more issues than any suggestion that it should not have been there in the first place.

There is already a model in Northern Ireland where alcohol can be purchased and consumed while watching a film: Queen's Film Theatre (QFT). That has been happening for eight to nine years. All ages are welcome there. I will quote from its website.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

**Mr Wells:** Will the Member give way?

**Ms Sugden:** Not just yet.

The website states:

"QFT is open to all. Certain films will be age restricted in line with BBFC age restrictions. If you look under the age of these restrictions, i.e. under 15 or under 18, you may be asked to show ID. We operate the Challenge 25 policy at our bar when serving alcohol. If you look like you could be 25 or under, we may ask to see ID to prove you are over 18."

So, not only is this happening already but, to dissuade people of any concerns, it is demonstrated that it can happen in a controlled, safe environment. Cinemas already provide the environment where they can put those controls in place because of classifications on films. They manage age-appropriate situations. That is a safe environment where we can consider the amendment's provisions.

I have considered the view that cinemas are a family-oriented environment and that introduction of purchase and consumption of alcohol could disrupt that, but I think that that is unlikely. There are comparable examples where families are welcome despite the sale and consumption of alcohol on site, such as a licensed restaurant, a teenage concert in the Odyssey Arena or a pantomime in the Opera House. In my constituency, Movie House Cinemas operates in the Jet Centre complex. In that complex, as well as a cinema, there is a children's jungle gym, a bowling alley and amusements. There is also a licensed restaurant in the complex. Consumption of alcohol is obviously contained in the restaurant, but it is a wonderful family-oriented restaurant where many go before they go to the cinema or to bowl. They drink alcohol mere metres away from the same places where it is not currently permitted. My point is that family-oriented environments already sell and permit consumption of alcohol. For that reason, I see no rationale not to allow the same in cinemas.

**Mr Wells:** Will the Member give way?

**Ms Sugden:** Yes, go ahead.

**Mr Wells:** The Member will be aware that we, as Members, have received a huge amount of correspondence from individuals who are in the licensed trade and in entertainment. Few, if any, of those have suggested that there is a demand for the sale of alcohol in cinemas. Indeed, the first time that I heard it mentioned was through her amendment. Where does she see the demand for this type of additional provision of alcohol?

**Ms Sugden:** I proposed the amendment because I was approached by the cinema in my constituency to see whether it could provide it. Just because the demand does not exist in Northern Ireland to ask for it, that does not mean that demand could not exist and that people would not want it if the offer were presented.

Having listened to the evidence provided at Committee, I understand that cinemas do not intend to sell alcohol in the afternoon, nor are

they expecting significant consumption. I really cannot imagine anyone going to the cinema to consume large quantities of alcohol. There are other places for that, not least private homes because of how cheaply alcohol can be purchased in supermarkets. This is about offering a choice for adults to have an experience that is enjoyed in every other part of the UK and Ireland. If we look to GB and Ireland, we see that consumption is relatively low. It is important that we visualise what this is rather than what it is assumed to be. A cinema is a darkened room of adults. What people have in their hands could be a coke or a beer. It is not a bar or a club; it is a contained environment where people can enjoy something that, as adults, they have a right to.

Interestingly enough, cinema businesses suggest that the ask here is not about demand for this particular service but about widening their offer to provide a luxury element, which is a growing trend both nationally and internationally. There is also an interest in providing conferencing events. Cinemas have technology that may not be available in hotels. They can provide a unique service that is needed. The Department has suggested that including cinemas as a place of public entertainment would only increase the number of licensed premises. Of course, it would — but by no more than two dozen across Northern Ireland, and that is assuming that all cinemas will want to provide alcohol. Many will not, but the amendment provides the choice for businesses and customers.

I do not accept the Department's need to consult publicly. It has described that consultation as a short, focused exercise over the summer months. I am keen to hear the Minister's view as to why she thinks that that is necessary. Indeed, at Committee Stage, members heard from witnesses and the idea was publicly presented by cinema owners. It was also discussed in the media at that time. That did not give rise to any significant concerns or, indeed, any concerns that I am aware of. I appreciate that this is not a public consultation, but suggestions of significant concerns to justify a very specific, focused public consultation are unfounded.

It is not a controversial amendment. Had the Department not convinced the Committee otherwise, the amendment would have been tabled by the Committee and not me. It was written for the Committee; indeed, I held back from tabling the amendment because it felt obvious to me that the Committee would support it. It has cross-party support. This idea is fully supported, but, for some reason, the

Minister and/or her Department are seeking at minimum to delay or at most to obstruct the process of licensing cinemas. I am a very deliberative politician, and I try to see all sides of the debate. However, I cannot understand what the rationale is here. Unless the Minister can provide a compelling reason, again mindful of the minimal risk, I implore the Committee and other Members to reconsider what they had intended to do from the outset.

I appreciate that the Committee is saying that it is content that the Department will progress the intent of the amendment over the summer months towards a potentially positive outcome in the autumn. Subsequently, I have presented the House with an opportunity to effect the same outcome today as what is hoped for in the autumn. Sadly, at this point in my tenure as an MLA, it is experience more than cynicism that makes me believe that we should progress the amendment today. If we delay this opportunity, we may lose this opportunity. These institutions are politically unstable, and anything that happens thereafter is uncertain. I sincerely hope that the Executive remain until the end of the mandate, if only to salvage any legislation, but I do not trust that they will, so we should not leave to chance anything that we can do now. Further, I have no confidence that the Department will lay its regulations. That comes from, again, experience rather than cynicism. For example, I am trying to convince the Department of Health to lay regulations that it has held for over five years to prevent schoolchildren purchasing e-cigarettes. It still has not done that.

Subject to persuasion by other contributions, I will move the amendment. Unless there is unanimous support, Members will be asked to vote. If you intend to vote no, I ask you to consider why, because I know that you agree with this. Are you voting no because you have concerns or because the Department has asked you to, despite minimal risk?

I will now speak briefly to the other amendments in group 2 tabled by the Minister for Communities, the Chairperson on behalf of the Committee for Communities, Ms Kellie Armstrong and Miss Rachel Woods. Amendment Nos 8 to 18 would amend clause 8. The Chairperson of the Committee and the Minister have tabled those amendments. Generally, clause 8 relates to alcohol producers. Committee amendments seek to revise article 52B, "Local producer's licence: sales on own premises". That is to increase the quantity of alcohol that local producers may provide as part of a tour from one sample to:

*"no more than a total of four samples and one measure".*

In addition, the amendments seek secondary legislation to prescribe the "content, amount or strength" of the intoxicating liquor in each sample and measure; secondary legislation making powers to alter the "number of samples and measures to be provided"; limited permitted hours for consumption of samples on the premises from 10.00 am to 7.00 pm; opening hours for off-sales remain unchanged; and to provide a definition of "tour". I am content to let the Chair and the Minister speak to the details of those amendments.

Amendment No 19 introduces new clause 8A. That clause seeks to cover taprooms in the legislation, which was not in the original draft of the Bill. The issue of taprooms is significant and has led to many contributions from stakeholders. I support the clause, subject to other amendments, which allows local alcohol producers to apply for a new licence to operate a taproom during limited hours.

The new clause provides an opportunity to enhance our tourism offer as well as to support local producers. Yesterday, I spoke in the Assembly of the strength of food tourism in Northern Ireland. Microbreweries, such as Lacada in my constituency, are very much part of our growing food industry. Taprooms will, by opening up new markets, enable producers to sell their produce. I encourage Members to get behind this one too.

Amendments Nos 20 to 32 seek to amend amendment No 19, the new clause just discussed. The amendment and the back and forth between the Committee and the Department reflect the divided opinion on taprooms not only among Committee members but among those who put forward their views. While I am generally content to support amendment No 19, I will listen with interest to the discussion from the Chair and the Minister relating to amendment Nos 20 to 32.

Notably, amendment Nos 28 and 29, tabled by Ms Armstrong and Miss Woods, are similar in their intent, except for an additional hour provided by Ms Armstrong.

The amendments extend the provision in amendment No 19 from 4.00 pm to 10.00 pm to 11.00 am to 11.00 pm. That is a practical consideration and roughly brings those premises into line with other licensed premises, but I am keen to hear from both Members about the rationale before I make my decision.

Ms Armstrong has tabled amendment No 31, which seeks to double the number of days when local producers can sell for consumption on their premises. I am not sure whether that relates to earlier amendments that have been discussed. In a sense, it seems excessive, given that it doubles that number, but I am mindful that that is an "up to" figure rather than a maximum. I will be keen to hear Ms Armstrong's contribution and her rationale for that.

The Committee's amendment No 33 introduces new clause 8B. The Minister for Communities has tabled amendment No 34, which seeks to amend the new clause. In summary, clause 8B restricts the use of occasional licences by those who hold a taproom licence. I expect that that is directly as a result of provisions in amendment No 19, but, again, I will let the Committee Chairperson and the Minister speak to the details of the amendments.

Amendment No 61 seeks to amend schedule 1. I feel that this amendment is connected to other amendments, so I look forward to hearing the Minister's rationale to help me to join the dots.

**Ms P Bradley:** Aside from amendment No 7, which is to do with the inclusion of cinemas, all the amendments in group 2 relate to the provisions of the Bill regarding local producers. The issue of the importance of local producers has increasingly come to the fore since the 2016 version of the Bill, particularly the issue of taprooms. Therefore, the Committee devoted a substantial amount of time to asking specific questions on the issues in its oral evidence sessions of all those who could be impacted by any decisions made in that regard, including the hospitality and tourism sector, public health representatives and a range of local producers, distillers, brewers and cider makers.

Before I go into detail on the amendments relating to local producers, I will cover amendment No 7. Ms Sugden is absolutely right about amendment No 7: given the evidence that the Committee heard from the sector, it considered its own amendment on the issue and asked the Minister to consider the inclusion of cinemas in the list of places of public entertainment in order that they could serve alcohol. However, over a number of discussions with departmental officials, we considered a range of matters, including the increase in the number of licensed premises that would occur, the concern that no public consultation had been done and the fact that cinemas here, aside from QFT, are one of the few entertainment options for families or people who prefer not to be in the presence of alcohol.

The Department sought legal advice on including cinemas in the definition of a place of public entertainment via regulations and confirmed that that could be done. The Committee then agreed to support the Minister's proposal, receiving in writing information that a public consultation could be carried out on that specific issue over the summer months. Provided the consultation raises no serious issues, the Committee understands, regulations can be made within a relatively short timescale in the autumn. We fully expected that a Member would table an amendment for the inclusion of cinemas, so it will now be up to the House to determine whether amendment No 7 becomes part of the legislation. The Committee continues to support the Minister's proposal, as I have just outlined.

Before I go into the detail of the remaining amendments in group 2, which are amendment Nos 8 to 34 and amendment No 61, I reiterate the in-depth nature of the Committee's evidence and deliberations on clause 8 and on the issue of taprooms, which I will come to shortly, in amendment No 19. The matters were discussed over a total of eight meetings, and we devoted at least 10 hours exclusively to those issues. It is worth repeating that the taproom issue was the only one in the Bill on which Committee unanimity could not be achieved. Although the Committee tried its best to come up with a fully agreeable and workable solution, it is fair to say that all Committee members had a genuine desire to support local producers and tourism through the Bill without causing harm to other hospitality sectors. It just came down to some very balanced and difficult decisions.

Our Committee report perhaps does not quite do justice to the in-depth discussions that took place on clause 8 and the taprooms issue, as much of the discussion had to take place in closed session for progress to be made. We worked closely with the Bill Office over a number of weeks to flesh out amendment proposals on the thorny problems that we were working through. A very considered approach was taken by all members to the issues, and lengthy debate and discussion took place in closed session to allow all members to take time and space to consider all the evidence that had been presented.

With regard to amendment No 8, the —.

**Mr Deputy Speaker (Mr McGlone):** Just a moment, please. There are conversations taking place. Members might wish to do business, but it is becoming quite audible at the top Table. If Members wish to do business, I am

sure that their presence here for a minute or two is not imperative, and so I advise them to please do so outside the Chamber. Ms Bradley, please continue.

**Ms P Bradley:** Thank you, Mr Deputy Speaker.

On amendment No 8, the majority of the Committee agreed that clause 8 as introduced gave local producers more scope to market and sell their products than ever before. However, we felt that the clause would benefit from further enhancements for local producers, and so we proposed, through amendment No 8, an increase in the number of samples and the quantity of alcohol that local producers may provide as part of a tour in order that customers could taste a wider variety of product, with the detail being covered in secondary legislation, but, as a counterbalance to that, to limit the permitted hours for the consumption of samples on the premises from 10.00 am to 7.00 pm. A definition of "a tour" was also included. However, at its meeting on 3 June, the Committee agreed to not move amendment No 8 and to support the Minister's alternative amendments for clause 8, which are amendment Nos 9, 13, 15 and 16.

During deliberations, the Department advised that the sample issue could be determined in regulations. However, the Committee was not convinced that clause 8 as introduced allowed for more than one sample to be provided and so proceeded with its own amendment. However, the Committee agreed that the Minister's amendment No 9 reflects that matter. Supporting amendment No 9 means that the Committee will not move amendments Nos 10, 11, 12, 14, 17 or 18, which are consequential to amendment No 8.

Amendment No 19 is the Committee amendment that proposes new clause 8A:

*"Sales and consumption of liquor in local producer's premises."*

Clause 8A provides for local alcohol producers to apply for a new licence to operate a taproom during limited hours — 4.00 pm to 10.00 pm — for 104 days in any year, with the sale of alcohol restricted to that produced in the production premises. The suitability of the premises must first be determined before the licence can be granted. The Committee divided on this, with 6 Ayes and 3 Noes. The Bill Office made the Committee aware that, if this amendment passed, the Minister would likely make amendments to improve the drafting at the Further Consideration Stage. However, due to the short timescales that we are working with

and how close we are to recess, the Minister has chosen to make those amendments at this stage. At its meeting on 3 June, the Committee considered the Minister's amendments to amendment No 19 and agreed to support the various technical, consequential and drafting improvement amendments, which are amendment Nos 20 to 27, 30 and 32.

I am not sure that, if I stood here and talked for the next 24 hours, I could do justice to the amount of consideration that the Committee gave to the evidence and the range of amendments that it considered on taprooms. I am sure that other Committee members will say the same in their speeches. Some members felt that the Committee amendments did not go far enough to support local producers and some felt that they went too far. A balanced proposal was found, and that is what the majority of the Committee finally agreed on, with the mitigations of limits on hours of opening and only alcohol produced on the premises being allowed to be sold.

The Committee was mindful of concerns that the licensing of taprooms could have wide-ranging implications, some of which related to additional competition for existing licensed premises. Members were concerned that, although taprooms had been an issue since the proposed 2016 legislation, the Department had not included the issue in the Bill's consultation or done any of the extensive research that the officials advised would be needed before the Minister could consider recommendations or legislation in the area.

That was a key driving factor in making the amendment that is proposed new clause 8A. The issues for local producers are now years old, and all our neighbouring jurisdictions, albeit they have different licensing regimes, provide for taprooms. By all accounts, those are popular and successful for the wider economy and tourism. The Committee knows that the local brewers in particular and perhaps the tourism sector will not feel that the proposal goes far enough to support them, and some in the hospitality sector will feel that it goes too far. The Committee felt that it really could not win on this one. As the Committee is supportive of its amendment No 19, it cannot support the changes proposed to opening hours for taprooms in amendment Nos 28 and 29 and changes proposed to the number of days a year in amendment No 31.

Amendment No 33 proposes to introduce new clause 8B. The Committee is aware that local producers use occasional licences to run taprooms. As part of the balanced approach in

clause 8A to support our local producers, the majority of the Committee was supportive of those local producers who gain a taproom licence having restrictions placed on their use of occasional licences. The Committee divided, with six Ayes and three Noes, on this proposed amendment. The Committee also supports the Minister's related technical amendment Nos 34 and 61.

In drawing my comments on this group to a close, I will say that the Committee recommended in its report that, should the amendments on taprooms not be successful in becoming part of the Act, the Department should proceed to implement the commitment given to the Committee to carry out the relevant research on taprooms and produce a report on it in the Assembly as soon as is practicable.

At this point, I think that it is only fitting that I pay tribute to the amazing work and patience of our Bill Office officials, particularly Claire McCanny. As we called her back week after week to provide us with a range of options on the issue, she and her colleagues rose to the challenge every time.

As our party spokesperson on issues in the Department for Communities, I will now make a few comments on Ms Sugden's amendment. I absolutely understand where she is coming from. I think that it was me who encouraged our cinemas to respond to our consultation. They came in and gave us a very valued witness session, and the Committee got to the point where it wanted to make an amendment for our cinemas. I think that our cinemas are probably better regulated than many other industries and institutions that sell alcohol.

I have to say that the Minister gave the Committee and me the commitment, which I am honouring, that she would do a very swift consultation during the summer period and that, if no major issues arose, the change could be slotted in very quickly in the autumn. I call on the Minister in her contribution to reiterate that and to give us her word that that will go ahead, and I will give my word, as Committee Chair, that, when we come back after summer recess, I will ask where the consultation is and that it be presented to our Committee. I understand the concerns that our cinemas brought up, and I understand the product that they have to offer. The likes of QFT offer private birthday parties. Maybe those are fiftieth or sixtieth birthday parties where they show a movie and provide alcohol, food and everything else, and our cinemas are missing out on those opportunities as well as on conferencing. Our cinemas may not all avail themselves of the measure; it is

only some that have said that they will. I look forward to the Minister bringing the consultation and bringing it back to the Committee and to the Committee making the decisions on how we go forward with the cinemas. Again, I ask that the Minister give her commitment to that in the House.

**Ms Ennis:** I will speak broadly on the group 2 amendments. As the Chair has just done, I put on record my thanks to the Assembly staff, including the Clerks, particularly Claire McCanny in the Bill Office for her invaluable assistance throughout the Committee's deliberations on the Bill.

I also recognise the efforts of departmental staff, such as Liam Quinn, Carol Reid and Suzanne Breen, who have been on hand as and when the Committee needed and provided a good sounding board and link between the Committee and the Department.

### 9.30 pm

It is important for Members to understand the scale on which the Communities Committee consulted and engaged on the Bill, and that has been outlined by the Chair and other members. As the Chair outlined, we took 58 written submissions and 35 oral evidence sessions over 30-plus weeks and devoted no fewer than 10 hours, over eight or more meetings, to deliberating and scrutinising the evidence that we received, and the majority of that time was taken up with the issue of local producers.

Before I comment on the local producers' licence, I want to touch on amendment No 7, which relates to cinemas and whether they should be listed as places of public entertainment and therefore permitted to sell alcohol. We heard evidence from cinema operators on the issues facing the industry, and the Committee was sympathetic. However, there was also a compelling public health message. I ask Members to bear it in mind that, while the intention of the Bill is to relax the licensing laws and provide greater opportunity for people, if they so wish, to socialise in venues that serve alcohol, it is important that we are cognisant of the fact that we need to provide people and, more importantly, families and children with venues such as cinemas that are alcohol-free. We heard compelling public health advice to that effect. We cannot forget our responsibility to look after our young people in particular in that regard.

That is not to say that there is no case to be made for cinemas or that cinemas should be

ruled out in the future. As the Chair said, and I am sure the Minister will address it, the Minister has already committed to carrying out a consultation on cinemas. I urge Members to bear it in mind that the Committee unanimously decided to support the Minister in that endeavour, due to the fact that cinemas were not included in the original consultation. It is only when we have all the necessary information to hand on the consequences, including possible unintended consequences, that we will be able to make an informed decision on cinemas.

I turn to the amendments relating to local producers. As I stated, we took 58 written submissions, 35 oral evidence sessions and spent hours deliberating over many meetings and scrutinising the evidence that we received. I make this point to lay it out for Members, because it is important for them to understand the importance that we placed on the issue and how the Committee attempted to find a balance between the asks of local producers and the needs of the hospitality industry as a whole. The detail that we received and considered was vast, and I am entirely satisfied that the Committee gave the matter the attention that it deserves.

Sinn Féin believes wholeheartedly that local producers should be afforded the mechanisms and opportunity to grow their business. There is huge potential for them to play an important role in our economic recovery and help to grow our tourism product. That opportunity has been afforded to them in the form of the Minister's Bill.

Of course, any Member is entitled to table amendments to the Bill, including members of the Committee. That is their right. However, I question the motives behind some of the amendments tabled by the likes of Kellie Armstrong, who is a Committee member, and I wonder whether the unintended consequences of those amendments and the impact that they could have on traditional pubs and bars been considered. Is it more about grabbing individual headlines at the expense of achieving a fair and balanced liquor licensing Bill that gives everyone, local producers and the hospitality sector, a fair crack of the whip? What will traditional pubs and the wider hospitality sector, which has struggled greatly over the past year and a half due to the necessary COVID restrictions placed on them, make of the amendments tabled this evening? How will they feel if some of them, which are listed in group 2, pass?

I am not sure that shoehorning amendments into the Bill without an understanding of the unintended consequences is the wisest thing to do. If some of the amendments in group 2 pass, we will need to build in protections for our traditional bars and pubs, particularly those in small rural places such as some of those that I represent in South Down.

Sinn Féin believes that more evidence gathering and consultation need to be carried out on the issue of taprooms, given that it was not included in the original consultation and no impact assessment has been carried out. It was good to hear the Minister stating her intention to do that at a later stage. It is clear that local producers will, through the mechanisms in the Bill, add great value to our tourism and hospitality sector. We must accommodate them in doing that, but we also must ensure that the right balance is struck so that our pubs are not put at a disadvantage. That is why we support the Minister's amendments and call for greater research to be carried out. There will be an opportunity to revisit the issue in due course.

I am so enthused to see such positivity and enthusiasm around the Bill. It is clear that the majority of the House wants to see modern, fit-for-purpose licensing laws. This is the first legislation that I have had an active role in advancing, and I am proud to have been involved in it. I am proud of the overwhelmingly positive impact that it will have on our hospitality and tourism sectors. It is exactly what we need, particularly at this time, as we try to build back from COVID. *[Interruption.]*

**Mr Deputy Speaker (Mr McGlone):** Excuse me, Members. If you wish to have a conversation — I have already said this — please conduct it outside. It is audible here, Mr Wells.

Continue, please, Ms Ennis.

**Ms Ennis:** Go raibh maith agat, a LeasCheann Comhairle.

The extension of opening hours and the removal of restrictions around Easter opening are appropriate. The industry has been calling for that for a long time. I hope that the Bill will pass through the Assembly as quickly as possible. It is long past the time that our liquor licensing laws were brought into the 21st century.

**Mr Durkan:** I think that it is fair to assert that this group of amendments has been eagerly anticipated by local producers. It marks a set of

provisions that deal with the rise of local producers throughout the North and with the notion of taprooms, which is an issue that has gained traction and come to the fore since the first iteration of the Bill. It is important that any legislation can evolve and adapt with the changing economic climate and shifts in consumer habits. Evidently, it is an area of the industry that continues to grow, so it must be provided for under the Bill. It is an exciting and potentially prosperous inclusion that could provide a wealth of opportunities for tourism and hospitality alike. However, following engagement with distillers, brewers, cider makers and public health, as well as the added context of the effects of the pandemic on the wider hospitality industry, it soon became clear that it must be managed in a fair, balanced and cautious manner.

Amendment No 7, from Ms Sugden, interests me. She certainly put forward her case very well. The Committee received evidence from a number of cinema owners, and, as I recall, all members were sympathetic to their asks. The amendment would give them the ability to offer something new. We talk a lot about the tough time that businesses have had. We are hearing tonight about the tough time that hospitality has had during not just the pandemic but the many years that preceded it. It is hard to think of many industries that will have taken the same hit as cinemas with the development of Netflix, Amazon and God knows how many other apps that allow people to watch even the latest releases from the comfort of their home.

We were deterred from proposing an amendment to the effect of Ms Sugden's following assurances that cinemas could and would be added as a place of public entertainment through regulations after a short consultation that would take place over the summer. It is only fair that cinemas and cinemagoers here should be afforded the same opportunity as those in other jurisdictions. I heard a clip of the Minister on the radio this morning. It was only a clip, Minister — I did not hear the full interview — but I wondered whether you were backtracking a wee bit on that. I share the Minister's view that it is important to have places of entertainment where alcohol is not prevalent, but I cannot envisage circumstances in which cinemas would jeopardise their family-friendliness, which is their biggest selling point, by not having strict policies on when, how and to whom alcohol is served.

I think of cinemas in my constituency and of the lengths that they go to in order to make sure that everything is shipshape for people coming

in. I do not know what the detriment or the unforeseen circumstances would be that Ms Ennis referred to — they are unforeseen, I suppose — or what damage would be done by making the amendment to the Bill. I ask the Minister to clarify that.

**Mr Wells:** Will the Member give way?

**Mr Durkan:** Certainly.

**Mr Wells:** The honourable Member should realise that there are many families who want to take their children out to an event or situation in which they can be guaranteed that alcohol will not be present. I encouraged my children not to consume alcohol, and, I am glad to say, they generally agreed with that. We are trying to encourage our grandchildren not to take up the consumption of alcohol, simply because of the enormous social problems that it can sometimes engender. We must surely have one venue that we can take our children to where we are confident that we will not have to see the consumption of liquor.

**Mr Durkan:** I thank the Member for his intervention, and I entirely respect his point of view. The family-friendliness that those venues pride themselves on is not something that they would want to compromise. I am fairly sure that we are not talking about 'Toy Story 4' cocktails. It is envisaged that the sale of alcohol will be allowed at specific viewings of specific films. That enables cinemas to manage things better.

Interestingly, when we were taking evidence, I asked a couple of the cinema owners whether the issue of people smuggling alcohol into the cinema had ever arisen, as the law currently prohibits its sale in cinemas. Two owners gave different answers on the films that had caused them most difficulty. I am sure that the Member will have seen both of them. One was 'Fifty Shades of Grey', and the other was 'Magic Mike'. [*Laughter.*] You might need a drink to sit through them.

The remainder of the amendments deal with local producers and taprooms, and, contrary to the old adage, it has proved extremely difficult to organise anything in a brewery. This group has proved a wee bit divisive among Committee members, and, despite devoting substantial time to debate and consideration, we could not reach overarching agreement. If we do not deal with the matters in the Bill, however, and take a holistic view of the industry, it is highly likely that we will have to return to the issue sooner rather than later.

Having engaged with producers in my constituency pre-pandemic, I saw clearly that current legislation had hindered their business. The previous version of the Bill failed to make provision for on-site sales of their beer, which is allowed in Britain and, increasingly, across the world. We have witnessed across the water and across the border just how popular brewery tours and taprooms can be. Northern Ireland has certainly been a step or two behind in that regard.

Having listened to proposals from local breweries and from pubs that stock local craft beers, I support amendment No 8, which provides more scope for producers to sell their product. I spoke about the need for the issue to be dealt with in a fair and balanced way. While the Committee agreed to increase the number of samples and the quantity of alcohol that local producers can provide as part of a tour, we also agreed to limit the hours for consumption of alcohol on the premises, so I support amendment Nos 9, 13, 15 and 16 tabled by the Minister, which, I think, supersede amendment No 8.

I support amendment No 19. It would insert new clause 8A, which relates to the sale and consumption of liquor on local producers' premises for reasons already outlined. I support the further amendments or improvements even detailed in amendments Nos 20 to 27, 30 and 32, which will essentially tidy up existing clauses. As the Chair said earlier, striking a balance proved to be difficult. While the Committee reached a majority vote on taproom-related clauses, it did not reach a unanimous decision.

I support the requirement for the suitability of premises to be determined prior to a licence being granted, as well as the limit on opening hours and the 104-days restriction for the sale of alcohol.

I recognise that that is a lot less than many brewers want, but it is also a lot more than a lot of publicans want. The figure is fair and balanced; I keep coming back to those words. The Chair referred to one of the publicans' concerns being additional competition. I do not think that it is that; I think the fear is that it would be unfair competition. I, therefore, will not support amendment Nos 28, 29 or 31, which seek to extend that provision.

Taprooms certainly offer potential for the local economy and tourism. However, we must be mindful of the landscape in which the outworkings of the Bill will be felt and the implications that it will have for and, indeed, the

competition that will impose on other licensed premises, namely wet pubs. Wet pubs have been among the hardest hit in the last year, and many of them have not been able to reopen their doors following the extended period of closure. Bearing that in mind and considering the pleas made by local publicans, I cannot justify extending the opening hours for taprooms, which would place those premises in direct competition with severely struggling businesses.

In recognition of the challenges facing those in the hospitality sector, I support amendment No 18, which would impose a system of penalty points and fines on taprooms that breach sale of alcohol rules beyond the permitted hours or the permitted alcohol. Likewise, I support amendment No 33 and the restriction of the use of occasional licences. Lastly, I support the Minister's technical enhancements to the Bill in amendment Nos 34 and 61.

I appreciate that the conclusions reached here today will not be welcomed with open arms by all elements of the sector and probably not by any of them. However, I reiterate that the Committee was tasked with a particularly challenging and convoluted piece of legislation that forced us to consider the wide-ranging impacts of the changes. I have no doubt that some local brewers will be left feeling a bit short-changed, but, in the interests of fairness, certain sacrifices must be made. I believe that we have been as balanced and meticulous as possible in our considerations.

**Mr Allen:** It was remiss of me not to place on record during the group 1 debate my thanks to Claire McCanny and the Bill Office for their support, dedication and guidance throughout Committee Stage.

Turning to the group 2 amendments, we are not minded to support amendment No 7. We support the Committee's approach to supporting the Minister's proposal to carry out a short, sharp consultation over the summer months on the inclusion of cinemas as places of public entertainment, which would enable them to serve alcohol. The consultation will provide a clear understanding of public opinion on serving alcohol in cinema settings. As detailed by the Committee Chair, the Department has indicated its ability to designate by way of regulation. As per the Chair's comments, I ask the Minister to reaffirm that commitment and will listen closely to her comments.

On the remaining amendments, the Ulster Unionist Party recognises the growing importance of our local producers and the wider

provision of taprooms. We support the important step of legislating for the provision of taprooms as an additional opportunity for local producers who wish to offer that service. To that end, we will support the Minister's amendment Nos 9, 13, 16, 20 to 27, 30 and 32. Those are all technical, consequential and drafting amendments to the Committee's amendment No 19, which we also support. In addition, we are minded to support amendment No 28, which would provide for additional hours beyond those provided for in amendment No 19, as articulated in the Committee and detailed in its report. For the reasons that I provided during the group 1 debate, we will not support amendment No 31. However, again, I highlight the Department's ability to change the number of occasions by way of regulation, if that is deemed necessary.

**Ms Armstrong:** As we turn to the group 2 amendments, I want to clarify my position and the Alliance Party's position on local producers. Allowing a brewery or distillery to sell its own products does not constitute a quasi-pub. Taprooms are the norm across the world. They are places where visitors to a brewery can relax and build a connection to the brand without the confines of their stay being limited to having a small sample after a tour. Given that local breweries wish to sell only their own products, that is not competing with a pub that can sell a wide range of products. Breweries are generally located in industrial estates or farms and are primarily manufacturing companies. The experience is totally different from that of sitting in the comfortable environment of a pub. Breweries require infrastructure that makes it difficult for them to open in town or city centres. The planning process is designed to allow opposition to any proposed development at a council level. That is not something that should be legislated for. We have council planning departments for that reason.

Alliance agrees that taprooms using occasional licences is far from ideal. That is why we believe that local producers need their own licence to ensure that all the regulations and requirements of selling alcoholic produce can be monitored and measured. That is why I support the new clauses that will allow for a local producer's licence to allow for those who want to sell their product in a closed container to be consumed off the premises or want to provide visitors on a tour with the opportunity to try a sample. I also support the taproom licences through which local producers can sell their products for consumption in their premises for a set number of days per year. I am aware that, if we put the hours that a taproom can

operate in the Bill, that number cannot be changed by regulations and can be changed by primary legislation only. I thank the Minister for tabling the amendment on a taproom licence. The Committee considered how it could bring forward a taproom licence, and we are thankful that the Minister decided to include taprooms in her consideration of the Bill.

As others have done, I pay tribute to Claire McCanny of the Bill Office. Claire, you will be loving us. Her attention to detail and patient approach with each of us on the Committee, especially me, certainly enabled us to consider how to provide an opportunity for taprooms and how they could have a place in the market. Thank you, Claire.

During debate at Committee, I confirmed that I thought that we had not gone far enough for taprooms, and that is included in the Committee report. I have been a supporter of taprooms for a long time, so it will come as no surprise to anybody who knows me that I am not grabbing headlines. I have been working on this for the past five years, but we will get to that later.

I cannot agree with the limits that have been proposed that exclude taprooms from applying for an occasional licence. While the Committee considered that, after further consideration and reflection, I believe that that is wrong. Why should taprooms be excluded from occasional licences when they are already limited by the number of days that they will be permitted to open and the hours that they can operate? As Members are aware, I have tabled amendments to ask that taprooms be allowed to operate 208 times per year — there are Kellie's 208 days — which is the equivalent of four times per week, and that operating hours be changed from 4.00 pm to 10.00 pm to 11.00 am to 11.00 pm.

**Mr Wells:** Will the Member give way?

**Ms Armstrong:** Not just at the moment. Thank you.

I tabled those amendments because I spoke to a number of local producers, after the proposal of 104 days and the operating hours of 4.00 pm to 10.00 pm was made, and they confirmed that that proposal is financially problematic for them. It means that their taprooms would be allowed to sell their products for consumption on the premises for only 12 hours a week. Local producers asked me how many people the Assembly thinks will apply for a job that can provide only 12 hours a week of paid work. As the Economy Minister stated yesterday, the potential growth in tourism is directly linked to food and drink tourism. If we want to develop

the local producer market, we have to allow that market to grow. To do that, local producers need to be able to sell their products.

Many pubs and hotels do not stock locally produced Northern Ireland craft beers or ciders because they have a commitment to stock international producers' brands; indeed, at Second Stage, I confirmed and nobody argued against me that 99% of the beer sold in Northern Ireland is produced elsewhere. A taproom licence provides an opportunity for our local artisan distillers and breweries to sell their products for consumption, which will allow them to generate an income to help them to develop their brands. As people get more opportunity to enjoy those drinks, perhaps we will see more pubs and hotels stocking Northern Ireland produce. Look at how amazing Bushmills is as a brand. Imagine what could be achieved if we gave our local producers the ability to grow and develop.

**Mr Allen:** Will the Member give way?

**Ms Armstrong:** I will.

**Mr Allen:** Will the Member help the House to understand how she arrived at the figure of 208 days? Why was there no alternative figure?

**Ms Armstrong:** I have to go back to our considerations at Committee Stage. A figure of 104 was brought forward, but there was no consultation with local producers after that. The producers told me that, if they were going to be forced to operate from 4.00 pm to 10.00 pm — six hours a day — they would need to be open at least four days a week to enable them to employ someone to work in the taproom.

**Mr Wells:** I thank the Member for giving way. She will be aware of the extensive lobby from Hospitality Ulster, which represents a large proportion of the licensed trade. The information given by Mr Colin Neill, the chief executive, was compelling. First, does the Member accept that it is possible to set up a local brewery for as little as £10,000, while many of our licensed traders pay that every quarter in rates, which is an incredible burden? Secondly, how will she police it? She says that only the products from the brewery can be sold in the taproom. Who will check that? Does she expect the PSNI to come round and say, "That's Bushmills" or — I am trying to think of drinks — "No. That's Jameson" etc? Who will prove that the product being sold is the product being produced by the brewery? Finally, given that she wishes to promote taprooms, why can that not be done on the lower 104 days a year

rather than doubling it? If taprooms wish to exhibit their product, why can it not be done on the lower number of days?

**Ms Armstrong:** I thank the Member. I will deal with his last point first. Six hours a day, two days a week, means 12 hours. They cannot get anyone to work in their premises. As the Chair said:

*"The suitability of the premises must first be determined before the licence can be granted."*

We are asking local producers to amend their premises so that they are suitable for the public to go in and drink. They have to make sure that the place is safe and that there are toilets. People will be taking alcohol, and we have to make sure that they are safe. We are saying to that group of producers, "You can sell for only 12 hours a week". That is why they have come back and said, "Double the number of days, please. That will make it financially viable for us to be taprooms".

**Ms Sugden:** I thank the Member for giving way. Mr Wells pointed to the costs for other businesses. Does the Member have any idea of what it costs local producers to set up? I hear figures of £80,000. Could the suggestion in and around the hours be mitigated if the days were longer? Would the Member accept fewer days if there were more hours per day?

**Ms Armstrong:** I will take the Member back to the way that the Bill will go. Amendment No 25 is the Minister's proposal for 104 days. We know that that can be amended through regulation. However, in the Bill, if we stick to 4.00 pm to 10.00 pm, that is it; that does not get changed. If amendment Nos 25 and 30 go forward, my amendment No 31 is not taken, so we will have 104 days, six hours a day, 12 hours a week. We could extend that from 11.00 am to 11.00 pm to cover a period that is reasonable. Not everyone has to apply for the full amount of time. We know that there are cideries, for instance, that say that they are not interested in having a taproom. That is fine, but let us give those who are interested the opportunity. That is why I have tabled the amendments. My 208 days are based on the fact that 4.00 pm to 10.00 pm is not financially viable for taprooms. The Minister has tabled amendment No 25, and we then have amendment No 28. We would have two days a week, 11.00 am to 11.00 pm. That is a fair move forward. As I said, look at how amazing Bushmills is. If we allow our producers to

generate an income, they can be more sustainable.

I ask Members to think about the limitations that we are placing on a taproom. A taproom is not a pub. Taprooms can sell only their own alcoholic drinks. Mr Wells asked how we could prove that it is their own drink. They are allowed to sell it only with the container that it comes with. It is there; it is spelled out. We discussed that at Committee Stage. If you walk into a brewery and see someone drinking gin, it is blatantly obvious that it has not been brewed in that local producer's brewery. Taprooms are not like pubs, which are free to sell a range of beers, wines, spirits and ciders. Pubs can have late licences: these producers will not.

We would not limit a cheesemaker or any other artisan food producer in that way, so why are we doing it to producers of alcoholic drinks?

### 10.00 pm

Group 2 also includes the amendment, tabled by Claire Sugden, which expands the definition for cinemas. To be honest, the Alliance Party is happy to support that amendment. As others have said, we were happy to support that during Committee Stage. We recognise that the Minister has given assurances that she will complete a consultation over the summer. Part of me thinks that we are just delaying the inevitable. QFT, for instance, provides alcohol on its premises, but it does not provide alcohol during the film festival when children's films are on, so cinema managers are very careful with their offer. Not all cinemas have to apply for this. There may be cinema suppliers that say that this is not for them, but why are we denying others? From the sound of things, unfortunately, it seems like your amendment is not going to pass, Ms Sugden. I therefore turn to the Minister and say the same as Mr Allen: it would be really good if, in your summary, you could confirm that you will bring forward the consultation on the ability of cinemas to sell alcohol, if they apply to do so.

**Mr Easton:** I intend to speak on amendment Nos 7, 9, 15, 33, 34 and 61. The second group of amendments deals with two main ideas: cinemas and local producers. I will deal briefly with cinemas before moving on to the issue of taprooms.

I was unable to support the idea, in amendment No 7, of cinemas being classified as "places of public entertainment" so that they could become licensed, without a prior public consultation. It is my view that Northern Ireland

does not have a great deal of entertainment options for those who do not like to drink alcohol or do not like to be in the presence of those who do. Therefore, there are a significant number of questions surrounding the sale of alcohol in cinemas, such as whether it would be available to purchase only after a certain time or only in certain screenings. There would be obvious implications for families, children, teenagers and those who simply wish to have an alcohol-free experience at the cinema. We also have to consider the implications for cinema staff. In light of those concerns, and having great respect for those who are opposed to this development, I welcome the Minister's commitment to a consultation on the topic over the summer. I support the Committee's ultimate decision to withhold support for amendment No 7 until that public consultation has been completed and we have a greater understanding of the impact of that change. I say to Ms Sugden that it is not that I am not open-minded; I am, but I really need the Minister to make sure that the consultation happens. Whether or not I will be more open-minded depends on what that consultation says. I hope that that explains that.

On amendment No 9, the Committee Chair has already outlined the extensive deliberations carried out by the Committee in relation to taprooms and local producers, so I will not repeat at length the depth of work that has gone into those issues. I will only say that it is an area that has needed attention for a number of years and that it would have been preferable to have had more research available on the topic when it was being considered by Committee. I therefore echo the comments of the Committee Chair and welcome the commitment from the Department for Communities to make up a report on taprooms, if that proves to be necessary. I have been supportive of the majority view of the Committee regarding those issues, and I will support amendment No 9, which allows for breweries to showcase more of their products to those on tours. That amendment will increase the number of samples permitted from one to four, and also provides the power to alter that number through secondary legislation, if necessary.

I am also supportive of the consequential amendments, including amendment No 15, which contains the definition of "a tour" when it comes to local producers. Of course, the Bill balances out that development by restricting the time during which samples can be provided to between the hours of 10.00 am and 7.00 pm. The Committee was divided on new clause 8A but, as I said, that is an amendment that I support. It will enable local producers to take

advantage of operational taprooms for up to 104 days in a year during the limited hours of 4.00 pm to 10.00 pm. The Bill seeks to provide further balance on that issue by limiting the alcohol that is available for consumption to that which is produced by the brewery in question. I understand the hospitality industry's concerns regarding competition, but that must be balanced with the benefits of those changes to the tourism sector. The evidence that the Committee examined showed that there is a boost to the local economy where taprooms exist and that visits to those breweries are popular with tourists.

Given the struggle that the tourism industry has faced during the pandemic and the ongoing uncertainty surrounding the return of international travel, it is of great importance that we do all that we can to support the sector.

Finally, I agree with the Committee's view that those with taproom licences should have restrictions placed on their access to occasional licences. As a result, I support amendment No 33 and consequential amendment Nos 34 and 61.

**Mr Catney:** I was not going to say too much, because I did not want to try to influence any Member. However, I have heard the way that the debate is going. It was maybe only 20 or 25 years ago that there was a complete drought of local cask beers in Northern Ireland. I think that the first brewery that we had was Hilden Brewery, which was opened by Seamus and Ann Scullion. I used to go to the Brains Brewery in Cardiff, Wales to buy a beer called Brains. I went out to Wales to bring Brains back to Belfast. They would have been glad to get something real, like traditional Guinness, even though it was slightly pasteurised.

There is a reason for saying all that, and it ties to public houses. Given the expense and the trouble, publicans found themselves going to certain large houses. In my time, it was Bass and Guinness, if I am allowed to say that. Publicans found themselves tying their premises to them. We are very lucky: things have moved on. I believe that there is room for everybody, and I welcome the changes.

Despite the distraction of ministerial appointments, today is a good day. It is the day when we take another step forward and finally modernise the outdated and, frankly, archaic licensing laws. It cannot come soon enough. Prior to COVID, we were losing 100 pubs a decade. The commercial viability of the industry was already under pressure due to rising costs and the lack of opportunity to increase

consumer numbers and market share and to attract tourists. Since COVID, a huge number of pubs, as well as others in the entire hospitality sector, may not survive. When we look above the doors of pubs, we see the names of small business owners. They are proud to have their name there. The notices say, "Licensed to sell alcohol either on or off the premises".

Folks, contrary to what people might think, during my days in the bar, it was rare to see a drunk person. I firmly believe that that was due to the pricing, structure and operation of good publicans. Drunkenness had to be cut out. We did not want it. It is an absolute mess. The night is long, and you feel it in the pit of your stomach when you are trying to watch a drunk person. That has been eradicated.

As I said, when we look above the doors, we see the names of business owners who have worked long hours doing hard and dirty work to give us a place to share all the joys and sorrows of our common human experience. I have been there for the long days of lugging kegs around and scrubbing floors and even on the low days when I did not know whether enough punters would come through the door to keep the business afloat. I do not want to go on about the ring of steel that surrounded Belfast, but we had to operate with all sorts of pressures. I can tell you that the people who made their way into Belfast from the Shankill Road or Falls Road are the people who kept this city open, folks. They wanted to get into a neutral environment. They made their way down, and publicans were glad to get that business in the city centre.

I think of the experiences that I have been able to share with so many people through all the happy announcements of births, marriages, new jobs and new opportunities. I have seen people from across our whole community, who would never have come together normally, share a pint and talk about how all politicians are no good and do nothing. That is only a joke, folks, of course. That was before I came into politics.

I have also commiserated with friends during the hard times: the times of loss, hardship and having no one to turn to. Pub owners are family. Once you open a pub, that family extends to all the patrons who pay you the compliment of crossing your door. That is the human element that we must support, and, in doing so, we support Northern Ireland as a whole.

Pubs alone provide over £200 million to our economy. That grows when you add in local breweries and distilleries, which are growing

day by day and producing award-winning beers and whiskeys. In my area of Lagan Valley, in County Down, we have the fantastic Hilden Brewery, the oldest independent brewery in Northern Ireland. We have the incredible facility at the Hinch Distillery, with a team distilling some excellent whiskeys and being part of the County Down revival. The county is quickly becoming the distillation hotspot of Ireland, with Echlinville, Copeland and the small but mighty Killowen.

The extension to opening hours, particularly around Easter, is small but necessary, as these changes will allow small family businesses to operate in the modern world. I hope that no one can come after me now, but I have to confess — I hate to tell you, but I will anyhow — that the restrictions were unnecessary. They were never that effective, at least in my day. Sometimes, your best pint was maybe when the old lock was on the door, but there you go. This is not about allowing unrestricted drinking. As I have said before, pub owners are smart business people, and there is nothing worse for your business than a drunk and difficult customer. We do all that we can to stop it.

My colleague Matthew O'Toole — may I speak to Matthew's amendment?

**Mr Deputy Speaker (Mr McGlone):** I advise the Member that that amendment is in a different group. There will be ample time to speak to it. I suggest that the Member come back to breweries and the like, which are within the scope of this group.

**Mr Catney:** The alarming figures show the extent of the challenge that our hospitality businesses face. We all know how difficult it is; we can all feel it on our main streets and high streets. Long before the pandemic, small rural pubs were disappearing from isolated communities. Those communities do not just lose the local business, jobs or income to the local area. They lose a real part of themselves, because, particularly in rural, isolated communities, a pub is not just somewhere to have a pint; it is a place where you catch up with neighbours and connect with people. It is, in a true sense, a public house.

When I think of the money that we have spent trying to create community hubs or spaces across our society to fulfil the need for contact between people in our communities, it is mad that we are presiding over policies that are killing off pubs, which fulfil that exact need for so many. That is why I welcome my colleague's modest proposals for a review of the licensing system. I commend the Minister —

**Mr Deputy Speaker (Mr McGlone):** You are straying into group 4 again, Mr Catney.

**Mr Catney:** OK, sorry. No one is saying that the current model is working as well as it should for business. It is not working in our communities. This is the start of modernising our licensing laws, which are a key part of our economy, and of supporting the many small family businesses at the heart of our communities. Pubs are not easy, folks.

**Mr Stewart:** I cannot stop laughing over here. I thank the Member for giving way. I really enjoy the passion with which he speaks on this subject and so many more. I totally agree with so much that he has said. I cannot believe for a second that he would ever have knocked on the door or let anyone do so, but, to keep that image going, it feels as though we are probably in for a lock-in tonight.

Does he agree that, given the pride and passion with which entrepreneurs and brewers from Northern Ireland produce their wares, it has been a shame that, up to now, so many have been selling so much more outside Northern Ireland than in Northern Ireland because of the restrictive rules. There are concerns in the wet-pub industry, however, that that will have an impact on the trade. Does he agree that we have struck a balance now, thanks to the Committee's great work and the research that it did?

**Mr Catney:** I agree. There is room for our brewers and our new distillers as well. They add to what we have to offer here. There is no point in going to a marketplace and only seeing one stall; you need lots of different things to be there. I go back to what Kellie — sorry, my colleague from Holywood, no, Antrim — *[Laughter.]* He is putting me off. Stop it. *[Laughter.]* Look, we have the brewers. The brewers do beer. They do not do anything but beer. Then we have the distillers, who do the whiskeys and gins.

If any of you get a chance, even if you do not drink, go and have a look at Hinch Distillery. It is a brand new set-up. I have strayed off topic slightly, but I agree with you. We have some great products.

#### 10.15 pm

When I first worked in bars, it was on a five-year apprenticeship, folks. It was slave labour, but I had the best opportunities to work with some of the best bar people that this place ever produced. Whether selling from bars, distilleries

or breweries, theirs are the first faces that tourists see when they come here. They are the first face of the entertainment sector, and they get asked where to go to and how to do things.

I support the changes — not all of them, of course — and I hope that the Bill is the start of a long journey and that we help to modernise the business. I hope that we look at what hospitality, or the drinks business, has done for Northern Ireland.

**Mr Wells:** Will the Member give way?

**Mr Catney:** Again, I absolutely will. *[Laughter.]*

**Mr Wells:** Does the honourable Member accept that I, a strict teetotaler who does not allow intoxicating liquor ever to cross his lips, have learned more about the licensing trade in the past 15 minutes than in the past 64 years? Does that not show that when the Member departs from his prepared script and speaks with passion about something of which he has detailed knowledge, it is extremely easy on the ear?

**Mr Catney:** Thank you. Although my colleague represents South Down, he is a Moira man at heart. I know Moira well and worked in the Four Trees bar there.

Only together will we build this, folks. If we are seriously thinking about having a world-class tourism sector and inviting people here, we need to make these changes. We need to do it, and we need to stop looking down our noses at publicans and small brewers. We need to think about what they do and how they drive this place on, as I said. I have seen so many people who made their down the Shankill Road and the Falls Road. We need to cherish that, and we need to cherish the offering that we have. I accept what the Minister is trying to do, as best she possibly can. Thank you.

**Mr Deputy Speaker (Mr McGlone):** Thank you, too. Follow that, Miss Woods. *[Laughter.]*

**Miss Woods:** I had quickly written down that I do not know how I can follow that contribution from Mr Catney, but I cannot agree more with him. As he knows, we share a passion for this industry. I had many years of slogging my guts out behind a bar, cleaning floors, cleaning up after people, serving pints and so on.

I turn to the group 2 amendments. All Members will have received briefings and, no doubt, been lobbied extensively about the local producer's licence, and rightly so. It has caused

considerable debate from a number of sides. Many Members have spoken, at Second Stage or during tonight's debate, about a number of well-rehearsed issues. I reiterate comments made by Ms Armstrong earlier. Taprooms and pubs are far from one and the same. People do not go to them for the same reasons. Having been to many of both, I can completely attest to that. Also, why would a local producer want to sell somebody else's products? That was brought up by Mr Wells in relation to enforcement. They are the manufacturer of their own product. Why would they want to sell somebody else's product — a product that is available elsewhere?

**Mr Wells:** Will the Member give way?

**Miss Woods:** I will give way.

**Mr Wells:** Ms Armstrong, who represents Newtownards, not Antrim or anywhere else, made the point that taprooms are no threat to the licensed trade. Take the example of Bushmills, where you have the Bushmills distillery, which is, I accept, the oldest distillery in the world and a leading tourist attraction. There is also the Bushmills Inn. If tourists can go to the Bushmills distillery and avail themselves of the product and the taproom for the large number of days proposed by Ms Armstrong, inevitably, they will not go to the Bushmills Inn down the street. They will stay in the taproom. Meanwhile, the Bushmills Inn will be paying horrendous rates and costs, which the distillery will not have to do. Therefore, it is unfair to deprive the licensed trade by having taprooms open for 208 days a year.

**Miss Woods:** I thank the Member for his comments. I am afraid that I do not agree with Mr Wells on that.

If I were to go to a taproom that was open until 10.00 pm or 11.00 pm, for example, I personally would go on to a bar afterwards, especially if it is connected to or in the same town as said distillery or taproom. I will enjoy my night out, and I am free to do so. I do not see taprooms and bars as being in direct competition with each other. In fact, I see them as complementing each other, and I use the example from my constituency of how good Copeland has been to the local town of Donaghadee. I wish that distillery all the best in getting its licences.

I will now move on to some issues that have been brought up.

**Ms P Bradley:** I thank the Member for giving way. It is about the issue that Mr Wells brought up about Bushmills. Bushmills has a full pub licence. It can open full pub hours if it chooses to, but it chooses not to. As part of this debate, we need to understand that many breweries, cideries and distilleries out there will choose not to avail themselves of a taproom licence. We can see how it operates in Bushmills. The inn and the distillery complement each other in that tourism model. The taprooms very much hope to complement their local bars. I know that you will speak about it, but when the representatives from Copeland briefed us, we heard that it is one of the local distilleries in north Down that very much complements its local area.

**Miss Woods:** I thank the Member for her intervention. That reiterates the need for there to be choice in the Bill. Not everyone will go to the limits that are allowed. They will go for what suits them and their local area. I do not know of any local breweries or distilleries that would want to jeopardise their local community, given that they are an inherent part of it. Again, I will get on to that later when I talk about Pub is The Hub.

I will not go into all the amendments in the group. Many of them are technical and have been discussed already, but I wish to draw attention to a number of potential issues that appear to me — I am very happy to be proved wrong — as though they could lead to the unintended consequences that Members discussed earlier but did not go into detail on. I am talking about proposed new clause 8A and amendment Nos 19 and 23. Specifically, I hope to get the issues addressed and to get some answers.

Members will be aware from CAMRA's briefing that it stated that similar legislation on local producers' licences and taprooms was introduced in the Republic of Ireland several years ago and that there has been virtually no take-up of the ability to run a taproom or offer premises tours. It is my understanding that the number is as low as one or two out of the 70-plus breweries and local producers in the Republic of Ireland. I asked a few people why they think that that is the case. For example, I asked whether it is the administrative burden or the financial burden, or whether there is just no appetite amongst local producers. The answers were a bit of mix, but the biggest issue is difficulty in getting planning permission and the restrictions on opening hours. I know that we will deal with that issue in a number of amendments on opening hours in this group.

CAMRA stated that the requirement to obtain planning permission to operate within restricted opening hours meant that it is not worthwhile for small independent businesses to do so. It argued that we need to make sure that the Bill does not end up being unworkable in practice owing to onerous restrictions. I am sure that Committee members will agree with me that, after all the hours that they spent on this, they would not want something in the Bill that is unworkable for the very people for whom they are trying to do something.

To put it bluntly, the main thing that we need clarification on is the producers' licence, how it will work in practice and how it will be interpreted in the courts, as that will have consequences for those who try to get one. As I said, CAMRA talked about the uptake of licences in the Republic of Ireland and what that would mean for the local producer here.

I will use a real-life example of planning permission. In one local brewery, 95% of its floor space is used during the week for manufacturing, but, at the weekend, it puts out some temporary seating in an area that is normally used to hold stock. It therefore uses the area for manufacturing purposes from Monday to Friday and then to sell beer, as part of a taproom licence, on Fridays and Saturdays. That is done through the taproom, allowed under the local producers' licence, for the nights that it is allowed and during the times that it is allowed under the licence agreement. The floor space dedicated to the taproom is therefore temporary. It could perhaps be described as ancillary to the main purpose of the building, which is manufacturing. Maybe the Minister will be able to clarify that for the local producers' licence. In Great Britain, if it is ancillary, no planning permission would be required, yet, in our Bill — and suitability of premises has been mentioned — planning permission is required.

I move on to another problem with lack of clarity around planning permission. How will LPS rate them? Licensed premises are rated on the receipts and expenditure method. I cannot speak for all local producers, but those who I have spoken to have said, perhaps rightly, that they would be happy to be rated on the basis of their taprooms and the retail that they do but not for the manufacturing premises as a whole. Why should they lose their industrial derating for an ancillary part of their business? Maybe that has already been figured out. Maybe there is an easy answer to it.

Learning from experiences in England and the Republic of Ireland, could the rating be decoupled? For example, some manufacturing

businesses like printers operate as manufacturers on their premises but their front-facing section is only part of their business, so they are still industrially derated. Again, if the brewery floor space is used for manufacturing but there is dedicated permanent floor space and furniture there for the taproom event, different decisions could be made. However, that is not clear. It is not in the amendments, it is not in the explanatory and financial memorandum, and it has not been discussed on the Floor this evening.

As I said, much work has been done and many hours have been spent on the licensed criteria in the Bill, the amendments that we are debating tonight and the operational guidance that will come from the Department, which I welcome and which we will discuss in a later group. However, we do not want to get to a point where the regulations mean that the Bill is unworkable for the people and the businesses that it is designed for, namely the local producers.

On the occasional licences, again, I am happy to take an intervention from the Minister or anyone else on amendment Nos 33 and 34, which relate to clause 18. Is there any clarification of whether the amendment would mean that local producers cannot apply for occasional licences at a local festival, for example? Representation has been made to me about matters around occasional licences, and it would be helpful to know exactly what that amendment would and would not do. Also, why is the amendment here? Why would we stop local producers being able to apply for an occasional licence? I have not heard any reasoning for that outlined in any of the speeches.

Amendment No 29 is in my name. I submitted that amendment on the same day that Ms Armstrong submitted amendment No 28. I, too, thank Claire McCanny for her assistance with it, especially at such late notice. At the outset, I will say that I am happy to support the amendment standing in Ms Armstrong's name. Amendment No 29 is a very plain and simple amendment to change the opening hours allowed for local producers' licences under new clause 8A proposed by the Committee. Much like Ms Armstrong, the reason why I tabled the amendment to the opening hours is to try to make it more financially viable for local producers to create new jobs and increase investment.

Under the Committee amendment, the opening times would be six hours a day from 4.00 pm to 10.00 pm. I view that as overly restrictive with

no clear rationale, because I do not see direct competition between pubs and bars and taprooms. It would not make local producers into pubs by another name. The amendment would allow only for an extension to opening hours, as in the Committee's proposed new clause 8A. If Members have been to a taproom, they will know that they are not pubs, as I said. They are totally different in atmosphere and in what is available. I absolutely love a pub. I have grown up in pubs.

**Mr Wells:** You are too young.

**Miss Woods:** I wish I was too young, Mr Wells. I go for the community, the friends, the good food, the music, the craic, the atmosphere and the history and culture. We have such amazing pubs in Northern Ireland. I go to taprooms for very different reasons. I go to try products that are not available in pubs and bars. In effect, I go for something different.

Given that the number of days that a taproom can operate already exists, it does not follow that there should be further restrictions on opening times in the clause. While I appreciate that it would seem that those operating times have come from a compromise in the Committee's deliberations, they are not really fit for purpose and could lead to another situation of those licences not being used.

I have read the Committee report in relation to this, and I do not understand the reasoning. If the opening hours were allowed until 11.00 pm, which is in line with other licences during the week, it would be more of a compromise, make local producers more financially viable and make it clear for those tasked with enforcement that everything was open until the same time.

### 10.30 pm

Finally, I want to mention the amendment about cinemas, tabled in Claire Sugden's name, which she has spoken to. The Committee heard evidence on the inclusion of cinemas and gave it consideration as an additional issue as part of the Bill. I read the report and listened to the speeches this evening. I note that the Committee was content with the information that the departmental officials provided and that they would consult the public on the matter over the summer. Pending that, there was agreement that regulations could be made relatively shortly. Perhaps, as others have asked, the Minister will give us an indicative date for when that consultation will be launched. We have said "the summer months". I believe that June is the summer.

I also wish to get clarification, hopefully, from the Minister, on how a venue normally becomes designated as a place of public entertainment. Is it up to the Department to decide? When venues were added previously, was there public consultation? I am sure that nearly all of us could tell stories about people smuggling alcohol into places where it was not allowed, as Mr Durkan mentioned. Maybe that is for another time.

Fundamentally, if cinemas do not want to serve alcohol and took the decision not to have alcohol present, that decision can still be taken by them. No one is forcing a cinema to stock or sell alcohol. It is merely an option, and I go back to the point about having choice in this legislation.

Those are my issues and questions. I would welcome an answer to most, if not all, of them with more detail.

**Mr Carroll:** Mr Catney said that he has not been in a pub with any drunk people, I think. He must have been in some quiet establishments over the years. That was an interesting comment.

**Mr Catney:** Would the Member give way to allow me to clarify?

**Mr Carroll:** Sure, why not? *[Laughter.]*

**Mr Catney:** What I was saying was that the day of the drunk man in a public house is finished. That is simply because of where we are with the professionalism of our bar staff and publicans. The last thing that they want or anyone wants is a drunk man on their premises.

**A Member:** Or woman. *[Laughter.]*

**Mr Catney:** Or woman.

**Mr Carroll:** I was not trying to make light of the Member's comments, but obviously there is a wider issue about drunk people in pubs. That is my experience, but back to the matter at hand.

**Mr Catney:** *[Inaudible.]*

**Mr Carroll:** Do not attack west Belfast, Mr Catney.

I will keep this contribution brief, because I support all the amendments and clauses in this group. I want only to put on record my party's support for those who continue to challenge the monopolies in this sector; those who have fought to give small local producers a look-in,

while a lobby of mostly big businesses tries to shut them out for fear — misconception, maybe — that they would eat into their profits.

The Assembly and Executive put a lot of stock in tourism. In doing so, they boast about the production of local craft beers and ales. I think that some of the locally produced bottles are fantastic and outstanding. However, it is entirely hypocritical to attract tourists with a promise of unique produce whilst prohibiting the producers from selling their beers unless through a third-party vendor. Breweries and microbreweries should be able to avail themselves of taprooms, if they wish, so that they, too, can reap the benefits of what they sow and people can enjoy their produce at its source.

I thank everybody for raising this issue and the many people who contacted me about it. Like I said, I have been brief, but I wanted to speak in support of all the amendments and clauses in group 2.

**Ms Hargey:** Thanks very much to everybody for their contributions and even amendments. I do not know about anybody else, but, when we finally get this legislation through, in whatever form it takes, I am going for a pint with Pat Catney for the craic. *[Laughter.]* Anybody else can join us. Jim, you can have tea if you want. It does not need to be alcohol.

I turn to issues raised in the debate. Amendment No 7, tabled by Claire Sugden, would introduce a new clause 7A, "Places of public entertainment: inclusion of cinemas". It will add cinemas to the list of venues that are defined as places of public entertainment under article 2 of the Licensing Order 1996 and are, therefore, eligible to apply for a licence to sell alcohol on the premises. In discussions with the Committee on the issue, my departmental officials made clear concerns regarding primary legislation that would allow drink to be sold in cinemas without public consultation. We have listened to some of those concerns tonight, but, externally, arguments have been made that there are few entertainment options for families or people who prefer not to be in the company of those who are consuming alcohol or in the presence of alcohol itself. There is also the potential for the wider cinema sector, including staff, to hold very strong views on the issue, one way or the other. I feel that there is a need to consult on the matter.

There has been no public consultation and nor have any impact assessments been carried out on the amendment. That would result in a change to the Licensing Order 1996. The amendment would be irreversible were there to

be any unintended consequences, which is also a concern. Legal advice has confirmed that cinemas could be included in the definition of places of public entertainment by means of regulations. Therefore, I agreed with the Committee that my Department should carry out a short and focused public consultation exercise. I have given commitments and I have lived up to previous commitments that were given to the Committee, so there is no abdication from me on those commitments. Indeed, preparatory work for that consultation is already well under way, and it will begin in a couple of weeks, in early July. I wanted to give clarity on that. In considering the responses to the consultation and subject to no serious concerns being raised, regulations will be brought to the Assembly in the autumn. For that reason, I do not support the amendment, although I can understand the reasons for tabling it.

**Ms Sugden:** I thank the Minister for giving way. I want to go back to the point that Miss Woods made that you are already able to grant this provision under the definition of places of public entertainment. Can you confirm, through legal advice, that it is normal practice that you would conduct a period of public consultation in moving towards that regulation?

**Ms Hargey:** Given the legal advice that we have sought, it is important that, in not taking the amendment now, we consult further on the issue. I have said that I will do that over the coming weeks, and the consultation will be issued so that the regulations can then be changed.

In tabling amendment No 8, which relates to local producers, the Committee was concerned about the number of samples that a local producer could serve, particularly given that they will have a range of products to offer. Amendment No 8 has been tabled on that issue.

I am proposing an alternative amendment No 9, which will allow for the maximum amount of alcohol that could be provided to any one person, whether in one serving or more than one serving. Amendment No 10, which was tabled by the Committee Chairperson, inserts a new paragraph in article 42 of the Licensing Order 1996, which provides for the permitted hours of licensed premises. The amendment provides for permitted hours for the provision of samples and measures at local producer premises as being between 10.00 am and 7.00 pm.

In clause 8 as introduced, the provision of samples following a tour of local producer premises can take place at any time during the permitted off-sale hours of 8.00 am to 11.00 pm. I do not believe that there is a need to restrict the provision of samples to between 10.00 am and 7.00 pm. If tours take place later in the evening for a visiting group of tourists in the summer months, for example, the ability to offer samples as an inducement to sales would be taken away. Therefore, I do not support amendment No 10 and subsequent amendment Nos 11 and 12 to clause 8.

Amendment No 13 is a technical amendment to improve the drafting of the Bill should amendment No 19 be passed. The Committee's amendment No 14 defines a tour for the purposes of a person receiving a sample or measure. The Bill draftsman has considered the amendment and believes that it is unnecessary. The advice that was received is that the only reason for defining an ordinary word in legislation is to give it special meaning that is narrower or broader than the natural meaning. However, should the amendment pass, there will be a need for a correcting amendment. For that reason, I am proposing amendment No 15. Amendment No 16 is a consequential amendment to ensure that the policy of clause 8 is achieved. Amendment Nos 17 and 18 from the Committee are consequential to amendment No 8 and add the offence to the list of those that attract penalty points.

Amendment No 19, tabled by the Chair of the Committee, is a significant divergence from the policy that was previously agreed by the Executive. The amendment permits the sale of alcohol for consumption on local producer premises. The amendment will allow a local producer to apply to a court for a suitability order for their premises for the sale and consumption of alcohol and, following the granting of such an order, to apply for authorisation to sell alcohol that is produced on the premises for consumption on the premises between 4.00 pm and 10.00 pm. I have some concern about this amendment due to the fact that there have been no consultations, impact assessments or screening exercises carried out. This is a fundamental change to the licensing system, and I caution against making such a change through an amendment to a Bill. The impact of the amendment is unknown, and, given the significant investment that many licence holders have made in their businesses, allowing, in effect, a mini pub in local producers' premises may have an adverse impact on local pubs, particularly small rural pubs in the vicinity of a local producer's premises, as they could

end up in direct competition. The overheads for local producers will be less than those for pubs, and a local producer will not have to prove that the number of similar premises in the vicinity is inadequate, which a pub has to do when applying for a licence. That could result in a number of mini pubs being allowed to operate in local producers' premises in close proximity to each other. The Committee and, I believe, Members have received a number of representations from licence holders asking that such an amendment is not taken forward for, I suspect, the same reasons.

There is also a concern about the potential negative impact on health in both the short and long term. Evidence shows that there is a link between an increase in the availability of alcohol and an increase in consumption, and between an increase in consumption and an increase in the levels of alcohol-related harm. The strength of the alcohol produced in local producers' premises has also been raised as a potential health concern, given that it is often much stronger than other beers and ales. I do not support the amendment.

**Mr Wells:** Will the Minister give way?

**Ms Hargey:** Yes, go on ahead.

**Mr Wells:** Does the Minister accept that, by their very nature, these premises produce high-strength alcohol? It is likely that those who avail themselves of the opportunity to drink in them will drink to a stage where they are quite happy. Therefore, it is highly unlikely that they will go on afterwards to licensed premises, because they probably will have had enough and spent a fair bit, and also they may well have reached a level that means that they would not be admitted to licensed premises. Therefore, the point made by Miss Woods, who I still do not believe is old enough to be availing herself of any of these premises, is invalid because there will be no benefit to licensed premises, which I once again emphasise are paying horrendous rates for the service that they provide.

**Ms Hargey:** Kellie is looking to come in as well. Do you want me to respond to that first?

**Mr Deputy Speaker (Mr McGlone):** Yes, thank you, Minister.

**Ms Hargey:** That is why we need to give more consideration to the issues. I recognise that there are concerns. We have moved some way with this Bill in providing additional allowances for microbreweries so that they are able to sell their products, go to fairs and have tours.

However, recognising some of the concerns that may be raised, we need to do more work to scope them out. That is what I am asking for.

**Ms Armstrong:** Thank you very much, Minister. I appreciate your time on this matter. You said that there has not been consultation, but there seem to be an awful lot of negative impacts coming out of local producers. Will you clarify where the consultation is that has identified those negative impacts? I am concerned that an opinion is coming forward that local producers are all bad, that there is something wrong with them and that they will always harm pubs, when my experience is that they strongly complement local rural pubs.

**10.45 pm**

**Ms Hargey:** Local brewers make a good contribution to the sector and to the wider tourism sector. Microbreweries and those pubs are an increasing phenomenon over recent years, and, obviously, the existing legislation has never reflected that. That is why I have tabled amendments to work with that sector, which is committed to and passionate about what it delivers. I want to continue to work with it in the time ahead, but I believe that, in seeking advice on the issues, we need to consult further on any major change in legislation. Some Members raised fairness, and the other considerations and concerns that have been raised need to be considered as part of that consultation. I am willing to work with the sector and the community more widely as we move through that.

Should Members decide that the Committee's amendment No 19 should be made, I have tabled a number of mainly technical and correctional amendments to amendment No 19 — amendment Nos 20 to 28 — that will ensure a consistent approach through the Licensing Order and improve the enforceability of the provisions. I therefore do not wish to prolong the debate by commenting on each of those amendments.

Amendment No 28, tabled by Kellie Armstrong, proposes to amend the Committee amendment No 19, which would introduce a new clause 8A on sales and consumption on premises. Kellie's amendment proposes that the permitted hours for such premises should be changed from 4.00 pm until 10.00 pm to 11.00 am until 11.00 pm. I do not support amendment No 19, and, therefore, I do not support Kellie's amendment.

Amendment No 29, tabled by Rachel Woods, proposes to amend Committee amendment No

19 to the effect that the permitted hours of local producer premises should be changed from 4.00 pm until 10.00 pm to 12 noon until 11.00 pm. As with amendment No 28, I do not support that amendment.

Amendment Nos 30 and 32 are, again, technical and correctional amendments to amendment No 19, and I tabled them in order to ensure a consistent approach throughout the Bill. Again, I will not prolong the debate by going through them individually.

Amendment No 33, tabled by the Chair of the Committee, proposes to introduce new clause 8B, which would insert a restriction to prohibit an occasional licence being granted for a place licensed as a local producer's premises that is also in receipt of a suitability order to sell alcohol for consumption on the premises. I do not support the amendment. However, should amendment No 33 be passed, I have tabled a correcting amendment No 34 to improve the drafting and to ensure that it is compatible with the Licensing Order. My amendment No 61 is simply an update to the text of schedule 1 and will be necessary if amendment No 19 is passed.

**Ms Sugden:** In making a winding-up speech, I do not intend to repeat every point made by every Member, but I will pick out some of the key points that I think are interesting and see whether there is a way that we can take any of them forward. I will begin where I started, which is on my amendment. I am disappointed that it is unlikely that it will get support. I am disappointed not least because most of the Members who contributed to the debate on it indicated their support. I have similar concerns to Mr Durkan in that I have a nervousness about this not being taken to where other Members hope it will be taken in the autumn. Certainly, in the Minister's contribution, she seemed to be leaning towards not putting these into regulations, but I appreciate that she has put it on record today and has put it in writing to the Committee that she will have a public consultation. It seems that that is progressing already, and, hopefully, it will find its way through in the next couple of weeks.

Again, I agree with Ms Armstrong that we are delaying the inevitable. Given the challenges presented by some Members about cinemas in particular not only because of the pandemic but because of the ongoing challenge from streaming services, I really think there is an opportunity for cinemas to develop a business model that goes beyond just providing alcohol in theatres. Customers tell me that that is what they want, and I think it can happen in a safe

space. I think that it is fine in a family environment. If anything, that is probably the safest space. There are arguments that this is the last family-friendly space, but why should that burden be on cinemas? We need to be careful with our language.

I turn to other amendments. Rachel Woods made some interesting points.

**Mr Wells:** Will the Member give way?

**Ms Sugden:** Yes, sure.

**Mr Wells:** The Member's amendment has given us maybe the best one-liner in the House for many years from Mr Durkan, which will be widely publicised. She asks why it should be cinemas: it is because no other industry in Northern Ireland specialises more in providing entertainment for children and families. I have taken my grandchildren to 'Toy Story' and similar films. I would prefer to be guaranteed, when I do so, that they will not be exposed to the consumption of alcohol. They will not be exposed to it anywhere else. They will not be sitting in pubs or clubs. Why should they not have an alcohol-free environment? She makes the point that not every cinema will wish to avail itself of a licence, but the point is that cinemas will be forced to take one if their competitors offer the facility.

**Ms Sugden:** I do not believe that to be the case. I have spoken to the industry, and it was their suggestion that not every cinema will want to take a licence. I reviewed the cinemas across Northern Ireland, and, for some of them, the product that they offer is not conducive to providing a licence.

The expectation has been raised, not least by other regions of the United Kingdom and the Republic of Ireland, where this is already being offered. Northern Ireland is the exception to the rule. I appreciate the concerns about the family environment, and, whilst you may not want to be in an environment where there is alcohol, there are people who do, and they want to go to the cinema. It is about providing a balance. That is not to say that there are no public health concerns, but they are disproportionate to the fact that we are not doing this now.

**Miss Woods:** I thank the Member for giving way. Much has been said about this being the last sector of children's entertainment that does not have alcohol involved. That is something of a stretch. There are vast areas of children's entertainment other than cinemas that do not have alcohol: outside, parks, forest parks, going

for walks, soft-play areas. In my constituency, there is the Pickie Fun Park — I am bigging that up — the swimming pool, the leisure centre, youth clubs, community venues, community organisations and networks. I do not think that cinemas are the last bastion of alcohol-free children's entertainment that they are being made out to be.

**Ms Sugden:** I thank the Member for her examples, and I agree with the sentiment. I appreciate the arguments, and I appreciate the wishes of a father and grandfather. That is certainly his wish. However, we need to look at this in the wider context of Northern Ireland within the United Kingdom, Ireland and even the world. We need to move to a place where everywhere else in 2021 provides the service and Northern Ireland needs to come up to date with that.

I move on to other notable points. Rachel Woods made some really interesting points, and I wonder whether there is any opportunity for the Minister to consult the Minister for Infrastructure, particularly about planning permission concerns. It is valid when someone makes an issue of it. They may not make an issue of it, so it might be worth consulting councils to understand whether that is something that would be implemented or, in most cases —

**Miss Woods:** I thank the Member for giving way. We also need to get some clarity from the Minister of Finance with regard to the rating issue that I mentioned. We also need clarity on amendments relating to the local producers' licence and taprooms over the requirements of planning, as you mentioned, and from the Minister for Infrastructure and councils. We need clarity before Further Consideration Stage on whether the amendments that we are debating tonight have the unintended consequence of impacting on industrial derating, the whole rating process and whether they are ancillary or temporary. Without that and without an explicit mention in guidance or, indeed, in the explanatory and financial memorandum, we cannot know what those unintended consequences may be. As a Member, I would welcome anyone, including the Committee, getting this down before Further Consideration Stage. Otherwise, as, I think, the Member would agree, the hours taken by the Communities Committee will be entirely wasted if it is not accessible to local producers.

**Ms Sugden:** I agree entirely with the Member. I would like to see that being fleshed out, particularly with the Department of Finance.

Maybe the Minister will be willing to commit to that.

I am also mindful of the grants that went through the rating system during the pandemic. We could find ourselves in another pandemic and taprooms not being eligible for grants because the rating had been done incorrectly. While that may seem like a logistical argument, it is an important one. It seems that the Committee has done extensive work, and I commend it on turning its attention to this. That work cannot be in vain. This needs to serve the people who have put their blood, sweat and tears into bringing that type of event to Northern Ireland.

I am interested in the rationale put forward by Ms Armstrong for the calculation of whether it would be viable. By the same token, in terms of the rating and the other considerations, the Committee's work would be in vain if it does not work for the taprooms that want to take it forward. The most important thing is that we speak to the industry in particular. When we are gone and the Bill receives Royal Assent, it is the industry that will be trying to make it work on the ground. I am keen that others consider that.

Many thematic words came through in the debate. It is evident from listening to the various contributions that it really was about consideration, particularly around taprooms. When something is considered well, there is a good chance that it will not get consensus because it has given rise to a number of issues, not least from the members of the Committee and the stakeholders who presented to it. That is a sign of a good piece of work. I am sure that there are people who hoped that we would have done more and others who hoped that we would have done less, but there is balance. That word has been used throughout the contributions. That is not to say that we cannot do something in the future. It has taken this long to get to where we are now, but the important thing is that we are here. Future opportunities to amend the legislation even further could come up. It is important that we have given it a good start.

I thank every Member —.

**Mr Wells:** Will the Member give way?

**Ms Sugden:** Yes, go ahead.

**Mr Wells:** Does the Member accept that, at the moment, craft brewers get a 50% reduction in alcohol duty and are eligible for industrial derating. Meanwhile, the licensed trade pays

full duty and 100% rates? Indeed, its rates are based on turnover, which is twice as much as an equivalent business in any other field. Will she consider those facts before she starts to place the licensed trade at a further disadvantage by allowing taprooms to expand?

**Ms Sugden:** I have listened to the Member's comments throughout the evening. We are not putting the licensing trade at a disadvantage simply because we are promoting another interest in Northern Ireland. We are trying to ensure that everybody has access to the playing field. We should not be worried about that.

As I said, I spoke earlier in the week in the Assembly about food tourism in Northern Ireland. There is a real opportunity with that and taprooms in particular. I have travelled to other parts of the world and attended taprooms. They are absolutely fantastic. Thousands of people on a Saturday afternoon enjoy the local artisan product. I appreciate that that is not the Member's interest, but it is a significant interest for the people of Northern Ireland, never mind the tourists whom we want to attract. I appreciate that there are concerns, but they need to be looked at in a different context. It should not be a case of whataboutery and "That's not how we move things forward in Northern Ireland". As others have said, this is really positive and progressive legislation. I remarked to a journalist the other day that the first iteration of this came in 2016 and that, despite five years of very little movement, where we are today demonstrates some sort of progression in Northern Ireland. For the little impact that this mandate will have, this legislation will be a good take from it.

*(Mr Principal Deputy Speaker [Mr Stafford] in the Chair)*

I appreciate all of the contributions from everyone across the House, and, in particular, I appreciate the help of the Committee, the Department and the Minister. Claire McCanny is fantastic: she helped me with only one amendment, but the attention that she gave to me shows that she deserves the praise from other Members. Thank you for your attention this evening.

*Question put, That the amendment be made.*

**Some Members:** Aye.

**Some Members:** No.

11.00 pm

**Mr Principal Deputy Speaker:** OK. That is a good start. I remind Members to continue to uphold the social-distancing rules. Members who have proxy voting arrangements in place should not come to the Chamber.

Before I put the Question again, I remind Members that, if possible, it would be preferable to avoid a Division.

*Question put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** You all sound very enthusiastic about it.

Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they maintain a gap of at least 2 metres between themselves and other people when moving around the Chamber or the Rotunda and particularly in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

*The Assembly divided:*

*Ayes 49; Noes 36.*

## **AYES**

*Ms Anderson, Dr Archibald, Ms Armstrong, Ms Bailey, Mr Blair, Mr Boylan, Ms S Bradley, Ms Bradshaw, Ms Brogan, Mr Carroll, Mr Catney, Mr Dickson, Ms Dillon, Ms Dolan, Mr Durkan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Ms Hunter, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mrs Long, Mr Lunn, Mr Lynch, Mr Lyttle, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Muir, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Ms Rogan, Mr Sheehan, Ms Sheerin, Ms Sugden, Miss Woods.*

*Tellers for the Ayes: Ms Sugden and Miss Woods*

## **NOES**

*Dr Aiken, Mr Allen, Mr Allister, Mrs Barton, Mr Beattie, Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Chambers, Mr Clarke, Mrs Dodds, Mr Dunne, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Nesbitt, Mr Newton, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Mr Swann, Mr Weir, Mr Wells.*

*Tellers for the Noes: Mr Easton and Mr Wells*

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton [Teller, Noes], Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Miss Woods voted for Ms Bailey.*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

**Mr Principal Deputy Speaker:** I ask Members to take their ease for a moment.

**Clause 8 (Licence for off-sales)**

*Amendment No 8 not moved.*

*Amendment No 9 made:*

In page 8, line 32, leave out from "a" to "serving" in line 33 and insert-

*"an amount (whether in one serving or more)".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 10 not moved.*

**Mr Principal Deputy Speaker:** I will not call amendment No 11 as it is consequential to amendment No 10, which has not been moved. I will not call amendment No 12 as it is consequential to amendment No 11, which has not been made. Amendment No 13 is a paving amendment to amendment Nos 21 and 25.

*Amendment No 13 made:*

In page 9, line 24, leave out "and 52D" and insert "to 52F".— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 14 not moved.*

**Mr Principal Deputy Speaker:** I will not call amendment No 15 as it is consequential to amendment No 14, which has not been moved.

*Amendment No 16 made:*

In page 12, line 4, at end insert -

*"(5A) In each of the following provisions of that Order, after 'Article 5(1)(b)' insert 'or (m)'—*

*(a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),*

*(b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and*

*(c) Article 58(1)(b) (prohibition on young persons)."— [Ms Hargey (The Minister for Communities).]*

**Ms P Bradley:** Mr Principal Deputy Speaker, may I interject?

**Mr Principal Deputy Speaker:** Certainly.

**Ms P Bradley:** I ask you to go back to amendment No 15, which is an amendment to amendment No 14 from the Minister. Has that not to be moved by the Minister? Maybe ask the Bill Clerk's opinion on that.

**Mr Principal Deputy Speaker:** I ask Members to take their ease for a moment while I take advice. [Pause.] I am advised that amendment No 15 is consequential to amendment No 14. Amendment No 14 was not moved and, therefore, amendment No 15 was not called. It is as clear as mud.

I will not call amendment No 17 as it is consequential to amendment No 8, which has not been made. I will not call amendment No 18 as it is consequential to amendment No 10, which has not been made.

*Clause 8, as amended, ordered to stand part of the Bill.*

### **New Clause**

**Mr Principal Deputy Speaker:** Amendment No 19 has been debated. I call the Chairperson of the Committee for Communities, Ms Paula Bradley, to move formally amendment No 19.

*Amendment No 19 proposed:*

After clause 8 insert -

### **"Sales and consumption of liquor in local producer's premises**

**8A.—(1)** After Article 43 of the Licensing Order insert—

#### **'Suitability of local producer's premises for sales and consumption in own premises**

43A.—(1) In respect of premises to which this Article applies—

(a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or

(b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(4).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable

for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

(a) on the application of the holder of the licence; or

(b) where, on complaint made under Part VIII of the Magistrates Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

(4) The premises to which this Article applies are—

(a) any part of a premises of a kind mentioned in Article 5(1)(m) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises.

(5) In Schedule 9 to the Licensing Order (procedure for certain applications)—

(a) in the title, after '43' insert ',43A',

(b) in paragraph 1, after '43' insert ',43A', and

(c) after paragraph (4)(a) insert—

'(aa) in the case of an application under Article 43A, on any ground mentioned in Article 43(2).'

(2) In Article 42(4) of the Licensing Order (general permitted hours) after paragraph (3) insert—

'(4) Subject to Article 43B, the permitted hours for premises of a kind mentioned in Article 5(1)(m) to which an order under Article 43(A) applies are the hours on any day, other than Christmas Day, from 4 in the afternoon to 10 in the evening.'

(3) After Article 43 of the Licensing Order insert—

#### **'Permitted hours for sale and consumption of liquor in local producer's production premises**

43B.—(1) In respect of premises of a kind to which an order under Article 43A applies—

(a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or

(b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, direct that the permitted hours for a part of the premises for which an order under Article 43A is in force shall be the hours mentioned in Article 42(4).

(2) Nothing in this Article shall authorise the sale of intoxicating liquor—

(a) for consumption in or off the premises unless it is produced in the production premises,

(b) for consumption in the premises to which this Article applies other than during the hours specified in Article 42(4); and

(c) for consumption off the part or parts of the premises specified in the licence other than during the hours specified in Article 42(2), or

(d) to a person admitted to a premises less than 30 minutes before the permitted hours specified in Article 42(4).

(3) In the case of premises to which an order under Article 43A applies, not more than 104 orders shall be granted under this Article to the holder of the licence of the premises in any one year.

(4) Regulations may modify paragraph (3) so as to substitute a different number of orders for the time being specified there.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) Where the holder of a local producer's licence to which an order under Article 43A applies, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (2), the holder is guilty of an offence.

(7) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence to which

an Article 43A applies, shall at all times display in the production premises a notice in the form and manner, and containing the information prescribed in the regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(8) A person guilty of an offence under paragraph (2a) is liable on summary conviction on to a fine not exceeding level 4 on the standard scale.

(9) A person guilty of an offence under paragraph (2b), (2c) and (2d) is liable on summary conviction on to a fine not exceeding level 5 on the standard scale.

(10) A person guilty of an offence under paragraph (7) is liable on summary conviction on to a fine not exceeding level 3 on the standard scale.

(11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

'43B	Failure by local producer to display notice on own premises	3-4'
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(12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

'43B	Failure by local producer to comply with licence on own premises	4-5
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(13) In Part 3 of Schedule 10A to that Order (penalty points for offences punishable with level 5 fine), at the appropriate place insert—

'43B	Selling intoxicating liquor etc., otherwise than during permitted hours	5-6
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".— [Ms P Bradley (The Chairperson of the Committee for Communities).]

**Mr Principal Deputy Speaker:** As amendment Nos 20 to 32 are amendments to amendment No 19, we need to dispose of those before returning to amendment No 19.

*Amendment No 20, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), leave out "43 of the Licensing Order" and insert-

*"52D of the Licensing Order (inserted by section 8(3)).— [Ms Hargey (The Minister for Communities).]*

*Amendment No 21, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), leave out first "43A" and insert "52E".— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 22, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), in the new Article 43A(1), leave out from "to which" to "those premises" and insert-

*"which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—*

*(a) a county court which grants a local producer's licence or declares a local producer's licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or*

*(b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer's licence".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 23, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), in the new Article 43A, leave out subsection (4).— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 24, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), in the new Article 43A, leave out subsection (5).— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 25, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (1), after the new Article 43A insert—

***"Authorisations for on-sales on production premises***

*52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.*

*(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.*

*(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.*

*(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.*

*(5) Regulations may modify paragraph (4) so as to substitute a different number of orders for the time being specified there.*

*(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*

*(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.*

*(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.*

*(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order*

*under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.*

*(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.*

*(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”— [Ms Hargey (The Minister for Communities).]*

*Amendment No 26, as an amendment to amendment No 19, made:*

In amendment No 19, after subsection (1) insert—

*“(1A) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after ‘or (m)’ (inserted by section 8(5)) insert ‘(subject to paragraph (4))’.”— [Ms Hargey (The Minister for Communities).]*

*Amendment No 27, as an amendment to amendment No 19, made:*

In amendment No 19, in subsection (2), leave out from “Subject” to “Day,” and insert-

*“In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day”.— [Ms Hargey (The Minister for Communities).]*

*Amendment No 28, as an amendment to amendment No 19, proposed:*

In amendment No 19, in clause 8A(2) leave out “4 in the afternoon to 10 in the evening” and insert-

*“11 in the morning to 11 in the evening”.— [Ms Armstrong.]*

*Question put, That amendment No 28 be made.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** I remind Members that we continue to uphold social distancing and that Members who have proxy voting arrangements in place should not come to the Chamber.

Members may wish to take their ease for a few seconds while I consult the Whips about speeding up the voting process. Obviously, we need to have as many parties on side for that as possible. Members may take their ease for a few seconds before I put the Question again.

It did not take long. I have been advised by the party Whips that, in accordance with Standing Order 113(5)(b), there is agreement that we can dispense with the three minutes and move straight to a Division.

Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirements for social distancing while the Division takes place. I ask you to ensure that you retain at least a 2-metre gap between yourselves and others when moving around the Chamber, the Rotunda and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

*Question, that the amendment be made, put a second time.*

*The Assembly divided.*

*Ayes 21; Noes 64.*

## **AYES**

*Dr Aiken, Mr Allen, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle, Mr Muir, Mr Nesbitt, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Carroll and Miss Woods*

## **NOES**

*Mr Allister, Ms Anderson, Dr Archibald, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Catney, Mr Clarke, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mr Frew, Mr*

Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr Lyons, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Ms Mullan, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Storey, Mr Weir, Mr Wells.

*Tellers for the Noes: Mr Easton and Ms Ní Chuilín*

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton [Teller, Noes], Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín [Teller, Noes], Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Miss Woods voted for Ms Bailey.*

*Question accordingly negated.*

*Amendment No 29, as an amendment to amendment No 19, proposed:*

*In amendment No 19, in clause 8A(2) leave out "4 in the afternoon to 10 in the evening" and insert-*

*"12 in the afternoon to 11 in the evening".—*  
*[Miss Woods.]*

*Question put, That the amendment be made.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** The Question will be put using the fast voting procedure that has been agreed by the Whips. Before I put the Question again, I remind Members present that, if possible, it would be preferable to avoid a Division.

*Question put a second time.*

**Some Members:** Aye.

**Some Members:** No.

**Mr Principal Deputy Speaker:** Before the Assembly divides, I remind Members that, as per Standing Order 112, the Assembly currently has proxy voting arrangements in place. Members who have authorised another Member to vote on their behalf are not entitled to vote in person and should not enter the Lobbies. I remind all Members of the requirement for social distancing while the Division takes place. I ask Members to ensure that they retain at least a 2-metre gap between themselves and others when moving around the Chamber or the Rotunda, and especially in the Lobbies. Please be patient at all times, observe the signage and follow the instructions of the Lobby Clerks.

Why do I have the feeling that I am going to be saying that in my sleep tonight?

*The Assembly divided:*

*Ayes 21; Noes 63.*

## **AYES**

*Dr Aiken, Mr Allen, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Ms Bradshaw, Mr Butler, Mr Carroll, Mr Chambers, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle, Mr Muir, Mr Nesbitt, Mr Stewart, Ms Sugden, Mr Swann, Miss Woods.*

*Tellers for the Ayes: Mr Carroll and Miss Woods*

## **NOES**

Mr Allister, Ms Anderson, Dr Archibald, Mr Boylan, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Brogan, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mrs Cameron, Mr Catney, Mr Clarke, Ms Dillon, Mrs Dodds, Ms Dolan, Mr Dunne, Mr Durkan, Mr Easton, Ms Ennis, Ms Flynn, Mr Frew, Mr Gildernew, Mr Givan, Ms Hargey, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mr Kearney, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr Lyons, Mr McAleer, Mr McCann, Mr McCrossan, Mr McGrath, Mr McGuigan, Mr McHugh, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Ms Mullan, Mr Murphy, Mr Newton, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Mr O'Toole, Mr Poots, Mr Robinson, Ms Rogan, Mr Sheehan, Ms Sheerin, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Easton and Ms Mullan

The following Members' votes were cast by their notified proxy in this Division:

Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.

Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton [Teller, Noes], Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Storey and Mr Weir.

Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.

Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan [Teller, Noes], Mr Murphy, Ms Ní Chuilín, Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.

Mr O'Toole voted for Ms S Bradley, Mr Catney, Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.

Miss Woods voted for Ms Bailey.

Question accordingly negatived.

Amendment No 30, as an amendment to amendment No 19, made:

In amendment No 19, leave out subsection (3).— [Ms Hargey (The Minister for Communities).]

**Mr Principal Deputy Speaker:** I will not call amendment No 31, as it is mutually exclusive with amendment No 30, which has been made.

Amendment No 32, as an amendment to amendment No 19, made:

In amendment No 19, after subsection (3) insert—

"(4) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after 'or (m)' (inserted by section 8(5A)(a)) insert '(but see paragraph (1A))'.

(5) In that Article, after paragraph (1) insert—

'(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.'

(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, before 'or 58A' (inserted by section 11(4)(a)) insert '52E',

(b) in paragraph 1, before 'or 58A' (inserted by section 11(4)(b)) insert '52E', and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(4)(c)) insert—

'(cb) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);'

(7) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(5)(a)), before '58B' insert '52F or'.

(8) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

'52F(9)	Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies	3-4'
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(9) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

'52F(8)	Failure by local producer to comply with authorisation under Article 52F	4-5.
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— [Ms Hargey (The Minister for Communities).]

**Mr Principal Deputy Speaker:** Having disposed of the amendments to amendment No 19, we now return to amendment No 19.

*Amendment 19, as amended, agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

**Mr Principal Deputy Speaker:** Amendment No 33 has been debated. I call the Chairperson of the Committee for Communities, Ms Paula Bradley, to move formally amendment No 33.

*Amendment No 33 proposed:*

After clause 8 insert -

### **"Restrictions on occasional licences**

**8B.—(1)** In Article 30 of the Licensing Order (occasional licences), after paragraph (1), insert

*'(1A) The holder of a licence for premises for which this Articles applies shall not make an application on behalf of a person who is the holder of a licence for premises to which an order under Article 43A applies'.*

*(2) In paragraph (5)(b) of that Article, at the end insert—*

*'(c) the sale of intoxicating liquor in premises to which an order under Article 43A applies.'— [Ms P Bradley (The Chairperson of the Committee for Communities).]*

**Mr Principal Deputy Speaker:** As amendment No 34 is an amendment to amendment No 33, we need to dispose of amendment No 34 before returning to amendment No 33. Amendment No 34 has already been debated.

*Amendment No 34, as an amendment to amendment No 33, made:*

In amendment No 33, in subsection (1), leave out the new paragraph (1A) and insert—

*"(1A) An occasional licence may not be granted for a part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies".— [Ms Hargey (The Minister for Communities).]*

*Amendment 33, as amended, agreed to.*

*Clauses 9 and 10 ordered to stand part of the Bill.*

*The sitting was suspended at 11.57 pm and resumed at 12.08 am.*

**Mr Principal Deputy Speaker:** We now come to the third group of amendments for debate. With amendment No 35, it will be convenient to debate amendment Nos 36 to 44, 51 to 57 and 62. I call the Minister for Communities, Deirdre Hargey, to move amendment No 35 and to address the other amendments in the group.

### **Clause 11 (Underage functions)**

**Ms Hargey:** I beg to move amendment No 35:

In clause 11, page 16, line 12, at end insert -

*"(5A) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit."— [Ms Hargey (The Minister for Communities).]*

*The following amendments stood on the Marshalled List:*

No 36: In page 16, line 16, leave out "the condition in paragraph (5)" and insert-

*"a condition attached to the authorisation".— [Ms Hargey (The Minister for Communities).]*

No 37: In page 16, line 38, after "force" insert-

*"or during the first 30 minutes after the authorisation has ceased to be in force".— [Ms Hargey (The Minister for Communities).]*

No 38: In page 17, line 12, (middle column), leave out "on access to intoxicating liquor" and insert-

"attached to authorisation for underage function".— [Ms Hargey (The Minister for Communities).]

No 39: In clause 12, page 17, line 28, leave out from "of" to "parent" in line 29 and insert-

"either of a parent of that person or of a parent of another person who is under 18 and attending the function".— [Ms Hargey (The Minister for Communities).]

No 40: In clause 15, page 19, line 8, leave out from "The" to "is" in line 10 and insert-

"In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was".— [Ms Hargey (The Minister for Communities).]

No 41: In clause 15, page 19, leave out lines 12 to 14 and insert -

"(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine."— [Ms Hargey (The Minister for Communities).]

No 42: In clause 15, page 19, line 14, at end insert -

"(2A) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

(a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or

(b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated."— [Ms Hargey (The Minister for Communities).]

No 43: In clause 15, page 19, line 26, (middle column), leave out "a person to operate the dispenser, or selling it" and insert "self-service or".— [Ms Hargey (The Minister for Communities).]

No 44: After clause 17 insert -

**"Minimum unit pricing**

**17A.** Within 3 years of this Act coming into operation, the Department of Health must bring forward to the Assembly legislation introducing minimum pricing provisions for the sale and supply of intoxicating liquor in Northern Ireland."— [Ms P Bradley (The Chairperson of the Committee for Communities).]

No 51: In clause 27, page 29, line 8, after "force" insert-

"or during the first 30 minutes after the authorisation has ceased to be in force".— [Ms Hargey (The Minister for Communities).]

No 52: In clause 28, page 29, line 29, leave out from "of" to "parent" in line 30 and insert-

"either of a parent of that person or of a parent of another person who is under 18 and attending the function".— [Ms Hargey (The Minister for Communities).]

No 53: In clause 29, page 30, line 8, leave out from "1 June" to "August" in line 9 and insert-

"and includes 1 May and ends on and includes 30 September".— [Ms Hargey (The Minister for Communities).]

No 54: In clause 29, page 30, line 25, leave out from "one" to "ceremony" in line 26 and insert "up to three such ceremonies".— [Ms Hargey (The Minister for Communities).]

No 55: In clause 29, page 30, line 29, at end insert -

"(5) In that Article, after paragraph (14) insert—

(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.

(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.

(17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."— [Ms Hargey (The Minister for Communities).]

No 56: In clause 30, page 30, line 41, at end insert -

*"(2A) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—*

*(a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or*

*(b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated."*— [Ms Hargey (*The Minister for Communities*).]

No 57: In clause 30, page 31, line 6, (middle column), leave out "member or guest to operate dispenser or supplying it" and insert "self-service or".— [Ms Hargey (*The Minister for Communities*).]

No 62: In schedule 1, page 35, line 34, at end insert -

*"18A. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—*

*'13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph."*— [Ms Hargey (*The Minister for Communities*).]

**Ms Hargey:** Clause 11 allows a court to make an order that specifies that part of a premises is suitable for an underage function. A court must be satisfied that the part of the premises in question has been structurally adapted for the purpose of holding functions, that appropriate steps have been taken to secure the safety of under-18s and that under-18s do not have access to other parts of the premises that are used for the sale of alcohol. A court will then be able to make an authorisation for a specific function. An authorisation can specify the hours for the function, but it cannot go beyond 1.00 am.

Amendment No 35 would allow the court, when granting an authorisation for a specific underage function, to attach conditions to the authorisation. The amendment would allow the

clause to operate as originally intended in order to safeguard the young people who are attending a function. Consequential amendment No 36, would make it clear that a licence holder who contravenes any condition relating to an underage function is guilty of an offence.

During its scrutiny of the Bill, the Committee for Communities questioned whether an underage function would need to stop earlier to allow young people to be off the premises by 1.00 am. Advice sought by my officials has confirmed that the current draft would mean that the licence holder was committing an offence if an under-18-year-old was still on the premises, albeit in the process of leaving, after 1.00 am, and that is clearly not the policy intent. I therefore propose amendment No 37, which will clarify the policy intent of the provision, allowing a young person to remain on licensed premises while in the process of leaving and/or waiting to be collected. A further consequential amendment, amendment No 38, ensures that a relevant number of penalty points is attached to a licence where the licence holder has been found guilty of contravening any condition attached to underage functions. Clause 12 will allow a young person to remain on the licensed premises beyond 9.00 pm for a private function, provided that they are accompanied by a parent or someone with parental or caring responsibility and a substantial meal is being served.

The Committee deliberations on the Bill included some discussion on young people who may not have someone fulfilling the role of the parent, and, with the agreement of the Committee, I propose amendment No 39 to extend the provision to allow a young person to be in the company of a parent or another child attending the function.

Clause 15 adds the new article to the Licensing Order prohibiting liquor licensing holders from selling alcoholic drinks via any unsupervised means. The Committee, at its evidence sessions with officials, sought assurances that so-called honesty boxes were captured in these provisions. Having confirmed that honesty boxes were captured, the draftsman of the Bill advised that, on reflection, the clause should be redrafted. I therefore propose amendment Nos 40, 41, 42 and 43 at the request of the draftsman to improve the drafting of the clause and to ensure its enforceability.

The Committee Chair has tabled amendment No 44 to introduce a new clause 17A, which places a statutory duty on the Department of Health to legislate for minimum unit pricing

within three years of the Act coming into operation. The Minister of Health launched a public consultation on the new substance use strategy in October last year, and the consultation closed earlier this year, with the expected strategy going to the Executive and being published in the near future. The Health Minister has publicly committed to holding a public consultation on minimum unit pricing. That is a matter for the Department of Health, although I would like to see it brought forward as a matter of urgency.

Clause 27 is similar to clause 11 for underage functions in licensed premises in that it allows underage functions in registered clubs. Amendment No 51 will allow a young person to remain on the premises of a registered club while in the process of leaving or waiting to be collected. Again, with clause 12 for licensed premises, amendment No 52 to clause 28 will allow a young person to attend a private function in a registered club with a parent or another young person who is also attending the function.

Clause 29 will allow under-18s to remain in the bar area of a sporting club up to 11.00 pm between 1 June and 31 August and to attend one awards ceremony at any time of the year. On consideration of the evidence provided to the Committee, I propose amendment No 53, extending the time period from 1 May until 30 September. That is to allow for participation in a range of evening activities provided by clubs. A further amendment, amendment No 54, will increase the maximum number of awards ceremonies to three a year. That will allow young people who play at different levels in the same club to attend the relevant ceremonies. I also propose amendment No 55 to include a power that both the months and number of ceremonies can be amended by regulations. That will mean that any issues arising from the increase can be addressed fairly quickly.

Clause 30 is similar to clause 15 for prohibition of self-service in licensed premises in that it prohibits the supply of alcoholic drinks via any unsupervised means in a registered club. As was the case with clause 15, the draughtsperson's advice was that the drafting of clause 30 could be improved to better ensure its enforceability. I therefore propose amendment Nos 56 and 57.

#### 12.15 am

Still on registered clubs, schedule 1(13) to the Registration of Clubs Order allows a non-member of a sporting club to pay a fee to use the club's facilities for a day. The club's

committee determines which facilities can be used, and there is no need to be signed in or be in the company of a member, which is normally the case. The Committee for Communities highlighted concerns raised by the PSNI during its evidence session about the use of one-day club memberships. It was reported that a number of sporting clubs openly advertised for non-members to pay a small fee for the sole purpose of watching a televised sport or using the bar facilities, which is not the policy intent of the allowance. For that reason, I propose amendment No 62 to clarify the policy intent of the provision for one-day memberships.

Those are the amendments in group 3.

**Ms P Bradley:** Mr Principal Deputy Speaker, I apologise for my little blip earlier when I asked you, never mind asking Claire McCanny, which vote we were on.

I start my contribution on the group 3 amendments by taking the opportunity to reassure the House that the Committee considered substantial evidence on alcohol-related harm and the exposure of children and young people to alcohol. We took written and oral evidence and research findings from, among others, the Department of Health, the Public Health Agency, the Institute of Public Health in Ireland, the University of Stirling, the British Medical Association, Assembly researchers, the Safeguarding Board and the Northern Ireland Alcohol and Drug Alliance. The Committee remained mindful of the views that it had heard during its informal Zoom engagement with young stakeholders on 9 March. They made many relevant comments. I thank the young people who gave up their evening to take part, and I thank the Assembly's Engagement team for facilitating the event.

On numerous occasions throughout the evidence, concerns were raised to the Committee about the public health impacts of alcohol; the potential for the increased availability of alcohol to increase overall alcohol-related harm in society; and the impact that can be made by controlling alcohol availability through licensing decisions. I take the liberty of highlighting the recommendations that the Committee made in the public health section of its report. The Committee recommends that public health messaging on the effects of alcohol misuse is communicated regularly as part of the liquor licensing system and as part of a communication strategy in connection with the new legislation. It also recommends:

*"Consideration is given by licensing authorities to the creation of a meaningful role for local health bodies when licensing decisions are being made."*

The Committee's next recommendation is based on the feedback from our young persons' event:

*"Cross-departmental work is taken forward to devise an education programme to be delivered ... in schools, colleges and other relevant youth settings on the harms of alcohol to health, family and other relationships – in the manner of successful anti-smoking education programmes."*

Amendment Nos 35 to 38 are to clause 11, "Underage functions". On the balance of evidence received, the Committee broadly welcomed the provisions in clause 11, which allow underage functions to go ahead in an alcohol-free, safe and controlled manner. Under current law, school formals in hotels, for example, must end at 9.30 pm, which means that young people often go on to unsupervised venues and parties where alcohol may be available. However, members were concerned that the clause did not provide for under-18s being on the premises, albeit in the process of leaving, after 1.00 am. The Department thanked us for highlighting the need for a very necessary amendment, and the Minister has taken that forward as amendment No 37. The Committee supports that amendment and amendment Nos 35, 36 and 38, which are improvements to the drafting of the clause. The Committee also supports amendment No 51, which provides for similar improvements to clause 27, which applies to registered clubs.

The Committee supports amendment No 39, which applies to clause 12. Again, it was tabled by the Minister at the Committee's request. It allows for a child at a private function to be supervised by their own parent or by a parent of another person under 18 and attending the function. In that regard, the Committee also supports amendment No 52, which provides for a similar improvement to clause 28, which applies to registered clubs.

The Committee was concerned that it was potentially too restrictive to require an under-18 to be:

*"attending the function in the company of a parent",*

as defined as being someone with "parental responsibility" within the meaning of the

Children (Northern Ireland) Order 1995. The Committee gave some examples of a child bringing a friend or a 16- or 17-year-old care leaver who has no parent.

In connection with clause 15, the Committee is pleased to support the Minister's technical and drafting improvements in amendment Nos 40 to 43 regarding the prohibition on self-service and sales by vending machines, as well as amendment Nos 56 and 57, which will amend clause 30 in a similar way for registered clubs. The Committee queried the use of honesty boxes to pay for alcohol in, for example, a guest house and wanted to be sure that the prohibition would also cover that. The Department accepted that the clause needed further clarity, and amendment Nos 40 to 43 and amendment No 56 cover that issue.

I am pleased to support our Committee amendment No 44, which would introduce new clause 17A on minimum unit pricing. As I have stated, the Committee considered the Bill's public health impact and supports a balanced package of measures to focus on alcohol consumption in controlled settings. We simply could not, however —.

**Mr Wells:** Will the Chair give way?

**Ms P Bradley:** Certainly.

**Mr Wells:** I fully support the Committee's view on that, but I am mindful of the comments that the Minister made. It appears that responsibility for minimum unit pricing rests entirely with the Department of Health. I am therefore somewhat bemused by the standing of the amendment that the Chair is proposing, as it is clearly outwith the bailiwick of the Minister for Communities to do anything about it. Although the amendment has considerable merit, what is its purpose? What does she hope to achieve by having it in the Bill?

**Ms P Bradley:** I thank the Member for his intervention. The Committee tabled the amendment. We understand from our departmental officials that it could be included in the Bill and that we could compel the Minister of Health to introduce minimum unit pricing. That is why we tabled it. We understand that there might have been issues for the Minister had she tabled such an amendment herself, because that would have been one Minister compelling another, but we felt that we, as an Assembly, should ask for it to be included in the Bill. I know that the Health Minister is also keen to see minimum unit pricing put in place. I hope that that explains that somewhat.

The Committee understands that the Minister of Health, Robin Swann, made a commitment in July 2020 to undertake a consultation on the introduction of minimum unit pricing in Northern Ireland. We felt at first that that was not within our remit. After taking advice from the Assembly Bill Office, however, it was determined that the issue was potentially within the scope of the Bill, and, after considerable deliberation, the Committee asked the Bill Office to draft an amendment that placed a duty on the Minister of Health to introduce minimum unit pricing within three years of the Act's coming into operation. The Committee has no desire to undermine or take away from the work of our Health Minister, but we felt that we could not ignore the issue. We sincerely hope that the Minister of Health will support the amendment and that it will give him leverage as he takes forward work in that regard.

The Committee is pleased to support amendment Nos 53 to 55. They cover requests that the Committee made to the Minister to take forward on clause 29, "Young people prohibited from bars", as it applies to registered clubs. Based on consideration of its evidence from sporting clubs, the Northern Ireland Federation of Clubs and young people themselves, the Committee requested that the Minister extend the time period in clause 29(1) and make it from 1 May to 30 September. That would cover the period during which summer training and sports camps run. The Committee also requested an increase in the number of award ceremonies in clause 29(3) to not more than three for young people who play on more than one team. Those changes are taken forward in amendment Nos 53 and 54. To allow for future changes, the Committee requested that the Minister table an amendment to allow regulations to alter the time period and the number of award ceremonies, if necessary. That is taken forward in amendment No 55.

To complete this group of amendments, the Committee is pleased to support the Minister's amendment No 62, which deals with an issue that came to the Committee's attention during its evidence sessions on the inappropriate use of one-day club memberships. Those memberships are, on occasion, being misused to allow people to use simply the bar facilities rather than to try out the sports and leisure facilities, which was the intended purpose of such one-day memberships. The Minister supported the aim to deal with that issue. Amendment No 62 amends schedule 1 to clarify the policy in respect of the Registration of Clubs (Northern Ireland) Order 1996 that allows a member of the public to pay a fee to use the facilities of a sporting club for a day in order to

ensure that it is not used to allow someone to simply use the bar facilities.

That concludes my comments on the third group of amendments. I will briefly reiterate my thanks to the young people for their evidence. The information that they gave us has shaped this part of the Bill. Without them, we might not have come to some of our conclusions. It shows the value of those people being part of our decision-making in the Assembly. Great thanks to the Education Service in the Assembly for all its work to facilitate that.

**Ms Mullan:** As the Chair and other members of the Committee have highlighted, the Committee undertook a wide range of evidence sessions with interested parties in the health, justice, tourism, hospitality and many more sectors. During our deliberations, we heard of the clear need to modernise our licensing laws. I welcome the amendments to the Licensing and Registration of Clubs Bill that Minister Hargey has tabled. The Bill is an important piece of legislation that will have a positive impact on our hospitality, entertainment and tourism sectors.

The group 3 amendments look at minimising alcohol-related harm in society. As the Chair outlined, the Committee heard evidence from a wide range of sectors, including health, and from other jurisdictions on how changes in their laws have impacted on or reduced alcohol-related harm.

Many of the amendments in this group centre on under-18s and underage functions. I joined the Committee in the middle of its deliberations. I welcomed the fact that the Committee had organised an informal stakeholder event with young people, which I attended. Like the Chair, I thank and commend the young people, whose contribution was invaluable. I hope that that will continue with the other legislation that will be coming through the Committee, particularly, as the Committee noted at that event, the gambling legislation. It would be good to see that. It was important that the young people were given the opportunity to take part and inform the amendments to the Bill, as a lot has changed since many of us were young. We heard about that on the night of the event.

The Committee heard from the Safeguarding Board about the dangers of alcohol misuse among children and their parents. We also heard from the board that young people are drinking less and that there is less binge-drinking behaviour, which shows that some progress has been made on health messages. That needs to continue to be built upon. That

said, binge drinking and alcohol addiction continue to rise among our adult population. As the Chair highlighted, the Departments and Assembly should work more closely with young people to design and deliver education programmes around alcohol and continue to listen to and learn from our young people.

Amendment Nos 35 to 38 cover underage functions, and we will support those. Amendment No 37 clarifies the policy intent of the Bill and fixes the problem or offence that would occur under the legislation as introduced. It would allow a young person to remain on licensed premises while waiting to be collected. We will support that important amendment, as it tightens the protection for young people, especially late at night. Amendment No 39 allows another adult to fulfil the role of a parent or guardian while a young person attends functions or events; we will support that.

### 12.30 am

The Committee had lengthy discussions on the clauses about underage functions and private functions. As the parent of two young people, I share the worries of many parents whose children are going to school formals and have to leave to go to unsupervised parties. We want a safe and controlled environment for our young people to enjoy a night out with their friends.

Clause 29 was discussed at length during the Committee's deliberations. As the Bill stands, under-18s can attend only one award ceremony in the bar area of a sporting club premises per year between 1 June and 31 August. That is unfair to many young people, especially those who play for more than one team in a club. They will miss out on their award ceremony due to the clause. The clause is also restrictive when you take into account the various sports that some young people are involved in and the different months of the year in which they operate. For example, I am the secretary of the Waterside Boxing Club, and our season usually finishes in May and returns in the middle of August. Amendment No 53 will allow under-18s to attend up to three award ceremonies per year between 1 May and 30 September. Again, we support that amendment.

We also support the Minister's drafting improvements in amendment Nos 40 to 43 regarding not allowing alcohol sales from vending machines. We are supportive of the Committee's amendment No 44, which requires the Minister of Health to legislate to introduce minimum unit pricing. We also support amendment Nos 51 to 57 and amendment No 62.

Finally, I put on record our thanks to the Minister and the departmental officials, in particular, Liam and Carol, and to Claire from the Bill Office for their work and support throughout the Committee's deliberations.

**Mr Durkan:** First, I echo the sentiments expressed by others and recognise the importance of this section of the Bill and the safeguarding children and young people against alcohol-related harm. Much as the Bill's focus is the relaxation of licensing laws, we must not lose sight of the fact that we are always trying to strike the right balance between a vibrant hospitality industry and responsible drinking.

I reiterate assurances that a myriad of evidence and research was considered as part of the process. The public health impacts of alcohol are keenly felt, particularly in my constituency of Foyle. I am acutely aware of the scourge of addiction issues in our communities. Concerns have been raised from some quarters that alcohol-related harm could increase, given the increased availability of alcohol. That certainly warranted careful consideration, in conjunction with the fact that such issues have been exacerbated over the lockdown period.

I concur with the Chair's comments and those of Ms Mullan on the value of our engagement with young people. It is important that we continue to ask young people what, they think, should be in legislation, rather than dictating to them. Following the engagement with those young people, the Committee determined that the best approach was a comprehensive education programme, delivered in educational settings, that will be similar to other successful public health campaigns. While the communication strategy must be embedded in the liquor licensing system, a cross-departmental approach will be key in addressing the potential for alcohol-related harm.

I seem to have lost a page or two. Maybe someone took them during the voting to speed things up. *[Laughter.]* I support all the amendments, so it is not that much of an issue.

Many of these amendments and those tabled by the Minister are technical authorisations dealing with underage and private functions and the requirement for under-18s to be accompanied by an individual with parental responsibility. We support those improvements, the focus of which must be on the creation of a safe and controlled environment for underage functions and functions at which underage people are present.

At Second Stage, I raised concerns that the Bill failed to touch on the minimum unit pricing issue. I am pleased that that inclusion has now been afforded under amendment No 44, which would introduce new clause 17A. In the interests of the public health impact of the Bill, that inclusion was and is a necessity. I respect that, last year, the Health Minister, Robin Swann, committed to consult on the implementation of minimum unit pricing here; however, the amendment requires the Health Minister to enact that provision within three years of the Act coming into play. It is better to ensure that minimum unit pricing is accounted for within the confines of this legislation than to keep that crucial element on the back burner, where it has been for so long.

I support the amendments on sports clubs and, in particular, amendment No 62, which deals, as other Members said, with the misuse of one-day club memberships. It will amend the current policy to ensure that non-members can avail themselves of club facilities only if they are engaged in sporting activity, rather than having the sole purpose of accessing the bar.

**Ms Armstrong:** I am extremely tired. I hope that the rest of the Members in the Chamber understand just how many hours we put into this legislation. If you are tired along with me, this is what it has been like for some time.

As was said, the group 3 amendments consider how we can minimise alcohol-related harm in society. I thank the Chair, our Clerks and all those who support us in Committee for their efforts to ensure that we had access to a range of witnesses who spoke about the impact that alcohol has on health. I could never have imagined the number of witnesses to whom we would speak, the range of information that they provided or the value that they gave us, but here we are.

The Minister will be pleased to hear that I will not talk about 208 days, times or anything like that, because I support all the amendments in this group. As the Chair stated, in March, we had a very informative session with young people, who brought us back to earth by confirming that, whatever rules we bring in, young people will find a way to drink if they want to drink. Minister, the fact that you have allowed school formals to continue to 1.00 am means that, as Ms Mullan said, a lot fewer young people will be disappearing off to private house parties where they will be drinking. Hopefully, it will get back to what it was like in the dark ages when I had a school formal.

The Committee has recommended improvements to the marketing of the message that needs to be brought forward. The misuse and abuse of alcohol is not just a health issue; we need to ensure that we reach out to those young people through education and communicate in a way that suits their needs and with which young people will engage. That has never been so clear than during the COVID pandemic of the last year, when we have had to adopt and adapt to different methods of communication. I do not know how many times we have used the word "Zoom" in the last year. Two years ago, you would never have heard about that. Through our young people's event and the many other events that the Committee held, we had the opportunity to engage with people in a way that allowed them to speak less formally and more communicatively. That was very good, especially throughout this process.

I reiterate what the Chair said: we have taken forward difficult programmes before. The anti-smoking campaign was tough, but it worked. The campaign on wearing a seat belt was tough, but it worked. With appropriate cross-departmental commitment and investment, we can further address the public health issues created by the abuse of alcohol. For instance, young people brought up the issue of the number of adults or older young people who buy drink for them at off-licences and carry it out to them. That needs to stop, and we need to consider how we can prevent it. We need to engage, and co-production and co-design work.

I am delighted that the Committee was permitted to bring forward a requirement in the Bill for the Department of Health to produce minimum pricing per unit within three years of this Bill becoming an Act. It is absolutely a matter for the Minister of Health, but it will help to reduce the abuse of alcohol. It has happened in other places and has been shown to work.

While young people can attend functions later in the evening, they will have to be accompanied by a responsible person who will act as their parent. As I said, school formals will be allowed to continue to 1.00 am, and I am grateful to the Minister for tabling amendment No 37. It is a reasonable allowance that will protect young people from hanging about outside hotels or outside the venue where they have had their event, where there could be adults who are leaving from a late licence in another venue. I am grateful for that. It is a health protection that is an unintended consequence of the amendment.

I welcome the Minister and the Department's changes to allow sports clubs to permit young

people to be on premises over the summer season and for the extended period from 1 May to 30 September. That followed discussions with representatives of various sports. Thanks to the Minister for allowing young people to access sports club functions up to three times per year during the rest of the year — to attend an awards ceremony, for example. It was through that youth engagement that we found out that some sports do not always work over the summer, as Ms Mullan mentioned. Cricket was the one that surprised me most; it needs access over the wintertime.

Thankfully, the Bill stops the use of self-service facilities, such as vending machines and honesty boxes. That is a welcome clarification. Their removal will mean that, where alcohol is available, the venue has control over sales.

Clarification on one-day membership of clubs means that people can no longer use club premises just to access the bar. They will need to be a member or have proof that they have paid a fee, to use the facilities of that sporting club for a day.

We talked about many things when we were taking on the health considerations. We talked about a limit on advertising and the removal of alcohol from loyalty schemes, but one of the key things that struck me most was the evidence that we received from the University of Stirling, which really put it front and centre that we needed to consider the impacts on health in all of our considerations. We will talk about the surrender principle when we move to group 4. The University of Stirling congratulated Northern Ireland on how we have limited the number of licences and the protections that that can have for the public. We will talk about that later.

It has been a long time, but I believe that, in the Bill, we have not forgotten about health, the impact of addiction and the impact that alcohol can have on families and individuals. I thank the Minister for all of her amendments. The number of amendments that we have show how seriously it has been considered and how much thought and consideration has gone into the legislation.

**Mr Carroll:** I was expecting others to be called before me.

I want to address only one amendment in the group. I will support the others but oppose amendment No 44 around minimum unit pricing, and here are my reasons why. In practice, the demand for minimum unit pricing levels of alcohol serves only to prevent those

who cannot afford buying as much alcohol as they may decide they want or need. To follow that logic, it essentially says that only poor or working-class people will be priced out of alcohol. In 2021, the assumption by the Committee or by Members that only working-class people engage in binge drinking or drink at unhealthy levels will sound terribly classist and offensive when spelt out. There is nothing to address the underlying causes that drive people to drink, regardless of what price it is and whether it goes up, down or stays the same.

Not only does it make little sense to implement a policy that will have little or no impact on those who earn enough or who are higher earners, but it is discriminatory to introduce a policy that would hit poorer households hardest, especially without strong evidence — I certainly did not hear it this evening — that poorer households engage in more hazardous drinking, particularly when the Assembly has just passed an austerity Budget, although it is described as a "standstill Budget". For those reasons, I will oppose and vote against amendment No 44. I appreciate that I might be in a minority of one again, but I put on record my opposition to it, because of who is targeted by it and because it does not do anything to deal with the underlying causes that drive people to hazardous drinking.

**Mr Principal Deputy Speaker:** No other Members have indicated that they wish to speak on this group of amendments. Therefore, I call the Minister to make her winding-up speech on the group.

**12.45 am**

**Ms Hargey:** I will be brief on this group. I thank the Chair, Deputy Chair and the whole Committee for their deliberations on this important part. By working together to improve the Bill, we have offered greater protections, particularly on adult supervision, and we will extend the date for events from May to September and look at day memberships and honesty boxes etc.

Whilst, as I stated, this is not within my remit, I support the call for minimum unit pricing for and call on the Health Minister to bring it forward urgently. I am hopeful that the last issues to be raised will be considered, debated and equality-screened so that we can look at the implication of any policy on minimum unit pricing.

Finally, a lot of Members mentioned how good it was that young people were involved. I agree

that, when developing policy, it is important to engage with young people about how it affects them. Again, I give particular thanks to the Education Authority's Youth Service, which facilitated engagements with young people as part of my Department's 2019 consultation on licensing laws.

*Amendment agreed to.*

*Amendment No 36 made:*

In page 16, line 16, leave out "the condition in paragraph (5)" and insert-

*"a condition attached to the authorisation".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 37 made:*

In page 16, line 38, after "force" insert-

*"or during the first 30 minutes after the authorisation has ceased to be in force".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 38 made:*

In page 17, line 12, (middle column), leave out "on access to intoxicating liquor" and insert-

*"attached to authorisation for underage function".— [Ms Hargey (The Minister for Communities).]*

*Clause 11, as amended, ordered to stand part of the Bill.*

### **Clause 12 (Private functions)**

*Amendment No 39 made:*

In page 17, line 28, leave out from "of" to "parent" in line 29 and insert-

*"either of a parent of that person or of a parent of another person who is under 18 and attending the function".— [Ms Hargey (The Minister for Communities).]*

*Clause 12, as amended, ordered to stand part of the Bill.*

**Mr Principal Deputy Speaker:** No amendments have been tabled to clause 13 or clause 14. I propose by leave of the Assembly to group the clauses for the Question on stand part.

*Clauses 13 and 14 ordered to stand part of the Bill.*

### **Clause 15 (Prohibition on self-service and sales by vending machines)**

*Amendment No 40 made:*

In page 19, line 8, leave out from "The" to "is" in line 10 and insert-

*"In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 41 made:*

In page 19, leave out lines 12 to 14 and insert -

*"(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine."— [Ms Hargey (The Minister for Communities).]*

*Amendment No 42 made:*

In page 19, line 14, at end insert -

*"(2A) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—*

*(a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or*

*(b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated."— [Ms Hargey (The Minister for Communities).]*

*Amendment No 43 made:*

In page 19, line 26, (middle column), leave out "a person to operate the dispenser, or selling it" and insert "self-service or".— [Ms Hargey (The Minister for Communities).]

*Clause 15, as amended, ordered to stand part of the Bill.*

*Clauses 16 and 17 ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 44 made:*

After clause 17 insert -

#### **"Minimum unit pricing**

**17A.** *Within 3 years of this Act coming into operation, the Department of Health must bring forward to the Assembly legislation introducing minimum pricing provisions for the sale and supply of intoxicating liquor in Northern Ireland.*— [Ms P Bradley (The Chairperson of the Committee for Communities).]

**Mr Principal Deputy Speaker:** I am happy to state for Hansard that Mr Carroll opposed amendment No 44.

*New clause ordered to stand part of the Bill.*

*Clause 18 ordered to stand part of the Bill.*

**Mr Principal Deputy Speaker:** We will now move on to the fourth group of amendments. If Members will —.

**Mr Wells:** On a point of order, Mr Principal Deputy Speaker. What on earth was the Business Committee thinking when it decided to put the Budget Bill and this legislation on the agenda for the one sitting of the Assembly? It must have been obvious to all concerned that we would not start this debate till very late. According to my calculations, we have dealt with only 18 or 19 clauses so far. We are now moving to Mr O'Toole's controversial amendment on sale-of-liquor licensing — licences. The fact that I cannot even say it indicates how tired I am. Can you relay to the Business Committee, of which I am not a member and on which I am not technically represented, that it must be more careful in future? We are not doing our duty of scrutinising legislation at five to one in the morning, simply because of bad timetabling.

**Mr Principal Deputy Speaker:** Insofar as that relates to how the business of the House is dealt with, that is a matter to be determined by the Business Committee rather than by the Speaker's Office. However, the Member has put his point on the record. I am sure that the

Business Committee, which comprises representatives of almost all parties represented in the Chamber, will take note.

I ask Members to take their ease for a few moments while we change the top Table. We will then move on to the fourth group of amendments.

### **New Clause**

**Mr Principal Deputy Speaker:** Folks, you are stuck with me for a while yet.

We now come to the fourth group of amendments for debate. With amendment No 45, it will be convenient to debate amendment No 46 and amendment Nos 58 to 60. I call Mr Matthew O'Toole to move amendment No 45 and address the other amendments in the group.

**Mr O'Toole:** I beg to move amendment No 45:

Before clause 19 insert -

#### **"Independent review of the licensing system and surrender principle**

**18A.**—(1) *The Department for Communities must, not later than 6 months after the date of Royal Assent of this Act, appoint an independent person to undertake a review of the licensing system, including the operation of the 'Surrender Principle', in Northern Ireland.*

(2) *The Department must, so far as is reasonable, ensure that the review mentioned in subsection (1) has regard to—*

(a) *the social, health, economic and industry competition impact of the current licensing system in Northern Ireland,*

(b) *the distribution of licences in areas that are under-licensed, including but not limited to rural areas and tourist areas,*

(c) *the functioning of the 'Surrender Principle', including legislative options for reform to allow for the creation of new liquor licences for sale on premises, including specific options for the creation of licenses based on clear community need,*

(d) *draft options, where appropriate, to compensate existing license holders.*

(3) *The person must, not later than 1 year after their appointment, report and make*

recommendations on developing a liquor licensing system that is responsive to consumer and community needs in a changing social and economic environment, while taking due account of the public health concerns around alcohol-related health and social harms.

(4) The Department must—

(a) lay the report before the Northern Ireland Assembly, and

(b) arrange for it to be published.

(5) The Department for Communities must, not later than six months after the date of the publication of the report mentioned in subsection (3), publish an action plan for addressing the recommendations contained in the report.

(6) The Minister for Communities, must, not later than six months after the date of the publication of the report mentioned in subsection (3), make an oral statement to the Northern Ireland Assembly on the Department's action plan for addressing the recommendations contained in the report."

The following amendments stood on the Marshalled List:

No 46: Before clause 19 insert -

**"Annual publication of the number of operational liquor licenses**

**18B.**—(1) The Department for Communities shall publish an annual report on the operation of the liquor licensing system in Northern Ireland that includes for each year—

(a) the number of Article 5(1)(a) and Article 5(1)(b) licenses in operation,

(b) the number of operational public houses and their location by postcode,

(c) a ten-year rolling horizon forecast for each of 1(a) and 1(b)."— [Mr O'Toole.]

No 58: Before clause 33 insert -

**"Guidance**

**32A.**—(1) The Department for Communities must issue guidance about—

(a) the effect of the Licensing Order,

(b) the effect of Part 1 of this Act on that Order, and

(c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).

(2) The Department for Communities must issue guidance about—

(a) the effect of the Registration of Clubs Order,

(b) the effect of Part 2 of this Act on that Order, and

(c) such other matters as the Department considers appropriate in connection with the registration of clubs.

(3) The Department for Communities must—

(a) keep any guidance issued under this section under review, and

(b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.

(4) The Department for Communities must publish any guidance issued or revised under this section."— [Ms Hargey (The Minister for Communities).]

No 59: Before clause 33 insert -

**"Review**

**32B.**—(1) The Department for Communities must review and make a report on the implementation of each provision of Part 1 and of each provision of Part 2—

(a) as soon as practicable after the third anniversary of the commencement of that provision, and

(b) at least once in every five years after the making of the previous report on the implementation of that provision.

(2) The Department for Communities must—

(a) lay a copy of each report under this section before the Assembly, and

(b) having done that, publish the report.

(3) *The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.*

(4) *Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*— [Ms Hargey (*The Minister for Communities*).]

No 60: In clause 36, page 33, line 24, leave out paragraph (a).— [Ms Hargey (*The Minister for Communities*).]

**Mr O'Toole:** I am tempted to say, "Last orders at the bar". That would be cringeworthy, but I have said it. I will try to be brief.

I will address the critical issues in my amendments and try to cover some of the other amendments in the group. I will try to reassure those like Mr Wells, who believe that my first amendment is controversial. I do not think that it is. It is relatively routine but useful, and I will explain why.

#### 1.00 am

Briefly, before I come to my amendment Nos 45 and 46 and given that I am opening on the entire group, I will mention that the Minister's amendment Nos 58, 59 and 60 are sensible. Amendment No 58 is a new clause on guidance. It mandates the Department to issue and publish guidance about the effect that the Bill has on the Licensing Order 1996 and the Registration of Clubs Order 1996. Amendment No 59 is a new clause on review, requiring the Department to review and report on the functioning of particular parts of the Bill. The first review should be produced three years after commencement of the legislation. Thereafter, a report should be produced every five years. In a sense, that is what my amendment No 45 does, so I am completely up for reviewing and reporting. It is useful, because part of what we have learnt about the licensing system is that the more information we have, the more reviewing and reporting there is and the more we understand the system, the more we can ensure that it is working as well as it can for all stakeholders. Amendment No 60 is relatively technical, concerning when restrictions come into operation.

I turn more specifically to the two amendments that stand in my name, particularly amendment No 45. The amendments sit together and

attempt to do the same thing, broadly speaking. The first thing that I want to say is that pubs mean a huge amount to me. They mean a lot to all of us. They mean much more than simply places to drink. In many ways, I grew up in the pub trade. There are publicans on both sides of my family, and I was working in a pub from the age of 16, which is not an appropriate age to be working in a pub. I worked behind a bar locally and further afield. For me, pubs have been part of the fabric of my life, as they are for many people and communities. All the available data shows, however, that we face a crisis with pubs in Northern Ireland. The number of pubs has declined in all parts of these islands, but the decline has been sharper in Northern Ireland. All the indicators show that the number of pubs has declined more here. Specifically, replacing pubs that are lost is a real challenge, because of the nature of our licensing system, which I will come to.

*(Mr Speaker in the Chair)*

The House of Commons Library, which gathers its data from a range of sources, indicates that the number of operational pubs in Northern Ireland fell by 36% between 2001 and 2019. That is, by some margin, the fastest of all UK regions. Although the numbers are not directly collected for the same period, it is also sharper than the fall in the South of Ireland. I acknowledge that Hospitality Ulster has pointed to alternative figures on licences in operation, but those figures point to a broadly similar or slightly smaller fall in the number of pubs. No one disputes, however, that there has been a very sharp fall in the number of pubs operating in Northern Ireland in the past couple of decades. In the year 2019-2020 alone, the number of pubs fell by 3%. That was the sharpest fall in the UK, while — this is critical to understanding why my review clause is important — other regions increased their numbers of operational pubs. That has been structurally difficult to do in Northern Ireland, for reasons that I will come to. The same data shows that the number of employees working in pubs has fallen by 22% since 2019. We now have the lowest number of pubs per head of population in any region outside London, and, of course, since London has such a high density of population, it is a bad comparator.

If pubs were simply places to drink, those trends would be less concerning, but pubs are much more than places to drink. They have real meaning to real people. Why was it that so many were genuinely affected by images of pubs reopening and people reconnecting with one another over the past fortnight? It was not simply about drinking. I will come back to that

point. It is not simply about drinking, because many of us have been doing lots of that at home anyway. Too many people have probably been doing too much of it at home, and I will come back to that public health aspect. Pubs are community hubs, meeting places, economic drivers, information exchanges, repositories of what might otherwise be lost local knowledge, incubators of creative talent and so much else. When I think of my time working in pubs, I think of the richness of human contact that I experienced and the people from different generations and backgrounds with whom I connected but might not otherwise have met. I mean people like the late Joe Cassidy, who owned a shoe shop in Downpatrick and drank bottles of stout off the shelf and "by the brace", as he would say. He once counselled me by saying, "The wise man seldom speaks". Sadly for Members in the Chamber, I have never learned to heed that advice.

I tabled the amendments because pubs mean a huge amount to people and we are losing them. The core of amendment No 45 is simply about reviewing our licensing system, because, as the figures that I mentioned make clear, there is something that we need to address. However, before we address it, we need to understand it. We need to have a proper evidence base. My amendment specifically mentions the so-called surrender principle, because it is impossible to properly review our system of liquor licensing without examining the core tenet of that system. I do not know whether the surrender principle is the primary driver of the closure of pubs in small rural towns and, indeed, pubs in larger towns; in fact, we can be fairly certain that it is not. There will be a huge number of reasons and factors that have contributed to it, but we need to understand what they are and how the licensing system plays into that.

A substantial number of licences have moved from pubs to supermarkets and to convenience stores with integrated off-sales, and the decisions to sell those licences were entirely reasonable. People operate within the system of liquor licensing that we have had, in one form or another, since 1902: it is worth bearing that in mind. My amendment does not change that in any way and does nothing to the licensing system. It simply says that we should have a review of how the licensing system works; indeed, the Committee, in its report, said that we should have a review of the licensing system and specifically said that we should have a review of the surrender principle. All that my amendment does is put that in the Bill.

**Mr Wells:** Will the Member give way?

**Mr O'Toole:** I will give way, yes.

**Mr Wells:** If only the Member's amendment did only that. The reality is that there are many pubs in South Down and throughout Northern Ireland whose main asset is their licence. Many have borrowed money on the basis of that asset. The grave danger of his proposed review is that banks will stop lending on the basis of that asset, given the uncertainty that his amendment will create. That will do nothing to protect small rural pubs in Northern Ireland.

**Mr O'Toole:** I thank the Member for his intervention, but let me make this absolutely clear: my amendment says nothing about changing the surrender principle or the licensing system. It calls for a review, and I caution the Member about putting out inaccurate information. To be absolutely clear, it does not do that. The Committee report calls for a review of the surrender principle. There have been multiple reviews of the surrender principle. The licensing system is, by definition, under permanent review by the officials who oversee it, so putting out information that this is somehow about to change is, I am afraid, wrong.

All that my amendment does is, as I said, call for a review. It sets a time parameter and specifies criteria. If you look at the criteria that it specifies, you will see that it says explicitly that, along with public health, socio-economic conditions and rural and community need, we need to take into account the interests of existing licensees. That has not been put in legislation anywhere before. There have been multiple reviews of licensing and the surrender principle, but — the honourable Member did not note this — never before, in any of those reviews, has anyone said that the rights or interests of existing licensees should be enshrined in it. I want to make that absolutely clear: that has to be part of any review.

As I said, our current system means that, to all intents and purposes, once pubs disappear, especially in smaller towns and rural areas, they are unlikely to reappear. I ask colleagues across the Assembly to consider that. I do not represent a rural constituency, but I am from a rural area, and pubs have closed in Belfast too. I will give way to any Member who can tell me that they have not seen pubs close in their constituency. They are closing across Northern Ireland. The data is broken down by constituency by the House of Commons Library. East Belfast has lost 50% of its pubs in the last 20 years. Half the pubs in east Belfast have shut. That is an astonishing number.

**Ms P Bradley:** I thank the Member for giving way. I am glad that he is explaining his points. Will he agree that part of the reason why we see the decrease in our licensed premises is that we need to do something more? They need to be something more, and the likes of the Pub is the Hub model would go some way to retaining our pubs, especially in rural areas, to be more than just the pub.

**Mr O'Toole:** I thank the Committee Chair for her intervention. I completely agree; in fact, the Pub is the Hub model that Hospitality Ulster and others talked about is exactly the type of thing that I want to see being fed into the review. The review is not simply about the surrender principle; the review is about the licensing system. That is what it says. It says, "Look at the surrender principle because that is fundamental to the licensing system", but it talks about the licensing system more broadly. It does not require change; it simply requires a review and information gathering and proposals. It does not oblige the Minister or the Department to do anything after that other than to give the Assembly their response. It does not require action after that. It does not require any legislative change to correct some of the misinformation and misapprehensions. The Pub is the Hub model is critical. It is really important that existing licensees and the sector understand that everything to do with the sector can be part of the review, and it should include questions of rates and costs. All those things can and should be part of the review.

I go back to my point about some of the issues that we have particularly but not exclusively with rural and small town pubs. Even where large areas are not served by a pub, where no one could credibly claim that they are already served by lots of licensed premises, it very rarely happens that people acquire licences to reopen pubs once they have closed. Genuinely, I will give way to any Member who is aware of a specific situation where a pub has reopened in a rural area. If it happens, it is very rare.

As I said, this is not just about surrender and how licences move around. My amendment provides for a review of the licensing system and draft recommendations. It is about looking at our licensing system in the round. That will include, as subsection (2) makes clear, social and economic factors. Those will include issues around how pubs can help to deal with loneliness and social isolation; indeed, the Committee Chair just mentioned the Pub is a Hub model. That model is about pubs, particularly in rural areas, establishing themselves as community hubs for services. It is about tackling rural isolation and rural access

to services more broadly, whether it is postal services or other social activities. That goes back to my earlier point about pubs being about something much more than drinking.

It is explicitly mentioned in amendment No 45 that the review should also include questions of public health and alcohol-related harm. As has rightly been said tonight, alcohol is rightly a controlled substance. It can and often does create significant harm. On that subject, it is legitimate to ask and to gather evidence on whether a system that appears to incentivise the movement of licences from small pubs to off-sales is the best way of encouraging moderate intake. As many people have discovered during our recent periods of lockdown, there are no last orders in your own house. There is no barman looking askance as you have another drink, and there is no bus or taxi needed to get home. The point that I make is that pubs do not equal alcohol harm, and, when set against people drinking at home, they often mean much less harm. Set against that, you have the broader range of social goods that I talked about.

Given that we have lost so many pubs, it is surely reasonable to simply gather evidence and examine how the current system is working. That is what amendment No 45 does. As I said, it does not change the licensing system. It does not create more licences. It does not alter the licensing system in any way. It does not oblige the Department to alter the licensing system in any way. It is simply a review.

#### 1.15 am

There has been widespread support for my amendments from campaign groups. As I said, however, I want to address the concern of any publican who thinks that a review of this will —

**Mr Wells:** Will the Member give way?

**Mr O'Toole:** I will give way to the Member, but if he is going to stand up and rail against my amendment — I am not sure that he has read it — and create more misinformation about what it does, I will not give way.

**Mr Wells:** Does the Member accept that Hospitality Ulster, which represents a large proportion of the small pubs in Northern Ireland, is totally opposed to his amendment and has lobbied many Members and asked us to vote against it? How am I, as a teetotaler who does not go to pubs, meant to know better as far as

the industry is concerned than the official body that represents so many of its members?

**Mr O'Toole:** All I would say is: read the amendment. The Member is in this place long enough to know that the best thing to do when you are debating legislation is to read what it does and understand its purpose. It is fairly clear, if you read my amendment. I have explained it in the House and engaged and had conversations with Hospitality Ulster. Although, as you say, it was not immediately keen on this idea, it has recognised that this is about a broader review of the licensing system. In my speech today, I have endeavoured to explain that this is simply about a review of the licensing system. It is not about changing the surrender principle because this does not change the surrender principle. It simply gathers evidence.

It is important to say that the purpose of the review is to allow us to understand how well our licensing system is working. The review should and could work in the interests of existing licensees. I care deeply about their interests, and I want the review to work in their interests.

To be clear, amendment No 45 simply mandates a review of the system, with draft recommendations and a departmental response to be given to the Assembly six months after the initial independent reviewer makes their report. For the sake of those who did not read the Committee report, let me remind everyone that the report called for:

*"a balanced review of the Surrender Principle".*

All that I am doing is putting that in the Bill.

I assure publicans that this is simply a review of the system. I encourage them to participate in the review. Many of them are keen, after what has been a very stressful year, to be assured that there is a bright future for this industry. The amendment is, hopefully, a critical part of ensuring that and our planning for the future. I want publicans to make their voice heard and to influence the review.

As I said, my amendment specifically mandates the independent reviewer to consider the financial interests of existing liquor licence holders when examining the system. That was never done when the system was reviewed before, as far as I am aware. The interests of existing liquor licence holders would be in this Bill. That is in the amendment, and, if it passes, it would be in the Bill.

If my amendment passes, I would be happy to consider amendments at Further Consideration Stage that offer more specificity to particular elements of the amendment or, indeed, amend the timescale. Some people who have been broadly supportive of the principle of reviewing how the licensing system works have commented on the timeline. The timeline that I have put in is basically to allow the Department six months to appoint an independent reviewer, for the independent reviewer to take a year to gather evidence and report and, six months after that, for the Department to respond. If people were minded to support the amendment, I would be happy to consider amendments at Further Consideration Stage to prolong that period and look at how long it lasts.

The whole point of this is gathering information and reviewing it. It is not about getting any of this done quickly. It is fine with me if it is on a slightly longer timescale. It is about long-term planning for how our licensing system works. If we go for reform, that will happen, by definition, years into the future after thorough information gathering.

However, I return to my core point, which is that our current system does not appear to be working. I encourage Members to pause and to think about that as they consider amendment No 45. Northern Ireland has lost nearly 40% of its pubs over the last 20 years and we have, in effect, no way of replacing them. We are making specific and welcome reforms tonight — if the Bill passes its Final Stage — to how the licensing system works. I am very much in favour of the additional hours that have been created and the additionality around taprooms. However, given the broad socio-economic context in which pubs operate and the extraordinary community need, it is important that we look at what is not working, examine it and gather information. Let me be absolutely clear that no one has anything to fear from that. I cannot reiterate enough that all my amendment does is call for information gathering and review, which, I think, is in everyone's interests.

Amendment No 46 is part of the same effort and simply requires the Department to regularise its publications on pub numbers via an annual report on the number of article 5(1)(a) and 5(1)(b) licences — basically the liquor licence — either in pub or off-sales form, including their location by postcode. I am aware that, time and again, the Committee and others have found it frustrating to get information. Amendment No 46 regularises that by requiring the Department to publish the information on an annual basis. I do not see how anyone could

object to that. I am aware that departmental officials are here today; this might involve creating more work for them, but they are very competent people. Broadly, all that the amendment does is to regularise the publication of information and make sure that it is accessible online to MLAs and others. I ask people to support it on that basis.

**Mr Wells:** Will the Member give way?

**Mr O'Toole:** I will give way briefly, yes.

**Mr Wells:** I am a bit surprised by this particular amendment. My understanding is that the Department for Communities already publishes a full list of licensed premises. Why the need for further bureaucracy when that is done already?

**Mr O'Toole:** If you could find the list for me and tell me where it is published, that would be helpful.

**Ms Armstrong:** Will the Member give way?

**Mr O'Toole:** I will give way, yes.

**Ms Armstrong:** Perhaps I can help on that matter. I had asked for a copy of that list and was told that I could go to the courthouses and do that investigation myself. There is no list. We were very kindly provided with a map as part of our considerations, but it was out of date. There is no current list of all our licences in Northern Ireland.

**Mr O'Toole:** I thank the Member for that helpful intervention. That has been my experience and that of others on the Committee. It is very difficult to get information about this. Our licensing system has been operating in its current form since 1902. I do not know whether it should be reformed. I do not know whether it should be changed. I do not think that we should rush into anything. I simply think that we should gather information and evidence about how it is working and, then, form a judgement in the years to come. That is all that my amendment Nos 45 and 46 do.

I care deeply about pubs and publicans and the huge, vital contribution that they make to our society. I have not even talked about the contribution to tourism. We know that, for example, our pubs are a critical part of our tourism offer on this island as a whole and, clearly, here. Why should we not, given that it is such a critical and structurally important part of our tourism offer and, therefore, our economy, look to see whether the licensing system is functioning as well as it could be?

In conclusion, I hope that as many colleagues as possible can support my amendments, which are grounded in a strong belief in the importance of the pub sector to our community and its vital role in protecting communities, in enhancing mental health for people who use them, in tackling isolation and in binding communities together. I am very proud to submit amendment Nos 45 and 46. As I said, I have covered the other amendments in the group.

**Ms P Bradley:** I am glad to be able to raise the issue of the surrender principle on the Committee's behalf, as amendment No 45 gives me a reason to do so. Although not part of the Bill, the surrender principle for licences was highlighted to the Committee in written and oral evidence from both positive and negative perspectives. Alcohol licences can change hands for considerable sums of money, and they are often viewed as part of the assets of licensed businesses.

On a positive note, the surrender principle provides some control over expanding the availability of licences and in normalising alcohol consumption, which are not possible in any other part of the UK. On a negative note, it causes difficulties for smaller retail outlets in getting a licence. Also, in rural areas, if a local pub sells its licence and it is snapped up by a larger retail chain, the area may lose a vital community asset. The Committee was certainly supportive of a review of the surrender principle, and it recommended in its report that a balanced review of the surrender principle's impact on public health, the economy and rural and local community life should take place no later than the first review of the legislation, which it should form part of.

**Mr O'Toole:** I thank the Chair for giving way. In case I was not specific enough in my previous remarks, I reiterate that the review in my amendment not only would not mandate any change but it would not presuppose any change to the surrender principle. It might state that the surrender principle is a good thing; it takes no positive or negative view on it. The financial interests of existing licensees have to be at the core of any review.

**Ms P Bradley:** I thank the Member for clearing that up. To conclude on that part, it is up to the House to decide whether amendment No 45 is the way forward on that.

As with amendment No 45, amendment No 46 gives me an opportunity to highlight several data-related issues that the Committee

considered in its work on data on alcohol and alcohol licences. The Committee was concerned about the lack of a centralised liquor-licence database, as members were concerned that there was no way to check for any imbalances in the range and spread of licences. The Department agreed with the Committee that there was work to be done to compile a full and accessible list of all licensed premises. The Committee thanks the Minister for engaging with the Justice Minister on taking that forward.

Based on research that it considered, the Committee raised with the Department the lack of a wider comprehensive database on alcohol issues, as members were concerned about a lack of available centralised data on many of the pertinent issues regarding alcohol sales, consumption and harms in Northern Ireland. The Department advised that it is working with the relevant officials in its professional services unit to develop an evaluation plan for the Bill. The Committee understood that available information will be used in order to determine a baseline and any relevant information identified that will be required to carry out an evaluation in the future.

Based on all the evidence that it took on that, in its report, the Committee recommended that the Department of Finance lead an exercise to agree and take forward with NISRA a cross-departmental database that covers the range of societal issues that should be monitored, mainly alcohol licences, sales, consumption and harms in Northern Ireland. The Committee also recommended that it be provided with a draft of the Department for Communities' evaluation plan at the earliest opportunity and sought assurance that it will be able to feed into that plan on the issues that it would like to see included. Again, it is now up to the Members to decide whether amendment No 46 is the way forward on that aspect of data gathering for the annual publication of the number of operational liquor licences.

Amendment No 58 provides for new clause 32A. Again, that amendment was taken forward by the Minister at the Committee's request, so it is supported by the Committee. The Committee heard evidence on the need for new legislation to be supported by strong and concise communication on the new licensing laws and any subsequently approved codes of practice so that individuals, organisations and businesses know exactly what is expected of them. The Committee agreed the amendment with the Minister in order to ensure that there is a duty to produce guidance on the new Act.

In its report, the Committee also recommended that the Department for Communities issue bespoke and clear communications, once Royal Assent is given, to alert the various sectors impacted by the Act and to direct them to the appropriate guidance materials.

### **1.30 am**

Amendment No 59 provides for new clause 32B regarding review of the implementation of the Act, and the amendment was kindly taken forward by the Minister, again at the Committee's request. Due to the potential breadth of impacts of the Bill on public health, emergency services, young people, the economy, tourism and wider society, the Committee proposed that a new specific review clause be added to the Bill. After discussions between officials and the Committee on the specifics and practicalities of the wording of the clause, the Minister accepted the request. I thank her for tabling the amendment, which the Committee is pleased to support. As reviews of the Act are of significant importance to the Committee, the Committee also recommended in its report particular areas that such reviews should include. I am sure that all Members have read the recommendations in the Committee report, so I will not go into any more detail on what is a fairly lengthy list of recommendations.

Finally on this group of amendments, the Committee welcomes amendment No 60, which amends clause 36 to remove paragraph (a) relating to sections 1 and 23, which are on the removal of additional restrictions at Easter, as the policy intent originally was to have the provisions relating to Easter come into operation on the day after Royal Assent to allow licensed premises to benefit from those positions in Easter 2021. The Committee welcomes the amendment.

I would like to finish with some comments as a DUP Member and a member of the Committee. First, I will comment on the two amendments that Matthew O'Toole tabled. I can absolutely see merit in looking at a review of the surrender principle, and that was in the Committee report. It is vital that we take that forward. His amendment No 45 is vital when it comes to data gathering. Data gathering will be required when we come to the review in three years' time for comparing the data now with two years' or three years' time, so I am in agreement with that. However, I want to impress upon Mr O'Toole that, as I brought up during the discussions, there are many reasons why our smaller pubs, not just in rural areas but in our towns and cities, are suffering and failing greatly. There are many reasons for that, whether it is the increase in people drinking at

home or the lack of people using our pubs. That is why I believe that the Pub is the Hub model could go some way to reversing that trend.

I finish by thanking everyone who has taken part in debating all aspects of the Bill tonight. It has been a long night. I also thank my Committee colleagues, who have done a wonderful job over recent weeks and months in getting us to where we are today. I say a special "Thank you" to Janice, Sean, Antoinette and Oliver, our Committee team, who have supported and guided us and shown great patience in the past few months with all our Committee members. A big "Thank you" to them.

**Dr Archibald:** I welcome the opportunity to contribute to the debate. I commend the Minister for introducing this much awaited reform of licensing legislation, which will be hugely beneficial for the whole of the North. The Bill has the potential to bring so much to our tourism and hospitality sectors and to create jobs in different sectors. It is important that we get the Bill through so that we see its benefits as quickly as possible. Listening to the Members who have spoken so far reaffirms the importance of the Bill to so many people. The enthusiasm that Members have shown this evening illustrates the significance of what it can deliver. Also, after listening to Committee members and speaking to colleagues, I understand and very much welcome the work that all members of the Committee have put into robustly scrutinising and deliberating on the Bill. From the number of written submissions made to the Committee and the 30-plus oral evidence sessions held, it is clear that the interest is there. They highlight the need for the Bill to be introduced as quickly as possible.

Throughout the debate, Members have highlighted the fact that this year has been really tough on many in our communities. Of course, most of all, it has been tough for those who have lost loved ones and those who have been ill. It has also been hard on our businesses and workers. Of all the sectors, hospitality and tourism are amongst those on which there has been most impact. Pubs, clubs, hotel owners and bar managers have all struggled, despite the significant support that has been made available by the Executive. Even though premises are closed and have been closed for a hell of a lot longer than they have been open over the past 16 months, the bills continue.

In a few weeks, the Bill will put licensed premises and local producers on a better footing to recover, with extended opening hours

and the easing of restrictions around Easter and greater flexibilities. It is a chance to modernise and update our licensing laws. It is also a chance to make our towns and cities more attractive to people who come here for long weekends and all those things.

We support amendment Nos 58, 59 and 60. However, we do not support amendment Nos 45 and 46. Amendment No 45, tabled by Mr O'Toole, is on the review and surrender principle, Sinn Féin understands that the licensing system could be looked at, including the surrender principle. I appreciate that Mr O'Toole has spoken about this, but we feel that the amendment is unrealistic, particularly the time frame. It is just not achievable in that context. Another aspect is the financial cost to the Department, which is not detailed. I have heard from pub owners who agree that the licensing system must be looked at, particularly the surrender principle. They support review but believe that this needs to be carefully thought out and given due consideration. It is really important that we have a fair licensing system. There are issues with the current system, and I very much agree with the point made by Matthew O'Toole and Paula Bradley: pubs are about much more than selling drinks. They are about being hubs and providing social support and social inclusion in our communities, particularly rural communities.

**Mr O'Toole:** I appreciate the Member's giving way. I agree with much of what she says. As I said, I am happy, if the amendment is made, to look at the timing and extend the period. I am in no way precious about that. My other point is that, in reviewing this, I have no fixed outcome, and there is no fixed outcome from the amendment. However, the key thing is that, if we do not do this now, when will we do it? The Licensing Bill fell just before the institutions fell in 2016. We do not tend to do these things quickly, and we will not do anything on this quickly, which is why my question is this: why not start now? It might be a decade before we do anything.

**Dr Archibald:** I thank the Member for his intervention and appreciate his comments. I know that the Minister will address them in her response. Members remarked on another thing during the debate. Trends that we have seen over the past year include people drinking at home, and that increased consumption is worrying. It is much better that we have regulated settings and measures. Having a licensing system that is fit for purpose is really important. However, at this time, when our hospitality and tourism sectors are only just reopening and are not even close to being back

on their feet, a rushed review could cause uncertainty in the sector, and that could have unintended consequences. Therefore, while we are sympathetic to the intent, we will not support the amendment.

The Minister's amendment Nos 58 and 59 cover guidance and a review, including reporting, which provides a good opportunity to keep the implementation of the legislation under review.

Amendment No 46 concerns publication. Given that the Minister has already agreed to reviewing and reporting more in depth and over a longer period, the amendment is unnecessary at this point. I also refer to some of the comments that were made about that information being held by DFC.

Once again, I note the importance of the legislation for the reform of licensing. This is a positive day. The reform outlined in the Bill will reinvigorate our hospitality and tourism economy. It will take us out of the dark ages in some respects. I thank the Committee for its work and commend it on its consideration of all the issues, complex as they are, particularly in striking a balance between necessary reform and protecting health. We all recognise that alcohol causes harm. There is work to be done beyond the scope of the Bill on educating on those issues, but I am very much of the view that regulation is the way in which to go to achieve harm reduction. I thank the Minister and the Committee and look forward to the Bill completing its passage and being implemented.

**Ms Armstrong:** We are nearly at 2.00 am, so we are nearly at the end of our late licence.

I agree with Mr O'Toole that pubs are a key part of many people's lives. We have just to look at how much we have missed our pubs and hotels throughout the pandemic. As Ms Archibald said, this is a good day. The legislation has been a long time coming. There have been lots of votes tonight and lots of things have gone through, but this is modernising our liquor licensing and the registration of clubs. That is something that we should celebrate. As a member of the Committee, I have been in awe of the amount of work that our Committee staff, fellow Committee members, Bill Office staff and so many officials from the Department have done to help us.

The Alliance Party supports Mr O'Toole's amendment No 45, which calls for an independent person to undertake a review of the licensing system, including the operation of the surrender principle. We support that review, because, as the Committee report states,

people gave us positive and negative experiences of the surrender principle. Witnesses from the University of Stirling confirmed to the Committee that our surrender principle controls the number of places that sell alcohol, and that is a good thing. They pointed out that that was very welcome when it comes to health. We also heard, however, that, when licence holders sell their licence, as they have the right to do, that licence is often sold to the highest bidder, which, in many cases, is a supermarket. That means that the pub that sold its licence is no longer in the area. The loss of that licence does not help the Pub is the Hub model promoted by Hospitality Ulster. I really like that model, and I thank Hospitality Ulster for introducing us to it. It is something that we should aspire to.

The Committee recommended that a balanced review of the surrender principle's impact on public health, on the economy and on rural and local community life be carried out. Mr O'Toole's amendment No 45 would introduce a new clause 18A that provides the opportunity to review the licensing system, including the balanced review that the Committee proposed. As others have said, the review does not mean that change will happen or that bad change will happen. Licence holders should and would have input into that review. The independent reviewer could even say that the licensing system and the current surrender principle are fine. We need to trust that independent report.

I also support amendment No 46. It is appropriate that an annual publication of the number of operational liquor licences be produced. That list will help us see where the licences are located, where there is a concentration of licences and where there is a gap in provision. It will help planners, councils, the police and the health service. There is always merit in having access to data.

I support the Minister's amendment Nos 58 and 59. It is absolutely right and proper that guidance be produced.

We do not want people to guess how the Act will work. It is right and proper that professionals who work with the Minister be involved in producing that guidance. We should have a review, as in amendment No 59, at three and five years. The amendment gives the Department the opportunity to end the reporting, if it so chooses, after 10 years. I support amendment No 60, which is a technical amendment.

**1.45 am**

This is a good day. While not all my amendments were accepted by everyone, people — I do not think that anyone is listening to us at this stage, but some might be — will see that we, as an Assembly, have worked really hard to get a balanced way forward for the people who hold licences for a taproom, for the local producers and for everyone. Most importantly, we have a hospitality sector that is trying its best to come back after COVID. I want to help those people. I think that we all want to help them, and we have gone a huge way towards doing that tonight.

**Miss Woods:** I will not go into detail about all the amendments in the group, as others have done that. I support all the amendments in the group. I wish to highlight a few matters on amendment Nos 45 and 46, in Mr O'Toole's name, and amendment No 59, in the name of the Minister, on an independent review of the licensing system. On the face of it, the reason to support that is a simple one: why not review? Why would we not have an independent review of a system to know where we stand? On previous legislation that I have worked on in my short time at the Assembly, specifically as a member of the Justice Committee, I have pushed for review systems and mechanisms to show the effectiveness of, say, the creation of a new offence. I will continue to do so. I see no reason why that should not be part of this Bill in respect of our licensing system, which is, understandably and as we have heard in the debate, incredibly complicated. There is nothing to be feared from a review; it is good to take stock and see how things are progressing and working and who they are working and not working for.

Turning to amendment No 45, whilst I understand that there would be issues with overhauling the entire surrender principle and consequences for many publicans if that happened, that is not what amendment No 45 would do. Mr O'Toole's amendment would mandate that the interests of existing licensees, including the option of compensation, be examined by an independent expert. I see nothing in the amendments to suggest that there would be a free-for-all, nor anything to do with cheaper alcohol. I would welcome an intervention from any Member who does see that.

There may, of course, be repercussions for loans, banking, finance, affordability, and there may be impacts elsewhere that are not covered here, but a review will show the impacts and what could happen and will look at the current system, the distribution of licences and the functioning of a system, and where appropriate,

the drafting of options to compensate. Basically, it gives us information, all bedded into a report, with recommendations, that must be laid before the Assembly and published. Nothing happens without the support of the Assembly.

I welcome Mr O'Toole's intention to look, at Further Consideration Stage, at the time limits of a year and six months that are specified in his amendments, because I am concerned about them in the context of the business that the Assembly and the Department will have to deal with. I look forward to discussing that at a later time.

Amendment No 46 arranges for data on operational licences to be collected and published annually. There is nothing to be feared from data collection. It is key to so much in society. I see no reason why data should not be collected on the number of licences in operation and the number of operational public houses by location.

Much has been said about the potential impact and unintended consequences of these amendments, especially in relation to rural pubs. We need to support our rural pubs — I do not hear anyone speaking against that — especially through the Pub is the Hub campaign that others have mentioned. There is much merit in helping pubs by making regulations that would allow them to enhance community services such as post offices and farm shops and to facilitate community meetings, events and internet access points as well as initiatives to tackle loneliness and social isolation. From recent reports, we know about the social value that pubs and publicans create by providing local services. That happened especially during the first COVID-19 lockdown. A new report from Pub is the Hub measured the social value impact of services. The report found that for every pound spent on a project through the Pub is the Hub's community services fund in the first lockdown, between £8.98 and £9.24 of social value was created.

It is usually Mr Catney who likes to tell stories about his life and experiences as a publican. However, a recent conversation with my grandmother came to my mind when Mr O'Toole's amendments and the lobby for rural pubs were being debated. She is 92 years old and was brought up in rural Galway in the 1930s. She mentioned that, back in the day, you had to go to your local pub to get fresh yeast for baking because there were no grocery stores nearby. She had to get a form from the police to say that she was not illegally brewing alcohol, but that is another matter. All the other local services, including access to groceries, were miles away, and she had to walk or go by

bicycle — not by car — in the rain, hail and snow. You could not go and get your big shop, let alone your small shop. When I explained what I was working on and would be debating in the Chamber today, she said, "Much is still the same today for our rural pubs". We have not changed. As in 1930 and 1940's Galway, people still have to travel to get local services such as access to groceries.

Why are we not supporting the Pub is the Hub campaign? The point is that the community pub is the hub, and it has been for years, especially in rural areas where other local service provisions do not exist or have ceased to exist for any number of reasons. What regulations need to be amended to facilitate licensees to widen their community role based on the Pub is the Hub model? Perhaps the Minister can detail whether that requires primary or secondary legislation or if it can be done by way of regulation after this Bill has passed.

Amendment No 59 inserts a new clause proposed by the Minister. I welcome that, as it ensures that there will be a review of and report on the implementation of provisions in Parts 1 and 2. When the Department reviews the provisions, I urge it to properly consider the impacts from the point of view of staff and those who work in the industry — the front-line workers, the kitchen porters, the chefs, the bar staff, the cleaners and the suppliers — and not just that of the traditional stakeholders. The review should also cover some of the additional issues that have been considered by the Committee and others that are connected to health and the socio-economic impacts that fall outside the scope of the Bill.

We are aware of a number of issues that staff have had to face, and those have been raised at Second Stage, Committee Stage and today's Consideration Stage. There are issues to do with staff safety, sexual harassment, the responsibility of business owners to get staff home at night, kicking-out time, the impact of the one hour versus 30 minutes of drinking-up time, the lack of a staggering of closing hours, and the impact on the legal entitlement to breaks and ensuring that staff get rest periods and adequate time off between shifts.

Whilst I appreciate that having specific social clauses may be outside the scope of the Bill at this stage, it should be part of a review. The Executive should take a joint approach to ensure that those issues can be legislated for. Staff should be employed under fair work principles, and any exploitative practices should be tackled through legislation. This is a huge body of work, and I take that point. I would

welcome a specific work stream to be undertaken by Executive Ministers — the issues are cross-departmental — on how to support the hospitality and tourism industry as a whole. Worker's voices on working conditions should be heard.

Finally, the impact of the coupling of the entertainment licence with the liquor licence should be part of any review, and I mentioned that matter at length during the debate on the group 1 amendments. Again, I note that the majority of respondents to the consultation favoured the continuation of the status quo that we have had since 2016, which is not what stands in clause 3. Additionally, in the consultation report, there was a common theme about justifying an extension of permitted hours with staggered closing times. Again, that is something that I hope will be considered as part of any departmental review, in order to reduce antisocial behaviour and fights that happen after people have been in licensed premises — Mr Wells and Mr Allister mentioned those issues — and to reduce the pressure on the police and emergency services.

A number of other issues have been brought up. The Chair said that she would not go into all of them but that the recommendations are in the report for anybody who has read them. I have. The review is a key area that the Department should work on. It should also work on the consequences of the Bill as a whole. If we are legislating to extend drinking-up times and to grant later licences to assist with the ending of bottlenecks of people leaving pubs and clubs at the same time — among other things, of course — does the Bill do what it says on the tin?

I hope that all those points will be considered. We will support all the amendments in this group.

**Ms Hargey:** Again, thanks to everybody for their contributions. I will start with amendment No 45 that was tabled by Matthew O'Toole. If passed, it would require the Department for Communities to appoint an independent person to carry out a review of the licensing system, including the operation of the surrender principle for licences, no later than six months after the date of Royal Assent. I have a number of concerns about the feasibility of that amendment. I know that Matthew spoke to officials, and I asked my officials to take advice on whether what is being asked of the Department is achievable within the timescale that has been set out. While I agree with the point about the importance of pubs in communities that Matthew raised, I struggle to

support the amendment as it cannot be delivered within the required time frame that has been set out. That said, if the amendment is voted down or not moved, I give a clear commitment to engage to see whether it can be included at Further Consideration Stage, if allowed by the Speaker, and to look at a better timeline in line with what we in the Department see as deliverable.

Although my Department is responsible for the policy and legislation on the retail sale of alcoholic drinks, the courts are responsible for issuing licences. Obviously, the records are held by the courts, and it would be for the Minister of Justice to publish those. As noted, I wrote to the Minister to follow up on that work. Some Members mentioned that the courts provide the Department with figures every year, albeit they are caveated as being taken at a point in time. They are also issued to stakeholders who request them and, again, are caveated that they are subject to variation over the years. There is no doubt that there is work to be done and improvements to be made to those parts of the system.

There are 38 articles in the Licensing Order that relate to who and what type of premises a court can grant a licence to, the court process of applying for a licence, including the grant renewal duration of the licence, and the type of information to be held by the courts. There are 38 articles in the general licensing system as part of the order. The order also contains another eight articles on permitted hours, a further 27 articles on the conduct of licensed premises, 20 articles on enforcement and more articles on miscellaneous provisions. There are 13 schedules to the order. Altogether, the articles that form the Licensing Order provide for the licensing system here.

The Member's amendment specifically states that the review should include:

*"the operation of the 'Surrender Principle'".*

In a nutshell, that means that anyone who wants to apply for a pub or off-sales licence is required to hand over a current licence for either a pub or off-sales. As was said, the principle dates back to the early 1920s, and it had the intended effect of placing a cap on the number of pubs and off-sales here. It is an attempt to influence the health and social behaviours of consumers. Over the years, the cap on the number of pubs and off-sales has created a lucrative trade in licensing in the private sector. Therefore, there has always been an argument that removing the principle would devalue those businesses that had

already invested in their licences, which are far too often recorded as assets in financial records.

Previous Ministers considered removing the surrender principle, and, indeed, an independent impact assessment was carried out a number of years ago by the then Minister, Margaret Ritchie, who was responsible for the then DSD. The report on the assessment showed that there was insufficient evidence to support the need for removal, and, because of the potential damage to existing businesses, a decision was taken not to take any action.

That independent impact assessment relates to only one of the components detailed in the Member's amendment. It took about 11 months to complete and cost in the region of £21,000.

## **2.00 am**

I have been advised by officials in procurement and consultancy that, given the complexity of such a review and the sheer size, scale and number of variables, pre-market engagement would be required. That would take somewhere between four and six months and would assist in the development of the terms of reference before going out to tender. I have also been advised that, for such a project, a multidisciplinary project team would be required that would include economists and experts in health and social harms, competition law and licensing. It is not likely that one consultancy firm would be equipped to carry out the entire project. The advice that I have received suggests that a scoping exercise would need to be carried out to enable a timescale and cost for such a review to be put in place. It has, however, been estimated that a review of that magnitude would be expected to take longer to complete, and costs would need to be worked out. For those reasons, I cannot support the amendment. It would not be practical to take it forward in the timescales. It would also enshrine timescales and scope of the review in law and, given the timescale set out in the amendment, could only result in the production of an extremely poor report.

Matthew has also tabled amendment No 46, which introduces a new clause 18B. That amendment will require the Department to produce an annual report on the operation of the liquor licensing system here and the number of pubs and off-licences in operation, along with a 10-year rolling forecast of those premises. An annual report on the liquor licensing system would place a significant burden on the Department's time and

resources, and that would need to be looked at. I do not believe that it would be appropriate for my Department to be required to include some of the components of the report or to publish figures that would need to be provided by another Department. As has been said, the Department of Justice is responsible for the courts which actually do the licences. The figures for the licences that are in force are also subject to change as they are provided at a point in time, as I said. Licence holders have up to a year in which to renew their licences after the end of the licensing period. Some licences are granted for less than the licensing period. There is also no way of predicting how many there will be in the future. For those reasons, I do not support the amendment.

I move now to some of my own amendments. The Committee for Communities considered a number of areas in the Bill for which it requested clarification, and it has linked that to the complexity of the Bill. The Committee and I agreed amendment No 58, which introduces a new clause 32A. It places a duty on the Department to produce and publish guidance on the provisions of the final Act. I have also tabled amendment No 59, at the request of the Committee for Communities, to require the Department to carry out a review of the implementation of the final Act. The first review is to be carried out as soon as is practicable after three years following the commencement of the provisions. Subsequent reviews will take place no later than five years after the last report, with the inclusion of a regulatory power that will allow the Department to cease those reviews. That power cannot be used before the end of the period of 10 years from the date of Royal Assent, and regulations cannot be made unless approved by a resolution of the Assembly.

Finally, I tabled amendment No 60 to remove the requirement at clause 36 to bring a removal of the additional restrictions at Easter into operation on the day after the Bill receives Royal Assent. That was included when there was a possibility of having those provisions in place before Easter of this year and is no longer necessary, because we have passed that date.

I conclude by extending my sincere thanks to everybody who has participated in the debate. I am glad that we have the Bill at this stage and that it is going to progress. Again, I thank the Chair, the Deputy Chair and all the Committee for the engagement. The work that we have been able to do together in making the amendments has made for a better and more balanced Bill.

I again thank the staff and officials from my Department. Carol has worked on the Bill since 2006. She probably thought it would never reach this stage, but, thankfully, it has. Liam and Suzanne have worked on it from around 2014. We thank the staff in the Bill Office, the Committee and those in the Assembly tonight for their support.

**Mr Speaker:** I call on Matthew O'Toole to make a winding-up speech.

**Mr O'Toole:** I will try to keep this brief. I welcome the debate. It has been very productive. I echo what everyone said about the importance of the legislation and of debating it. Whatever happens with the Bill, it is good that we are debating it and that we are making reforms.

I will go through a few comments that were made. The Committee Chair talked about how the report wanted to get a balanced review of the surrender principle. I could not agree more with that, and I reiterate that my amendment is not simply about a review of the surrender principle but about a review of the licensing system. I will come later to what the Minister discussed. Critically, my amendment is about data gathering and getting more info. I could not be more in agreement about the importance of the Pub is the Hub model.

It is true that a precedent has been set by other proposed amendments to clarify and introduce review mechanisms to the Bill. My amendment No 45 simply extends review mechanisms to a broader review of the licensing system. I recognise that people want to know that this will be a carefully thought-through and holistic review of the licensing system. That is why I drafted amendment No 45 as I did. I agree with much of what Caoimhe Archibald said. I do not agree with her view of the amendment, but I agree with nearly everything else that she said about how the system is regulated.

As I said, if my amendment passes tonight, I will look to clarify a timeline. I will come back to that when I get on to what the Minister said. People raised timing. I will not die in a ditch, as it were, over the timeline. It is much more important that we get it right and that it is done properly. I am not wedded to the timeline. If my amendment passes tonight, which is for the Assembly to decide, I will certainly work with others to table an amendment at Further Consideration Stage to clarify the timeline. I hope that the Speaker accepts that, because it should be a relatively straightforward amendment to the amendment that I tabled tonight.

Kellie Armstrong was clear, as I was, that nothing in my amendment changes the surrender principle. Perhaps it is because I mentioned the surrender principle in the title of my amendment that people see that as the monomaniacal focus of the amendment. It is not. The surrender principle is mentioned simply because it is important that we understand and acknowledge that it is a critical part of how our licensing system works. It was not in the scope of the original Bill when it was presented to the Assembly back in 2016. The officials have lived with and endured the Bill for a number of years. The purpose of putting the reference to that phrase in the amendment is that it is part of the review. It is not because it is the sole focus of the proposed review but simply because it is critical to understanding how our system works. As Kellie Armstrong and I said, it does not presuppose change and does not say that there will be good or bad reform of the surrender principle or, indeed, of any other aspect of the licensing system. It is simply about understanding it and having a fulsome look at it. I do not understand or see how that could have any sort of prejudicial financial consequences, given that it is simply a statutory version of what was called for in the Committee report and of reviews that the Department has already pledged to carry out on other parts of the Bill.

I think that we would all quite like to go to Rachel Woods's granny's taproom in Galway, which sounds like great craic. I am sure that it is closed now, unfortunately, and it is a long drive to Galway. Data is critical, and Rachel mentioned the importance of getting it right. She also pointed out, and it is true, that there is nothing in amendment No 45 that has anything to do with cheap drink. Sometimes, people rush to that conclusion. First, there is nothing in my amendment that creates or presupposes any reform. Secondly, even if there was reform at some date in the future, which would have to be debated and decided by the Assembly, literally, in years to come, no kind of reform would necessarily need be done as it has been done in England. It does not necessarily mean licensing liberalisation: it could mean any number of things. It would not necessarily even remove the surrender principle. As I say, the review would simply examine how it, and the rest of the licensing system, is working.

Rachel also talked about the importance of the Pub is the Hub model. That is important to me because my amendments endeavour to create a review structure that sees how we can best make that a reality. We all want to see it become a reality. Rachel also mentioned the important issue of staff safety. When we extend

licensing, as we are doing in other parts of the Bill, it is important that we recognise that we are creating additional burdens and, occasionally, stresses and risks for staff.

She also mentioned staggered closing times. I will be as brief as I can on that. People have been in touch with me about it. There is a strong argument for staggering closing times in order to make them as secure as possible but also to build the night-time economy for entertainment venues and performers. That is something to be considered in the future.

Finally, I come to the Minister's remarks. I have dealt with a lot of what she said. I welcome the Minister's acknowledgement that there is something to be reviewed and to engage here. I recognise that she has given a clear commitment to engage. If my amendment falls, I will certainly take her up on that offer in a constructive way. If it passes, I will come forward with an amendment at Further Consideration Stage, which I hope is taken, that would address the issue of the timeline and any other technical issues that the Department, or others in the sector, felt could be usefully clarified, because the purpose of that is not to rush headlong into something or to presuppose an outcome: it is simply to design a system and guarantee that we have a review. That is the purpose.

I appreciate the detail that the Minister gave. That was useful for me in understanding the logistics of what would be required. I respect that. As I say, if my amendment passes, I do not see that as the end of this. I would be happy to look at further amendments to give comfort to the Department that it would have the space and what it needs to make it work. If my amendment does not pass, I will also engage with and lobby the Department to ensure that, as the Minister said, it does not fall by the wayside and that we have other means by which to do it.

I do not agree with the Minister with regard to amendment No 46. She acknowledged that the way in which information on extant licences and operational pubs is gathered is, at best, disparate. I urge people who want to inform themselves about that to read the House of Commons Library document, which gathers that stuff into a useful format. It would, however, be useful to have that done by DFC.

Let me say again that I am open, if my amendment passes, to looking at clarifications or amendments to technicalities at Further Consideration Stage. I am aware that it was not debated in detail by the Committee and that the

Department has been busy. If the Department wishes to engage on further detail, should the amendment pass, I would be more than happy to discuss that and engage on it.

I will not go through the other amendments in detail, because I think that there is broad support for them. The Minister explained what they do in detail. Since we all want to get home, I will close my remarks at that point.

**Mr Speaker:** Thank you, Members, for participating in the debate.

**2.15 am**

*Question put, That the amendment be made.*

*The Assembly divided:*

*Ayes 57; Noes 26.*

### **AYES**

*Dr Aiken, Mr Allen, Ms Armstrong, Ms Bailey, Mrs Barton, Mr Beattie, Mr Blair, Mr M Bradley, Ms P Bradley, Ms S Bradley, Ms Bradshaw, Mr K Buchanan, Mr T Buchanan, Mr Buckley, Ms Bunting, Mr Butler, Mrs Cameron, Mr Carroll, Mr Catney, Mr Chambers, Mr Clarke, Mr Dickson, Mrs Dodds, Mr Dunne, Mr Durkan, Mr Easton, Mr Frew, Mr Givan, Mr Harvey, Mr Hilditch, Mr Humphrey, Ms Hunter, Mr Irwin, Mrs D Kelly, Mrs Long, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCrossan, Mr McGrath, Miss McIlveen, Ms McLaughlin, Mr McNulty, Ms Mallon, Mr Middleton, Mr Muir, Mr Nesbitt, Mr Newton, Mr O'Toole, Mr Poots, Mr Robinson, Mr Stewart, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Miss Woods.*

*Tellers for the Ayes: Mr Catney and Ms Sugden*

### **NOES**

*Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis, Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín, Mr O'Dowd, Mrs O'Neill, Ms Rogan, Mr Sheehan, Ms Sheerin.*

*Tellers for the Noes: Ms Ennis and Ms Ní Chuilín*

*The following Members' votes were cast by their notified proxy in this Division:*

*Ms Armstrong voted for Mr Blair, Ms Bradshaw, Mr Dickson, Mrs Long, Mr Lunn, Mr Lyttle and Mr Muir.*

*Ms Bunting voted for Mr M Bradley, Ms P Bradley, Mr K Buchanan, Mr T Buchanan, Mrs Cameron, Mrs Dodds, Mr Dunne, Mr Easton, Mr Givan, Mr Harvey, Mr Hilditch, Mr Irwin, Mr Lyons, Miss McIlveen, Mr Middleton, Mr Newton, Mr Poots, Mr Robinson, Mr Stalford, Mr Storey and Mr Weir.*

*Mr Butler voted for Mr Aiken, Mr Allen, Mr Beattie, Mrs Barton, Mr Chambers, Mr Nesbitt, Mr Stewart and Mr Swann.*

*Mr O'Dowd voted for Ms Anderson, Dr Archibald, Mr Boylan, Ms Brogan, Ms Dillon, Ms Dolan, Ms Ennis [Teller, Noes], Ms Flynn, Mr Gildernew, Ms Hargey, Mr Kearney, Mr G Kelly, Ms Kimmins, Mr Lynch, Mr McAleer, Mr McCann, Mr McGuigan, Mr McHugh, Ms Mullan, Mr Murphy, Ms Ní Chuilín [Teller, Noes], Mrs O'Neill, Ms Rogan, Mr Sheehan and Ms Sheerin.*

*Mr O'Toole voted for Ms S Bradley, Mr Catney [Teller, Ayes], Mr Durkan, Ms Hunter, Mrs D Kelly, Ms Mallon, Mr McCrossan, Mr McGrath, Ms McLaughlin and Mr McNulty.*

*Miss Woods voted for Ms Bailey.*

*Question accordingly agreed to.*

*New clause ordered to stand part of the Bill.*

### **New Clause**

*Amendment No 46 made:*

*Before clause 19 insert -*

### **"Annual publication of the number of operational liquor licenses**

**18B.**—(1) *The Department for Communities shall publish an annual report on the operation of the liquor licensing system in Northern Ireland that includes for each year—*

*(a) the number of Article 5(1)(a) and Article 5(1)(b) licenses in operation,*

*(b) the number of operational public houses and their location by postcode,*

*(c) a ten-year rolling horizon forecast for each of 1(a) and 1(b)."*— [Mr O'Toole.]

*New clause ordered to stand part of the Bill.*

*Clauses 19 to 21 ordered to stand part of the Bill.*

*Clause 22 ordered to stand part of the Bill.*

**New Clause**

*Amendment No 47 made:*

*After clause 22 insert -*

*"Alterations to premises*

**Consent required for alterations to premises**

**22A.—***(1) After Article 12 of the Registration of Clubs Order insert—*

*'Alterations to club premises*

**Consent required for certain alterations to premises**

**12A.—***(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—*

*(a) gives increased facilities for drinking in any part of the premises which contains a bar; or*

*(b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or*

*(c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or*

*(d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.*

*(2) An alteration such as is mentioned in paragraph (1) may be made if—*

*(a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or*

*(b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.*

*(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).*

*(4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.*

*(5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.*

*(6) If paragraph (2)(b) is not complied with, the registered club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.*

*(7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.*

*(8) This Article does not apply to an extension such as requires authorisation under Article 15A.'*

*(2) After Schedule 4 to the Registration of Clubs Order insert—*

**'SCHEDULE 4A**

**APPLICATIONS AND NOTICES UNDER ARTICLE 12A**

**PART 1**

**APPLICATIONS FOR CONSENT TO ALTERATIONS**

**1.** *In this Part 'application' means an application under Article 12A(2)(a).*

**2.** *The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—*

(a) the district commander for the police district in which the premises of the club are situated; and

(b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.

3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.

4. The applicant must attach a plan of the premises showing the alteration to—

(a) the notice mentioned in paragraph 2, and

(b) the copy of that notice which is served upon the district commander.

5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.

6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—

(a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;

(b) serve a copy of the notice upon the chief clerk.

## PART 2

### NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates' courts rules.

8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the

manner prescribed by magistrates' courts rules.'.

(3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

'(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);'.

(4) In Part 3 of Schedule 6 to that Order (penalty points punishable with level 5 fine) at the appropriate place insert—

'12A(7)	Failure to comply with court order to make alterations etc.	5-6'
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”— [Ms Hargey (The Minister for Communities).]

New clause ordered to stand part of the Bill.

Clause 23 ordered to stand part of the Bill.

### New Clause

Amendment No 48 made:

After clause 23 insert -

### "Removal of restrictions on late opening on Sunday

**23A.**—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

(a) after sub-paragraph (a) and the following 'and' insert—

'(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and', and

(b) in sub-paragraph (c), omit 'Sunday or'.

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the 'or' following paragraph (iii)) substitute—

"(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following.'"— [Ms Hargey (The Minister for Communities).]

New clause ordered to stand part of the Bill.

Clause 24 ordered to stand part of the Bill.

### **New Clause**

Amendment No 49 made:

After clause 24 insert -

### **"Increase in number of authorisations for special occasions**

**24A.**—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for '85' substitute '104'.

(2) After paragraph (4) of that Article insert—

"(5) A person who intends to make an application under this Article shall—

(a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;

(b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises of the club are situated.

(6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates' courts rules.

(7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(8) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(9) The terms and conditions which may be imposed under paragraph (8)(c) include those requested by the district commander of the police district in which the premises of the club are situated."— [Ms Hargey (The Minister for Communities).]

New clause ordered to stand part of the Bill.

**Mr Speaker:** I will not call amendment No 50 as it is mutually exclusive with amendment No 49, which has been made.

Clauses 25 and 26 ordered to stand part of the Bill.

### **Clause 27 (Underage functions)**

Amendment No 51 made:

In page 29, line 8, after "force" insert-

"or during the first 30 minutes after the authorisation has ceased to be in force".— [Ms Hargey (The Minister for Communities).]

Clause 27, as amended, ordered to stand part of the Bill.

### **Clause 28 (Private functions)**

Amendment No 52 made:

In page 29, line 29, leave out from "of" to "parent" in line 30 and insert-

"either of a parent of that person or of a parent of another person who is under 18 and attending the function".— [Ms Hargey (The Minister for Communities).]

Clause 28, as amended, ordered to stand part of the Bill.

### **Clause 29 (Young people prohibited from bars)**

Amendment No 53 made:

In page 30, line 8, leave out from "1 June" to "August" in line 9 and insert-

*"and includes 1 May and ends on and includes 30 September".— [Ms Hargey (The Minister for Communities).]*

*Amendment No 54 made:*

In page 30, line 25, leave out from "one" to "ceremony" in line 26 and insert "up to three such ceremonies".— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 55 made:*

In page 30, line 29, at end insert -

*"(5) In that Article, after paragraph (14) insert—*

*'(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.*

*(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.*

*(17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly."*— *[Ms Hargey (The Minister for Communities).]*

*Clause 29, as amended, ordered to stand part of the Bill.*

**Clause 30 (Prohibition on self-service and supply by vending machines)**

*Amendment No 56 made:*

In page 30, line 41, at end insert -

*"(2A) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—*

*(a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or*

*(b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated."*— *[Ms Hargey (The Minister for Communities).]*

*Amendment No 57 made:*

In page 31, line 6, (middle column), leave out "member or guest to operate dispenser or supplying it" and insert "self-service or".— *[Ms Hargey (The Minister for Communities).]*

*Clause 30, as amended, ordered to stand part of the Bill.*

*Clauses 31 and 32 ordered to stand part of the Bill.*

**New Clause**

*Amendment No 58 made:*

Before clause 33 insert -

**"Guidance**

**32A.**—(1) *The Department for Communities must issue guidance about—*

*(a) the effect of the Licensing Order,*

*(b) the effect of Part 1 of this Act on that Order, and*

*(c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).*

*(2) The Department for Communities must issue guidance about—*

*(a) the effect of the Registration of Clubs Order,*

*(b) the effect of Part 2 of this Act on that Order, and*

*(c) such other matters as the Department considers appropriate in connection with the registration of clubs.*

*(3) The Department for Communities must—*

*(a) keep any guidance issued under this section under review, and*

(b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.

(4) The Department for Communities must publish any guidance issued or revised under this section.”— [Ms Hargey (The Minister for Communities).]

New clause ordered to stand part of the Bill.

### **New Clause**

Amendment No 59 made:

Before clause 33 insert -

### **"Review**

**32B.**—(1) The Department for Communities must review and make a report on the implementation of each provision of Part 1 and of each provision of Part 2—

(a) as soon as practicable after the third anniversary of the commencement of that provision, and

(b) at least once in every five years after the making of the previous report on the implementation of that provision.

(2) The Department for Communities must—

(a) lay a copy of each report under this section before the Assembly, and

(b) having done that, publish the report.

(3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.

(4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”— [Ms Hargey (The Minister for Communities).]

New clause ordered to stand part of the Bill.

Clauses 33 to 35 ordered to stand part of the Bill.

### **Clause 36 (Commencement and short title)**

Amendment No 60 made:

In page 33, line 24, leave out paragraph (a).— [Ms Hargey (The Minister for Communities).]

Clause 36, as amended, ordered to stand part of the Bill.

### **Schedule 1 (Minor and consequential amendments)**

Amendment No 61 made:

In page 34, line 11, after "52D," insert "52E,".— [Ms Hargey (The Minister for Communities).]

Amendment No 62 made:

In page 35, line 34, at end insert -

"18A. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

"13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph."— [Ms Hargey (The Minister for Communities).]

Schedule 1, as amended, agreed to.

### **Schedule 2 (Repeals)**

Amendment No 63 made:

In page 37, line 5, at end, insert in column 2 -

"

	In Article 24(1)(c), 'Sunday or'.
--	-----------------------------------

".— [Ms Hargey (The Minister for Communities).]

Schedule 2, as amended, agreed to.

Long title agreed to.

**Mr Speaker:** That concludes the Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill. The Bill stands referred to the Speaker.

Adjourned at 2.45 am.

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