



Official Report (Hansard)

Monday 21 June 2021
Volume 141, No 1

Contents

Assembly Business

Ministerial Resignation: Mr Lyons.....	1
Ministerial Appointment: Mr Middleton	1
Committee Deputy Chairperson Appointment.....	1
Tributes to Mr Gordon Dunne MLA	1
Committee Membership	8
Assembly Commission: Appointment.....	8

Executive Committee Business

The Social Security Benefits Up-rating Order (Northern Ireland) 2021	9
Social Security Benefits Up-rating Regulations (Northern Ireland) 2021	11
Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2021	11
Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage.....	12

Oral Answers to Questions

Justice.....	18
Agriculture, Environment and Rural Affairs	27

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage (<i>Continued</i>)..	36
Charities Bill: First Stage	53
Budget (No. 2) Bill: Further Consideration Stage	53
The draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (Northern Ireland) 2021.	53
The Employment Rights (Northern Ireland) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (Northern Ireland) 2021	55

Assembly Members

Aiken, Steve (South Antrim)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Ms Martina (Foyle)
Archibald, Dr Caoimhe (East Londonderry)
Armstrong, Ms Kellie (Strangford)
Bailey, Ms Clare (South Belfast)
Barton, Mrs Rosemary (Fermanagh and South Tyrone)
Beattie, Doug (Upper Bann)
Beggs, Roy (East Antrim)
Blair, John (South Antrim)
Boylan, Cathal (Newry and Armagh)
Bradley, Maurice (East Londonderry)
Bradley, Ms Paula (North Belfast)
Bradley, Ms Sinéad (South Down)
Bradshaw, Ms Paula (South Belfast)
Brogan, Ms Nicola (West Tyrone)
Buchanan, Keith (Mid Ulster)
Buchanan, Thomas (West Tyrone)
Buckley, Jonathan (Upper Bann)
Bunting, Ms Joanne (East Belfast)
Butler, Robbie (Lagan Valley)
Cameron, Mrs Pam (South Antrim)
Carroll, Gerry (West Belfast)
Catney, Pat (Lagan Valley)
Chambers, Alan (North Down)
Clarke, Trevor (South Antrim)
Dickson, Stewart (East Antrim)
Dillon, Ms Linda (Mid Ulster)
Dodds, Mrs Diane (Upper Bann)
Dolan, Ms Jemma (Fermanagh and South Tyrone)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Ennis, Ms Sinéad (South Down)
Flynn, Ms Órlaithí (West Belfast)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gildernew, Colm (Fermanagh and South Tyrone)
Givan, Paul (Lagan Valley)
Hargey, Ms Deirdre (South Belfast)
Harvey, Harry (Strangford)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hunter, Ms Cara (East Londonderry)
Irwin, William (Newry and Armagh)
Kearney, Declan (South Antrim)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kimmins, Ms Liz (Newry and Armagh)
Long, Mrs Naomi (East Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCann, Fra (West Belfast)
McCrossan, Daniel (West Tyrone)
McGlone, Patsy (Mid Ulster)
McGrath, Colin (South Down)
McGuigan, Philip (North Antrim)
McHugh, Maolíosa (West Tyrone)
McIlveen, Miss Michelle (Strangford)
McLaughlin, Ms Sinead (Foyle)
McNulty, Justin (Newry and Armagh)
Mallon, Ms Nichola (North Belfast)
Maskey, Alex (Speaker)
Middleton, Gary (Foyle)
Muir, Andrew (North Down)
Mullan, Ms Karen (Foyle)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
O'Toole, Matthew (South Belfast)
Poots, Edwin (Lagan Valley)
Robinson, George (East Londonderry)
Rogan, Ms Emma (South Down)
Sheehan, Pat (West Belfast)
Sheerin, Ms Emma (Mid Ulster)
Stalford, Christopher (South Belfast)
Stewart, John (East Antrim)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (Strangford)
Wells, Jim (South Down)
Woods, Miss Rachel (North Down)

Northern Ireland Assembly

Monday 21 June 2021

The Assembly met at 12.00 noon (Mr Principal Deputy Speaker [Mr Stafford] in the Chair).

Members observed two minutes' silence.

Assembly Business

Ministerial Resignation: Mr Lyons

Mr Principal Deputy Speaker: The Speaker has received notification from the First Minister and deputy First Minister that, on 17 June, Mr Gordon Lyons resigned the office of junior Minister.

Ministerial Appointment: Mr Middleton

Mr Principal Deputy Speaker: The Speaker has been informed by the nominating officer for the Democratic Unionist Party that Mr Gary Middleton has been appointed to the office of junior Minister. Mr Middleton accepted the nomination and affirmed the Pledge of Office in my presence and that of the Clerk on Thursday 17 June 2021.

Committee Deputy Chairperson Appointment

Mr Principal Deputy Speaker: The Speaker has also received notification that Gordon Lyons has been nominated to fill the vacancy of Deputy Chairperson of the Committee for Health, effective 18 June.

Tributes to Mr Gordon Dunne MLA

Mr Principal Deputy Speaker: It is now my sad duty to advise the Assembly formally of the death of Mr Gordon Dunne MLA and to report that the Speaker has notified the Chief Electoral Officer that, in accordance with the Northern Ireland Act 1998, a vacancy exists in the North Down constituency that Mr Dunne served so well.

I intend to pay my own tribute to Gordon in a few moments, after which I shall call a representative of each of the parties to speak for up to five minutes. I will allow roughly 30 minutes for tributes, and if there is enough time remaining after representatives from each of the parties have spoken, I may be able to call other Members who rise in their place and wish to say a few words. The sitting will then be suspended for approximately half an hour as a mark of respect to our late friend and colleague.

The Speaker was scheduled to start business today with the announcement that Mr Gordon Dunne had written to him to resign as a Member with effect from Saturday 19 June 2021. Members will now be aware of the very sad news that Gordon passed away yesterday after battling serious illness over the last few months. I know that the whole House will be in a sombre mood of reflection today for the life of a colleague and friend who was held in such high regard across the Assembly.

Mr Speaker expresses his apologies that he is not able to be in the Chamber this afternoon due to ill health. As the Speaker said in his statement this morning, while Gordon was not one of those in the Assembly who sought to shout the loudest, he was a sterling example of a Member who effectively represented his constituents by working diligently and expressing his own strongly held views at all times with courtesy and good humour.

Gordon was an elected representative for 36 years, the last 10 as a Member of this House. His love for the constituency of North Down was plain to all and came across in a record of dedicated public service. He was a former Deputy Chair of the Committee for Culture, Arts and Leisure, but we should record today his long-standing commitment to the economy, whether on the Enterprise, Trade and Investment Committee or its successor, the Committee for the Economy. That interest in business, industry and tourism stands as a testament to his desire to see this country succeed.

Of course, all of us mourn the passing of a friend who was incapable of causing offence to anyone. He was committed to his family and his faith. Most of us will also know of his passion for motor sport. While the Assembly mourns the passing of Gordon Dunne, we know that that cannot compare with the loss felt by his wife, Gillian, and his children Andrew, Stephen and Amy, his wider family and circle of friends. On behalf of the Assembly, I send to them our deepest condolences. It will have given Gordon immense pride to know that his son Stephen will be taking his seat. I know that all Members will welcome him when he joins us.

The word is sometimes overused, but we can say that, in every sense, with the passing of Gordon Dunne, the Assembly has lost a gentleman.

Mr Poots: Today, we genuinely mourn the loss of a very special person, Gordon Dunne MBE, MLA, who gave 36 years of his life to public service. He got elected in 2011 to this institution, gaining a third seat for the Democratic Unionist Party in North Down, a seat that would not have been gained for the Democratic Unionist Party had it not been for the standing of Gordon Dunne in North Down, especially in the Holywood area, which Gordon represented for many years as a councillor. The respect with which he was held in that community would need to have been witnessed, and I had the privilege of witnessing it.

To his wife, Gillian, and to Andrew, Stephen and Amy, we offer our sincere sympathies. Last week, I had the privilege — not pleasure, but privilege — of nominating Stephen Dunne as Gordon's replacement in the Assembly. Stephen is a fine, upstanding young man. The relationship that he and his father had was not just a father-and-son relationship; they were best friends. We used to always see Stephen and Gordon together at all the motor sport events, whether two wheels or four. They were enthusiasts about motor sport.

With regard to how he conducted himself — I would have a much more confrontational approach, as some of you know — Gordon was always a measured gentleman and did not get embroiled in scraps across the Chamber. He chose to do his politics in a different way. He was quiet, honest, resolute, fair, compassionate and gracious. He exemplified everything in the Christian gentleman that he was.

The Assembly is the poorer for the loss of Gordon Dunne. His family are the poorer, and his constituents are the poorer. I mourn Gordon's loss not as a colleague but as a friend

— a true and genuine friend. He drew alongside me on many occasions over the last number of years. We had those quiet conversations, thought about things and how things should go forward. Gordon was always a constant, ringing you up, having those chats and offering support and advice. He was a caring and loving gentleman who will be greatly missed.

Dr Archibald: I welcome the opportunity to pay tribute to Gordon on behalf of Sinn Féin. I always found Gordon to be as you described him, a Phríomh-LeasCheann Comhairle. I was first on the Economy Committee with Gordon back in 2016. I always found him to be friendly and civil. Since taking over as Chair of the Committee last year, I had got to know him a bit better. John O'Dowd and I always had a bit of craic with Gordon on the Committee. He was well liked by everyone on our Committee — other reps and Committee staff alike — and we were all shocked to hear that he was ill. On Committee, he was always well mannered and friendly. He fought his constituents' corner, and he was over his brief. He made political points, of course, but every one of my party colleagues who knew Gordon has a good word to say about him. All are shocked and saddened that he has gone.

I genuinely do not think that I ever had a cross word with Gordon, although he once made a jocular jab about my taking up too much time asking questions. For a while last year during lockdown, only Gordon, the Committee Clerk and I were physically present in the room for Committee meetings, so we always had a good chat and a laugh. He was a very witty man. Gordon was a genuinely nice man and will be sadly missed.

The public sometimes have a dim view of politicians and elected representatives, but most really want just to do the best for the people whom they represent. Gordon was one of those representatives. You could tell that he really cared about being an elected rep, about North Down and about the people whom he represented.

On behalf of Sinn Féin, I extend our deepest sympathies to Gordon's wife, Gillian, their children Andrew, Stephen and Amy, and the wider family at this very sad time. I also send our thoughts and condolences to his party colleagues and friends who are feeling his sad loss. Ar dheis Dé go raibh a anam.

Ms Mallon: On behalf of the SDLP, I convey my sincere condolences to Gordon Dunne's family, friends and party colleagues. We know what it is like to lose a friend and colleague, and

we know how much more difficult that process is under the current circumstances.

As already said, Gordon was a good man who cared dearly and deeply about his community and constituents. In my dealings with him, I found him to be straight-talking, fair and, above all, a very friendly and approachable Member. As a Minister, I got to see at first hand how deeply he cared for his constituents. He made continual representations on their behalf. If an issue mattered to Gordon's constituents, it mattered to him. With 36 years of public service as an elected representative, and having served as mayor and deputy mayor of his borough, Gordon clearly had a deep and enduring love for the people whom he represented. We can all respect that and learn from it.

Unfortunately, due to ministerial commitments, I will not be able to stay in the Chamber to hear all the tributes, but my thoughts, and those of my party colleagues, are with Gordon's friends, his family and his DUP colleagues at this very difficult time.

Mr Chambers: I served alongside Gordon in politics for almost 30 years. I had the privilege of serving with him for almost 20 years on the former North Down Borough Council. He was a passionate advocate for his party. At times, in the council chamber, he was its lone voice. He was always very encouraging of me in the early days of my political career on council. On many occasions, we had different positions on issues, and, on equally as many occasions, we stood shoulder to shoulder. Whatever the events in the council chamber, the evening always ended with his invitation, "Brother Chambers, are you coming in for a cup of tea?". At that point, the politics stopped, and the humorous side of Gordon — he had a huge sense of humour — took over. His banter was never pointed or hurtful.

He was a gentleman and a man of faith, and, most importantly, his word was his bond.

12.15 pm

He never spoke ill of political opponents. He may have opposed their opinion, but he always respected their right to hold it. At election time, Gordon put out his stall and highlighted his values, but he never sought to put down or undermine his opponents. In all the years that I worked alongside Gordon, I never saw him do anything or take a position for selfish reasons. I will remember Gordon as a fellow politician but, more importantly, as a friend. My thoughts and

prayers are with his wife and family at this time. His son Stephen, when he feels ready, will be in the Chamber to take over from his father. I know that Stephen will bring to the Chamber the same values that his father held.

Mr Muir: I come here today with a genuine and profound sense of sadness. My immediate thoughts and prayers are with Gordon's family: with Gillian, Andrew, Stephen and Amy. This is a very difficult moment for many, but particularly for the family. There is real shock and sadness, particularly in Holywood, the town that he loved so well and so ably represented, at the loss of a dedicated public servant. That is what Gordon was: he was a dedicated public servant.

He joined the then North Down Borough Council in 1981 when he was elected as a councillor. There is a story to be told about how he was very quickly elevated to the role of alderman. He served on the council for many years and had terms as deputy mayor and mayor. He became a Member of the Assembly in 2011. Gordon had very strong political views, and his and my views often differed. We had debates in the Chamber from our differing viewpoints, but the ultimate measure of the man was that, after those exchanges, he was able, as Alan said, to have a cup of tea, to be civil and friendly and to exchange banter. To me, that demonstrated Gordon's strength: that ability to separate the politics from the person and to engage with and support other people.

As I said, Gordon served as Mayor of North Down during his time as a public servant. I also had the privilege of serving as mayor from 2013 to 2014, and I will be forever grateful to Gordon for the opportunity to do so. This will be difficult for me to say, because I have not spoken about it before. We had a power-sharing agreement in the council over four years, when things were tough politically. Gordon came to the council chamber and voted for me to become mayor, for which I will be forever grateful. He honoured his word: he was someone whom you could trust and respect. Politics needs such people, and we are so sad for the loss of someone who had those values at his core. You could trust and engage with him.

Last year in this Chamber, after a debate, Gordon came over to me to engage in a good bit of humour and banter. I had known Gordon since I joined the council in 2010, and he asked me, "Did you ever think that both of us would be in this Chamber together?". I was honest and said no. One of my great sadnesses is that we did not have more time to work together as colleagues in this place. As Gordon would have

said to other people, "Good night, brother". Rest in peace, Gordon.

Miss Woods: As others have done, I express my deep condolences to Gordon's family — Gillian, Amy, Andrew and Stephen — the wider family circle, Gordon's many friends and his DUP colleagues. Gordon represented Holywood and North Down for over three decades, holding the positions of councillor, alderman, deputy mayor, mayor and, most recently, MLA.

His record of public service will be remembered well into the future. I know from the past few weeks, with the news that he was stepping down, and from overnight, that there is great sadness in North Down, particularly in the very tight-knit community in Holywood where Gordon was so well known.

I only served alongside Gordon as an MLA for the past 18 months, but I thoroughly enjoyed my engagement with him as an MLA and also as a councillor, when I sat on council with his son Stephen, and as his constituent, having lived in the area for the whole time that Gordon represented it. Like Andrew Muir, I always found Gordon to be very personable, with good humour. He certainly gave you the time of day. You were always welcome in his office to talk about any issue; he would always have you in. Gordon always said, "Hello". He had something to say to you, but he made time for you.

He will always be well liked and well respected across the political spectrum. I know that Gordon's family will be very proud of what he achieved professionally as a public servant and will miss him deeply as a loved family member. My thoughts are with all the family at this most difficult of times.

Mr Allister: I join in the generous and deserved tribute to Gordon Dunne upon his passing, which is a reminder to us all of our own mortality. I have known Gordon Dunne for many years. The tributes that have been paid sum up the man as honourable, straightforward, without malice and, as a consequence, very personable. He served his constituency extremely assiduously. He was the personification of the constituency representative in his commitment to ensuring that the needs of his constituents were always to the fore. That is a good example for us all.

I express my condolences to his wife and family; to his siblings and wider family, some of whom, in fact, are members of my party; and to his political family in the DUP, of which he was

such a stalwart for so long. I have no doubt that he will be missed in the manner that has been expressed today. To all who are affected, I express my thoughts and prayers. I cherish the service that, as a public servant, Gordon Dunne gave to North Down and to Holywood in particular. From my family connections there, I know the assiduous nature of his service in that community.

Mr Carroll: On behalf of my party, I offer my sincere condolences to Gordon's friends, family and colleagues on the very sad news of his passing. I did not come across Gordon directly on Committees or in the Chamber, but he was always courteous and polite when I passed him in the corridor, even if we did not agree or our politics did not meet. I offer my sympathies to everybody who knew Gordon and who was close to him, because this is obviously a very sad day for them.

Mr Givan: Gordon Dunne was so much more than just a colleague; he was very much a personal friend. He was a gentle, godly man, who epitomised all that it is to be a Christian. He was an encourager, somebody who spoke to you in the corridor, picked up the phone and sent text messages. Even in very recent days, when Gordon could barely do that, he was doing that with me.

A number of weeks ago, I was able to visit the home. We were in a rush that day; I went with my good friend Mr Buckley. I knew when I talked to Gordon in the kitchen that it was likely to be the last time that I would speak to him. We set aside the time, and we were not in a rush any more. I am so glad that we had that opportunity to have tea and conversations about life, politics and his family. I knew when I left that house that things were not looking good, and, only a number of weeks later, he passed away.

I had the opportunity to serve with Gordon on the Economy Committee, and Ms Archibald spoke very well about his role on it. He loved that Committee, and I served with him on it. More recently, we served on the Justice Committee, and I am not so sure that he loved that just as much. He certainly liked to quiz about legal aid, and departmental officials know that he had an interest in that because it was about public finances. Gordon always had an interest in how money was being spent and whether it was being spent well. I always enjoyed that time with Gordon. He did not take to the Zoom technology, and that is why, while everybody else was using the StarLeaf facility, Gordon kept coming into the Building whenever he could.

He was a faithful public servant — not in the Hollywood celebrity attention-seeking style. He was diligent, hardworking, understated and quiet. He was Mr Holywood in North Down. They have lost somebody who championed their cause so well for many years. My sympathies go to his wife, Gillian, and to Andrew, Amy and Stephen. I am delighted that Stephen will continue his legacy in this place and represent the party in North Down.

For me, it is farewell and we will meet again, because Gordon had a strong personal faith. He put his trust in the Lord many years ago. We grieve his loss and we join the family as they mourn, but I know that I will see Gordon again, because he is in eternity with the Saviour that he loved — a Saviour whom I love. I will get to see Gordon again. I know that Gordon would want me to encourage you all to think about your place and where you will spend eternity. We remember the man; we remember the encourager that he was. This place is very much the weaker for his passing.

Ms Dillon: I will keep my remarks very short. Everything that has been said here is exactly my impression of Gordon. I served with him on the Justice Committee, and you would describe him as an absolute gentleman. Mr Principal Deputy Speaker, you said it yourself: he is and was an absolute gentleman. My thoughts today are with his family. When you love somebody and lose them, it is difficult at any time, but he was much too young to be lost. My thoughts today are with his family, all his party colleagues, his friends and those who loved him.

Mr McGlone: I rise to pay tribute to the late Gordon Dunne. I got to know Gordon well at the Committees that we served on. In all his dealings with me, I always found Gordon to be a very respectful, honest and decent man who worked hard for his constituents, as many have said. We had many chats in the corridors of this place — a bit of banter, chat and humour. Indeed, we even exchanged advice about certain constituency issues, such as mobile phone signals, or other matters that came up in the Committees that we served on. It is a very sad day for the family, his colleagues on the Benches and those who worked very closely with him down through the years. All that has been said today reflects my experience of Gordon as well. I extend my sincerest sympathies to his wife, Gillian, to his children Andrew, Amy and Stephen, and to his extended family and friends. May God rest him.

12.30 pm

Mrs Barton: It was with a real sense of sadness that I learned of Gordon's passing yesterday evening. I am not here this afternoon to reiterate the tributes that have been paid to Gordon, but I should like to be associated with them. Gordon was one of the first MLAs I met when I came to Stormont in 2016. Gordon, as you may or may not know, is a native of Fermanagh. He came over and introduced himself to me in the corridor, and from that day forward, when he met me in the corridor, he said, "Well, Rosemary, what's new in Fermanagh this week?" We always stopped to have a few minutes of conversation, and that friendly banter continued most weeks.

Indeed, Gordon was one of the most highly respected MLAs in the House, and I was greatly saddened to hear of his death. While my thoughts and prayers are with Gordon's wife, Gillian, and his immediate family, I also wish to convey my deepest sympathy to his brothers and sisters in Fermanagh and Tyrone, many of whom I know and have spoken to personally over the past couple of years. I also convey my sympathy to you, his party colleagues, on his passing.

Mr Weir: I rise on this sad occasion to pay tribute to my colleague of 16 years in North Down Borough Council and then the Assembly but, above all, my friend of many more years. Much has been said of Gordon's integrity and humour, and I echo that, but there are four words that, in my mind, epitomise what was at the heart of Gordon Dunne: faith, family, friendship and service. He was a man of strong Christian faith, and if there is comfort in the sadness that we face today, it is knowing that he is safe in the arms of Jesus. He was a man who, in his faith, did not simply talk the talk or go to church on a Sunday but lived his life through true Christian principles, and he demonstrated that in the way that he treated other people.

There was no more devoted family man that I can think of than Gordon Dunne. To Gillian, Andrew, Stephen, Amy and the wider circle, I pass on my condolences in what must be heartbreaking days. On friendship, as we have seen, Gordon was abundant in the level of his friendship. We have seen, not just in the council chamber but in the Assembly Chamber, the extent to which he would have banter and craic with everyone, from whichever background they came; it did not matter to Gordon. On a number of occasions, either after a council meeting, on a phone call or across a chamber, the extent of

friendship and engagement from Gordon was extraordinary.

We have talked in recent weeks about the opening up of hospitality. Gordon was a one-man hospitality machine. You could not call into the house or call over to the office without the kettle going on and a cup of tea or coffee being offered, even if you were in a hurry, but that was not really enough, because then it would be, "Would you not take that wee pancake", "Look, here's some sandwiches", or "Here's some buns that have been left over". That was very much the measure of the man.

Finally, on service, Gordon was a man who devoted his adult life — I think that he was elected to North Down Borough Council when he was 21 or 22 — to the people of North Down in general and the people of Holywood in particular. He was an indefatigable fighter for those people. I think particularly of a series of occasions on which he pressed very strongly for the council to do work on a road. If I am being honest, there was no legitimate reason for the council to do that work, but he badgered me, Alan Graham and Trevor Polley. Week after week, we said to him, "Gordon, look, there's just no way that we can do this. This cannot be done", but he came back again and again until, eventually, maybe to shut him up, we said, "Yes. Here's a way we've found to be able to do this". That was typical of Gordon. He would fight for his constituents to the bitter end. He has delivered for thousands, and, as a result, there are thousands of people who will mourn his passing. Gordon, like me, enjoyed a bit of a pun, and, for an election, he quite liked the slogan, "Vote Gordon for a job well Dunne". Today, we reflect on a life well Dunne.

Mr O'Dowd: I want to add my tribute to Gordon. I got to know Gordon when I was Education Minister, and, a wee bit like Peter, I was lobbied constantly about schools in Holywood. He invited me to Holywood one day. I arrived at the first school, and there was a police outrider sitting on a motorbike. He said, "John, I've organised you an escort". We went round two or three schools with the motorbike escorting me around Holywood, and, when we got to the third school, I said, "Gordon, I've been escorted out of a few places by the police, but I've never been escorted around by the police". He had a great laugh at that.

In recent times, I got to know Gordon on the Economy Committee. As the Chair said, every meeting started off with a bit of banter from Gordon and a joke. We were planning to have a meeting on the shores of Lough Neagh. Gordon, in his usual form, said, "What would we

want to go there for?". I said, "Because it's beautiful", and there was a wee bit of banter about north Down and Lough Neagh etc. Unfortunately, we will not get him to the shores of Lough Neagh now, and I regret that deeply.

I will miss Gordon. I enjoyed his company. He was a determined politician in his own way, as others have said, and he represented his constituents well. As my mother said about people, he was a civil craythur. That was the most outstanding thing about him. I offer his family and friends my deepest sympathy.

Mr Buckley: Days like this are never easy. I rise to pay tribute to my friend Gordon Dunne MBE. Gordon gave a lifetime of service. He has been described in the House as many things: man of faith; man of integrity; man of service; man of honour. He was all those things and much, much more. He selflessly served his constituents for 36 years, serving his community and country with compassion and conviction combined with a warm smile and a big heart. He was rightly recognised for that service by Her Majesty The Queen with the MBE, which was a fitting tribute to a life of service.

How can I describe Gordon's character? He had a warmth of character; it was infectious. He had a smile that could light up a room and a laugh that instantly put people at ease, regardless of their background. Many Members can tell a story of Gordon Dunne. He had some laugh telling us the stories he had. There were some very unusual stories about people of very different political persuasions, but he took great joy in that. His son Stephen was able to tell me that, when Gordon announced that he was retiring from this place and the tributes started to pour in from across the country, he sat down with his dad and they scrolled through the stories. He said that there were tears of joy and there were laughs. Stephen and the family have been incredibly touched by the many personal stories that have been told and the tributes that have been paid from people from across the House and the country to their dear father, Gordon.

Gordon had some fantastic hobbies and interests. How many of us got to know about Gordon's love for motor sport, which has been mentioned today? It was incredible. If I had a pound for every time Gordon Dunne mentioned the World Rally Championship coming to Northern Ireland, I could fund it myself. He was an incredible lobbyist for the causes he loved and was passionate about. Whether he was standing at a pothole in North Down, fighting for people on the Health Committee, which he

served on over many years, or fighting for a business, Gordon Dunne did not take no for an answer. He kept going. What a wonderful legacy that man leaves in this place. The stories have been incredible.

Perhaps Gordon was the greatest example of how people in this country should treat one another. There were differences of opinion, but there was never anything personal. Gordon always told you how it was. Even if it meant having uncomfortable conversations, Gordon had to tell you what he thought. When you left that room, however, Gordon was always your friend. I will never forget him for that.

To his wife, Gillian, his children, Andrew, Stephen and Amy, his wider family circle and his close group of friends, I say, "Farewell, brother Dunne. This world's loss is heaven's gain".

Mr Principal Deputy Speaker: The final speaker is Ms Joanne Bunting.

Ms Bunting: Mr Poots was called today to speak on behalf of our party. Mr Givan spoke on behalf of our country. Mr Weir spoke as a long-time constituency colleague. Mr Buckley spoke as a close personal friend. I rise on behalf of our Assembly group. We are immensely sad today. Gordon was not only an esteemed colleague; he was a gentleman and a beloved friend, ever with a kind word and a hearty chuckle. We will remember with fondness his loud whisper in the Chamber. We each have a story about our friendship with Gordon, about his impact on our lives, his kindness, his generosity, his integrity, his thoughtfulness and his sense of fun. He will be sorely missed.

Gordon's legacy will live on. His record of service, his commitment and his diligence were impeccable. They are qualities to which we all aspire. Colleagues across the House have been in similar positions and know the sorrow that they bring. We thank you and are grateful for your expressions of sympathy and condolence.

We are a group that is in grief and mourning. More importantly, a family for whom we care deeply is in grief and mourning. Our hearts, thoughts and prayers are with Gillian, Andrew, Stephen and Amy. We pray that the God of all comfort will draw near to them at this time of grief.

I will leave you with Deuteronomy 33:12:

"And of Benjamin he said, The beloved of the Lord shall dwell in safety by him; and the Lord shall cover him all the day long, and he shall dwell between his shoulders."

Today, we are grateful because Gordon is at home with the Lord, resting between his shoulders.

Mr Principal Deputy Speaker: Thank you. As is the convention on an occasion such as this, I propose to suspend the sitting for roughly half an hour as a mark of respect. The sitting will resume at 1.15 pm.

The sitting was suspended at 12.43 pm and resumed at 1.15 pm.

Notice taken that 10 Members were not present.

House counted, and, there being fewer than 10 Members present, the Principal Deputy Speaker ordered the Division Bells to be rung.

Upon 10 Members being present —

Committee Membership

Mr Principal Deputy Speaker: As with similar motions, the motion will be treated as a business motion, and there will be no debate.

Resolved:

That Mr Peter Weir replace Mr Paul Frew as a member of the Committee for Justice; that Mr Robin Newton be appointed as a member of the Committee for Justice; that Mrs Diane Dodds replace Mr Trevor Clarke as a member of the Committee for the Executive Office; that Mr George Robinson replace Mr Keith Buchanan as a member of the Committee for Infrastructure; that Mrs Diane Dodds and Mr Harry Harvey replace Mr William Humphrey and Mr Maurice Bradley as members of the Committee for Education; that Mrs Pam Cameron replace Mr Robin Newton as a member of the Committee for Communities; that Mr Peter Weir and Mr Keith Buchanan replace Mr Christopher Stalford and Mr Mervyn Storey as members of the Committee for the Economy; that Mr William Irwin replace Mr Harry Harvey as a member of the Public Accounts Committee; and that Ms Joanne Bunting and Mr William Humphrey replace Mr Maurice Bradley and Mr Gary Middleton as members of the Committee on Procedures. — [Ms Bunting.]

Assembly Commission: Appointment

Mr Principal Deputy Speaker: As with similar motions, the motion will be treated as a business motion, and there will be no debate. I remind Members that, in accordance with Standing Order 79(3), the motion requires cross-community support.

Resolved (with cross-community support):

That, in accordance with Standing Order 79(4), Mr Trevor Clarke be appointed to fill a vacancy on the Assembly Commission. — [Ms Bunting.]

Executive Committee Business

The Social Security Benefits Up-rating Order (Northern Ireland) 2021

Mr Principal Deputy Speaker: The next two motions are to approve statutory rules (SR) relating to social security benefits. There will be a single debate on both motions. The Minister will move the first motion and commence the debate on both motions. When all who wish to speak have done so, I shall put the Question on the first motion. The second motion will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. If that is clear, we will proceed.

Ms Hargey (The Minister for Communities): I beg to move

That the Social Security Benefits Up-rating Order (Northern Ireland) 2021 be approved.

The following motion stood in the Order Paper:

That the Social Security Benefits Up-rating Regulations (Northern Ireland) 2021 be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed that there will be no time limit on the debate.

Ms Hargey: I am seeking the Assembly's approval for two rules that form the main part of the uprating package for 2021-22. The uprating package usually increases the rate of social security benefits, pension and lump sum payments each year in line with inflation. Uprating occurs around the beginning of the tax year, and these two rules came into operation in April 2021.

As most Members will be aware, my Department is empowered only to make a corresponding order when the Secretary of State for Work and Pensions makes an uprating order in Britain. In relation to the annual uprating of benefits, the Secretary of State for Work and Pensions is required to undertake a review of the rates of the benefits in relation to the general level of prices.

That is measured by the growth in the consumer price index (CPI), which determines the amount by which the various rates of benefit should be increased, thereby allowing benefits to maintain their value against inflation. The

percentage increase is determined by the CPI in the 12 months up to the previous September. The CPI indicated a positive growth of 0.5% for the period to the end of September 2020. For the 2021 uprating package, therefore, benefits linked to prices also increase by 0.5%.

Generally, those are benefits that contribute towards extra costs arising from disability or health conditions, notably attendance allowance, disability living allowance and the personal independence payment, but they also include carer's allowance and additional state pension.

In addition to certain benefits increasing in line with prices, the commitment to the triple lock continues to apply to the basic state pension and the new state pension. These pension payments are increased in line with the growth in earnings, the growth in prices or 2.5%, whichever is the highest. The growth in earnings is measured by the increase in average weekly earnings for the quarter ending the previous July. Due to the impact of COVID-19, earnings growth for the relevant period was negative. Therefore, to enable benefits linked to earnings to be increased this year, a Bill was introduced in Westminster to modify the uprating powers in the Social Security Administration Act 1992. The Bill received Royal Assent in November 2020.

Corresponding provision here can therefore be made under the usual powers in the Social Security Administration (NI) Act 1992.

The British Government's commitment to the triple lock for the basic state pension and the new state pension means that, for 2021-22, the pensions will be uprated by 2.5%. To ensure that those in receipt of state pension credit see the benefit of the increase in the state pension, the cash increase in the basic state pension has been matched in the single rate of standard minimum guarantee of pension credit. That represents an increase of around 1.9%. The couples' rate of the standard minimum guarantee has also increased by 1.9%.

When the Secretary of State for Work and Pensions makes an uprating order for Britain, my Department is empowered to make a corresponding order. I do not have the power to increase the amounts of the benefits by a different or greater amount in the annual uprating order.

The uprating order is the main statutory rule to provide for the increase in benefit rates. However, some technical provisions relating to annual uprating are required to be made by regulations and, therefore, cannot be included in the order. The debate therefore also includes

the Social Security Benefits Up-rating Regulations 2021, which make the technical provisions required for the accurate implementation of the increased rates. The regulations are also made as a consequence of the uprating order. They will also include an increase in the personal expenses allowance for residents in care homes. As a result of the 2021 uprating package, a further £91 million, approximately, will be paid out by my Department to people who are on social security benefits and pensions. This is in addition to any temporary increases in easements that were introduced in response to the coronavirus pandemic. Members will be aware of those increases.

I understand that we might like to do more for recipients of social security benefits and pensions, especially in these unprecedented times. However, in relation to the annual uprating order, I simply reiterate that my Department has the power only to make corresponding provisions to the order made in Britain. I therefore welcome Members' support for the uprating order and consequential uprating regulations.

Ms P Bradley (The Chairperson of the Committee for Communities): The Committee considered the statutory rule at its meeting on 15 April 2021 and understands that the order is one of a series of statutory rules relating to the annual uprating of social security benefits from April 2021.

The Social Security Administration Act 1992 requires the Secretary of State for Work and Pensions in Great Britain to review certain benefits and uprate them at least in line with the general level of prices. The Secretary of State, having determined that the benefits have not maintained their value in relation to prices as measured by the consumer price index over the period October 2019 to September 2020, has decided to uprate them in line with the growth of the CPI over the 12-month period, that being, as the Minister said, 0.5%.

When the Secretary of State makes an uprating order under section 150, 150A or 151A of the 1992 Act, the Department is empowered to make a corresponding order. The Department has no power to set different rates for Northern Ireland, however. This statutory rule is now made under the Social Security Administration (Northern Ireland) Act 1992. The corresponding Great Britain order is the Social Security Benefits Up-rating Order 2021, which came into force on 1 April 2021. In line with the long-standing policy of parity in social security, the order came into operation on the same date as

the corresponding Great Britain order. The Department advised the Committee that the rule would cease to have effect after six months unless approved by the Assembly. The Committee agreed to recommend that SR 2021/82 be confirmed by the Assembly.

Mr Durkan: I do not have anything to add. I support the SRs.

Mr Carroll: I will be brief but perhaps not as brief as Mr Durkan. I am sure that most people would not begrudge people on benefits, pensioners and those requiring assistance from the state a few extra quid in their pockets: certainly not me or my party. We have to ask today — not at some mythical point in the future but today — whether the increases go far enough to see people through the uncertainty and hard times that they have experienced over the past year or so and that they will likely continue to experience into the future. On that point, the SRs have failed to meet the criteria.

At best, the SRs increase benefits by 2.5%, but we are seeing reports already that inflation, and certainly CPI, will likely hit 4%. If that does become the rate, the increases, such as they are presented, will not even match the increased cost of living, of food and of other amenities. The retail price index has already increased by 2.15% over the last period, and RPI is traditionally and historically a more accurate reflection of the cost of people's shopping and living etc. It is expected to rise further. At best, those figures are therefore at a standstill, but they will probably represent a decrease in real terms in what people take home compared with what they have to pay out in increased costs and so on. On top of that, there is the expected or likely £20 cut in universal credit to come in the winter. The truth is that people on benefits are being failed once again by policies designed at Westminster and rubber-stamped at Stormont.

That is not to mention the fact that people here are still waiting on the mitigation package to be agreed by the Executive. That is a really shameful state of affairs. Parties in the Chamber told us that the bedroom tax would not be in operation in the North, even when the legislation had already been written and implemented, and the protective measures that people need are now not in place, despite being promised. I pay tribute to the Cliff Edge Coalition and other groups that are highlighting that really scandalous state of affairs. As it stands, over 1,000 families are being failed by gaps in the legislation on the bedroom tax and the two-child cap on benefits that sees families lose out on hundreds of pounds a month.

People live in anxiety and fear. Pension credit has increased with the SR, but many thousands of people who are entitled to pension credit are still not getting it. That is 30,000 families, or a third of all people who are entitled to the benefit. There is a meagre increase for pensioners. In reality, it does not go far enough.

Every time that we have conversations about benefits, we hear that there is no magic money tree, yet billionaires have made over £100 billion extra during the pandemic and government contracts were given to friends of the Tories. There is plenty of money there, if the will is there to collect it. We need to dispense with comments about magic money trees and so on.

Mr Principal Deputy Speaker: No other Members have indicated that they wish to speak, so I call the Minister to wind on the debate on the motion.

Ms Hargey: Thank you to the Chair of the Communities Committee, the Committee and those who spoke on the motions. The mitigation package was raised. The Member will know that I have legislation ready to go. I have had that legislation ready for some time, and I urge that it be progressed without further delay. I again commend the motions to the House.

Question put and agreed to.

Resolved:

That the Social Security Benefits Up-rating Order (Northern Ireland) 2021 be approved.

1.30 pm

Social Security Benefits Up-rating Regulations (Northern Ireland) 2021

Resolved:

That the Social Security Benefits Up-rating Regulations (Northern Ireland) 2021 be approved. — [Ms Hargey (The Minister for Communities).]

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2021

Ms Hargey (The Minister for Communities): I beg to move

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Mr Principal Deputy Speaker: The Business Committee has agreed that there will be no time limit to the debate.

Ms Hargey: The regulations are part of the annual uprating package and increase the compensation payable by the scheme under the Mesothelioma, etc., Act (NI) 2008. Unlike the main benefit uprating order, there is no explicit requirement to review the level of the payments under the scheme each year. However, the regulations have increased the amounts payable by the scheme in line with the rate of inflation. The amounts payable under the scheme have been increased for 2021-22 by 0.5%, which mirrors the percentage increase of industrial injuries benefit in the main uprating order.

I will provide some background. Mesothelioma is a cancer that arises in the mesothelium, which is a layer of tissue that surrounds the organs in the chest, abdominal cavity and pelvis. The cancer is commonly found in the lungs and is heavily linked to asbestos exposure. Symptoms of mesothelioma include shortness of breath, a swollen abdomen, chest pain, a cough, feeling tired and weight loss. It is a long, latent disease. Typically, symptoms come on slowly and, in some cases, 30 to 40 years after exposure.

Under the scheme, those who have been exposed to asbestos can claim a lump sum payment if they are not entitled to a payment under the Pneumoconiosis, etc., (Workers' Compensation) (NI) Order 1979, known as the 1979 scheme, and do not otherwise have a civil claim. The scheme provides financial help to persons diagnosed with this horrible disease or, if the person has died, to their dependants within a matter of weeks of diagnosis and without the need to establish an occupational link or, indeed, a causative link. Therefore, provided that they have not already received a compensation payment from another source, people who suffer from the disease are eligible for a payment regardless of whether they were employees, self-employed or, indeed, have never worked, as was the case, for example, with the many family members who have contracted the disease through cleaning asbestos-covered clothes.

For 2021-22, the amount payable, for example, to a person aged 37 or under at diagnosis has increased from £93,827 to £94,296, the same

maximum as can be paid under the 1979 scheme. The regulations ensure that the compensation provided under the scheme maintains its value relative to inflation. I am sure that all Members will welcome the provisions.

Ms P Bradley (The Chairperson of the Committee for Communities): The Committee considered the statutory rule at its meeting on 18 March 2021. The statutory rule is made under the Mesothelioma, etc., Act (Northern Ireland) 2008 and relates to the annual uprating of social security benefits, pensions and lump sum payments to increase the amounts payable under the Act with effect from 1 April 2021.

The Committee was advised that the rule enables lump sum compensation payments to be paid to people who have diffuse mesothelioma or to their dependants, where the sufferers did not claim in their lifetime. Under the Act, payments are made without the need to prove negligent exposure to asbestos or that the exposure occurred during employment. Although there is no statutory obligation to increase the payments under the Act, the Committee is aware that the amounts are usually increased each year in line with the rate of inflation, as measured by the consumer prices index in the previous September.

The Department advised the Committee that the rule will cease to have effect after six months unless approved by the Assembly.

On the basis of the information provided by the Department, the Committee therefore agreed to recommend that SR 2021/59 be confirmed by the Assembly.

Mr Principal Deputy Speaker: No other Member has indicated to me that they wish to speak in the debate, so I call the Minister to make a winding-up speech on the lengthy debate that we have had.

Ms Hargey: I thank the Chair and Committee, and I commend the motion to the House.

Question put and agreed to.

Resolved:

That the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2021 be approved.

Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage

Mr Principal Deputy Speaker: I have some housekeeping announcements to make in relation to this item. I call the Minister for Communities, Ms Deirdre Hargey, to move the Bill.

Moved. — [Ms Hargey (The Minister for Communities).]

Mr Principal Deputy Speaker: Members 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 two groups of amendments, and we will debate the amendments in each group in turn. The first debate will be on amendment Nos 1 to 11, amendment No 13, amendment Nos 17 to 19, amendment No 23 and amendment No 24, which deal with clarifications, consequential and drafting amendments relating to cinemas, local producers and conduct of licensed premises and clubs. The second debate will be on amendment No 12, amendment Nos 14 to 16 and amendment Nos 20 to 22, which deal with minimum unit pricing, reviews, reports and guidance.

I remind Members who intend to speak that, during the debates on the two 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. Clear as mud. On that basis, we will proceed.

Clause 9 (Places of public entertainment: inclusion of cinemas)

Mr Principal Deputy Speaker: We now come to the first group of amendments for debate. With amendment No 1, it will be convenient to debate amendments Nos 2 to 11, amendment No 13, amendment Nos 17 to 19, amendment No 23 and amendment No 24. In this group, amendment Nos 2 and 3 are consequential to amendment No 1, and amendment No 9 is consequential to amendment No 5. I therefore call the Minister for Communities, Ms Deirdre Hargey, to move amendment No 1 and to address the other amendments in the group.

Ms Hargey (The Minister for Communities): I beg to move amendment No 1: In page 10, line 6, leave out "for a film exhibition" and insert "as a cinema".

The following amendments stood on the Marshalled List:

No 2: In page 10, leave out lines 8 to 10 and insert -

"cinema' means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;".— [Ms Hargey (The Minister for Communities).]

No 3: In page 10, line 11, leave out from "after" to end of line 12 and insert "before 'a theatre' insert 'a cinema,'."— [Ms Hargey (The Minister for Communities).]

No 4: In clause 10, page 10, line 29, after "premises" insert

", except in so far as that is permitted by Articles 52E and 52F".— [Ms Hargey (The Minister for Communities).]

No 5: In clause 11, page 16, line 34, at end insert -

"(1A) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

'(1A) An occasional licence may not be granted for any 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 6: In clause 11, page 16, line 38, leave out from second "(3)" to "(4)" in line 39 and insert -

"(5) (inserted by section 8(2)) insert—

'(6)'.— [Ms Hargey (The Minister for Communities).]

No 7: In clause 11, page 17, line 7, at end insert -

"(5A) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

'(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.'

(5B) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before 'if' insert ', or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect.'— [Ms Hargey (The Minister for Communities).]

No 8: In clause 11, page 17, line 8, leave out subsections (6) and (7) and insert -

"(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, after '48' insert ', 52E',

(b) in paragraph 1, after '48' insert ', 52E', and

(c) in paragraph 4, after paragraph (c) insert—

'(ca) 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 extension licences)—

(a) after paragraph 1 insert—

'1A. In this Schedule 'authorisation' means an authorisation under Article 52F.'

(b) in paragraph 2, after 'the grant of a licence' insert 'or authorisation', and

(c) in paragraph 4, after 'the granting of the licence' insert 'or authorisation'.— [Ms Hargey (The Minister for Communities).]

No 9: In clause 12, page 17, leave out clause 12.— [Ms Hargey (The Minister for Communities).]

No 10: In clause 15, page 21, line 38, leave out subsections (4) and (5) and insert -

"(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after '52E' (inserted by section 11(6)(a)) insert 'or 58A',

(b) in paragraph 1, after '52E' (inserted by section 11(6)(b)) insert 'or 58A', and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(6)(c)) insert—

'(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);'

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(7)(a)), after '52F' insert 'or 58B'.— [Ms Hargey (The Minister for Communities).]

No 11: In clause 20, page 25, line 20, leave out "licensed".— [Ms Hargey (The Minister for Communities).]

No 13: In clause 23, page 26, line 36, leave out "as the court thinks fit".— [Ms Hargey (The Minister for Communities).]

No 17: In clause 26, page 29, line 18, leave out "insert" and insert "(but before the following 'or') insert 'or'".— [Ms Hargey (The Minister for Communities).]

No 18: clause 34, page 35, line 13, at end insert -

"(1A) After paragraph (2) of that Article insert—

'(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

(2B) Regulations may not be made under paragraph (2A) 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 19: In clause 37, page 39, line 23, leave out "that Order" and insert "the Registration of Clubs Order 1996".— [Ms Hargey (The Minister for Communities).]

No 23: In clause 48, page 45, line 2, leave out "7(1) and (3), 11" and insert "1, 7(1) and (3), 11, 14".— [Ms Hargey (The Minister for Communities).]

No 24: In schedule 1, page 46, line 22, leave out paragraph 3 and insert -

"3. In Article 5 (premises for which a licence may be granted), in paragraph (3)—

(a) for 'Article 51(1)(b)' substitute 'Articles 48B(2) to (6), 51(1)(b) and 52C(1)',

(b) for '(l)' substitute '(m)', and

(c) in sub-paragraph (b), at the beginning insert 'except in the case of premises of a kind mentioned in Article 5(1)(m),'.— [Ms Hargey (The Minister for Communities).]

Ms Hargey: I state at the outset that all my proposed amendments are technical, drafting or consequential amendments. They seek to improve the drafting of the Bill, to ensure the enforceability of some clauses, to maintain consistency with the Bill or relevant parent legislation or to address potential practical difficulties in the implementation. For that reason, I will keep my comments brief, I hope.

Amendment Nos 1 to 3 improve the drafting and ensure the enforceability of clause 9, which adds cinemas to the list of venues to be defined as "places of public entertainment".

Amendment No 4 makes the insertion into clause 10, local producer's licence, which clarifies that the general prohibition on selling alcoholic drinks for consumption on the premises does not apply to local producers who have a suitability order and authorisation to do so.

Amendment No 5 moves what was clause 12 into clause 11, as it relates to the sale of alcohol for consumption in a local producer's premises. It also ensures that the Committee's original policy intent regarding the use of occasional licences in taprooms is clear, as I am concerned that the amendment at Consideration Stage potentially did not do that. The amendment clarifies that any part of a local producer's premises that has an eligibility order to sell for consumption on the premises could not be used for an occasional licence.

Amendment No 6 corrects references in clause 11. Amendment No 7 to clause 11 is required to maintain consistency with the Licensing Order, ensuring that all premises that can sell alcoholic drinks for consumption on the premises are prohibited from allowing consumption outside the area that has been licensed.

The amendment also ensures consistency with the Licensing Order in respect of the protection of young people. The Bill currently refers to article 5(1)(m) and premises in article 58 of the Licensing Order:

"Young persons prohibited from certain premises",

alongside off-sales premises. There is no specific provision in respect of the conditions under which young people can be in a bar following the inclusion of new articles 52E and 52F, which is the case for all licensed premises with a bar. This amendment means that, if a licence holder wishes to have children in a taproom part of its premises, the child must be seated at a table away from the bar, meals and beverages must be available and the young person must not be on the premises beyond 9.00 pm.

Amendment No 8 to clause 11 is technical in nature and corrects the relevant cross references.

Amendment No 9 removes clause 12, which was brought into clause 11 by amendment No 5. Members should also be aware that amendment No 9 is linked to amendment No 5 and, therefore, Members should vote in the same way for both.

Amendment No 10 seeks to improve the drafting of subsections (4) and (5) in clause 15, which relates to underage functions.

Amendment No 11 improves the drafting of clause 20, which restricts the advertising of drinks promotions in supermarkets to the area in which intoxicating liquor may be displayed in such premises.

Amendment No 13 improves the drafting of clause 23, which permits a court, when determining an application for an occasional licence, to impose terms and conditions on the licence.

Amendment No 17 is technical in nature and makes a grammatical correction in clause 26, which is on code of practice.

Amendment No 18 to clause 34 ensures that the number of occasions on which a registered club can be granted a late-night authorisation can be amended by the regulations, which may not be made unless a draft has been laid before and approved by a resolution of the Assembly. I thank Andy Allen for identifying the lack of regulatory-making power to amend the number of late-night authorisations for registered clubs, as is the case with licensed premises. That was an oversight, and this amendment now seeks to correct that.

Amendment No 19 is a technical amendment that clarifies a reference to the Registration of

Clubs Order 1996 in clause 37, which is on underage functions.

Amendment No 23 to clause 48, which is on commencement and the short title, makes it clear that paragraphs 1 and 14 must be commenced before those paragraphs referenced can be commenced.

Amendment No 24 to schedule 1, which deals with repeals, improves the drafting of the Bill and ensures that references are consistent between the Bill and the Licensing Order. Those are the amendments in group 1.

Ms P Bradley (The Chairperson of the Committee for Communities): On behalf of the Committee, I am delighted to welcome the Further Consideration Stage of the Bill. The very thorough scrutiny at Committee Stage, the detailed Committee report, the willingness of the Minister to take forward amendments where needed and the equally thorough and lengthy debate at Consideration Stage have, no doubt, produced a stronger Bill across all sectors and groups impacted across hospitality, the retail and tourism sectors, local alcohol producers, public health, the wider justice system, young people and sporting and other clubs. Although the Minister tabled a considerable number of amendments at Consideration Stage — however complex that made working our way through the debate and votes at that stage — it does not mean that we will have a somewhat simpler task ahead of us today.

Before I start on the amendments, I again give a quick word of thanks to the departmental officials for all their help throughout the various stages, and to the Bill Office and the Communities Committee team. The goodwill and good working relationships that were established from the outset between those teams have paid dividends in getting through to this stage as smoothly as possible.

At our meeting on 17 June, members considered a detailed paper from the Department outlining all the Minister's amendments and the need for them. The Committee was content with the Minister's proposed amendments in group 1, which do not reverse the decisions that the House agreed at Consideration Stage but seek to refine the clauses that stand part of the Bill to ensure that they are legally effective and practically possible to implement.

1.45 pm

The remaining amendments seek to improve the drafting of clauses and ensure their enforceability. Clause 9 deals with the inclusion of cinemas, and the House will recall from my speech at Consideration Stage that the Committee had requested that the Minister consider including cinemas in the list of places of public entertainment. However, in the end, the Committee's position was to support the Minister's proposal to conduct a public consultation first and to then make regulations in the autumn. We had fully expected a Member to table an amendment at Consideration Stage, and the House voted to include cinemas, which is now provided for in clause 9. The Committee supports the Minister's amendment Nos 1 to 3, which improve the drafting of clause 9 regarding cinemas and ensure its enforceability.

The Committee supports amendment No 4 to make an insertion in clause 10, which is on the licence for off-sales and local producers, to clarify that the general prohibition on selling alcoholic drinks for consumption on the premises does not apply to those local producers that have a suitability order and authorisation to do so.

The Committee supports amendment Nos 5 to 8 to clause 11, which is on the sales and consumption on local producers' premises. Amendment No 5 moves what was clause 12 into clause 11 and ensures that the Committee's policy intent on the use of occasional licences in taprooms is clear. Amendment No 6 corrects references in the clause, and amendment Nos 7 and 8 are a result of proposed new article 52E, which allows for taprooms and ensures consistency with the Licensing Order on the prohibition of consumption outside the area that is being licensed and relates to the protection of young people respectively.

The Committee supports amendment No 9, which removes clause 12, as amendment No 6 will bring it into clause 11. The Committee supports amendment Nos 10, 11 and 17 as they are technical amendments to improve the drafting of clauses 15, 20, 23 and 26.

The Committee supports the need for amendment No 18 to clause 34, increasing the number of authorisations for special occasions, which was identified by Committee member Andy Allen MLA, who spotted the lack of a regulatory-making power to amend the number of late-night authorisations for registered clubs, as is the case with licensed premises. The Department advised the Committee that that was an oversight and that it would be rectified.

The Committee supports amendment No 19 to clause 37. It is a technical amendment that clarifies a reference to the Registration of Clubs (Northern Ireland) Order 1996. The Committee supports technical amendment No 23 to clause 48, which deals with the commencement and short title, and amendment No 24 to schedule 1, which seeks to clarify a concern raised by Rachel Woods that the policy intent on the sale of alcoholic drinks under a local producer's licence being ancillary to the main business of the premises was not clear enough.

Amendment No 24 is technical and seeks to clarify that. That concludes my comments on the group 1 amendments.

Ms Ennis: It is good to be back on the Floor to debate further this really important and much-anticipated piece of legislation. It was clear from the lengthy debate at the previous stage only a few weeks ago how important the legislation will be for our hospitality and tourism sectors in the North.

In the Bill's Committee Stage and its stages in the House, I outlined the reasons why I think it is so important. You will be glad to know that I am not going to go over all those points now, but it is important to mention that the Bill will play a major role in allowing our hospitality and tourism sectors to flourish and will help their post-COVID recovery.

The debate and its nature illustrated that the majority of the House is on the same page on modernising our out-of-date liquor licensing legislation. The Bill will bring the North into line with other jurisdictions and ensure that it is no longer the poor relation when it comes to modernity in liquor licensing laws. Huge opportunities will arise from the legislation's introduction for, as I said, hospitality and tourism, and there also is the potential for job creation in many sectors.

From listening to and engaging with the public and the hospitality and tourism sectors since the Bill's Consideration Stage debate, I found that they are excited and are eagerly awaiting the legislation's introduction. They feel that it will be a crucial piece of the jigsaw in their COVID recovery. Pubs and clubs have been closed for a long time. The legislation will give them the mechanisms that they need to recover from the effects of the pandemic, as well as the modernity that they have been crying out for.

The amendments that have been accepted for Further Consideration Stage are just as important as the many that we debated at Consideration Stage. Many of the amendments are technical, but they will further strengthen

specific clauses. Twenty-four amendments have been accepted. That highlights the importance of the legislation to the Assembly.

Amendment Nos 1 and 3 to clause 9 relate to cinemas and will significantly increase enforceability. We welcome the Minister's amendments around that clause. That will allow people to consume alcohol at cinemas, but it will also ensure that there are strict regulations around it.

Amendment Nos 7 and 8 relate to taprooms, about which there was a lengthy debate just a couple of weeks ago. The amendments are the result of a new subsection 52E, which was included in clause 11. Those amendments will ensure consistency with the Licensing Order and the protection of young people.

Amendment No 8 means that if a taproom has children in it, they must be seated at a table away from the bar and be off the premises by 9.00 pm. We welcome those amendments from the Minister, and we will support them.

Amendment No 11 to clause 20, on the prohibition of loyalty schemes, simply improves the drafting of the clause and makes it clear. Again, we welcome that, as it removes any uncertainty around the clause.

Today's debate is another important step closer to seeing the Bill introduced. The positive impact that it will have on our hospitality and tourism sector really cannot be overstated. With that said, I draw my remarks to a close on the first group of amendments.

Mr Durkan: First of all, I declare an interest. The overhaul of our archaic and very restrictive licensing laws is long overdue, and I am sure that I am not the only one here today who is so excited and happy to see a finish line now in sight for this legislation.

The Committee has been painstaking in its consideration of the issue. I commend the Minister for the amendments that she brought forward. The Committee worked very well together on the Bill, and we have been ably and very patiently supported by departmental officials and Bill Office staff.

Other Members have outlined the rationale behind today's amendments. They are technical in nature, tidy up bits here and there and iron out any glitches in the legislation, so we will support all the amendments in group 1.

My colleague from South Belfast will speak more extensively on group 2, but, hopefully, not as extensively as he did at the previous stage.

Ms Armstrong: I thank the Minister and her team and all in the Bill Office for bringing us this far. As Mr Durkan said, we are very close to the end on this huge piece of legislation that has been many years not in the making but, certainly, in the awaiting.

As the Minister said, much of what has been proposed in the group 1 amendments is technical, and I thank her team for making them so. It brings forward the additional pieces that the Committee had wanted, and we were glad to work with her on that.

The only thing that I will say is that I will call against amendment No 5. I have spoken to a number of taproom owners — or people who would like to be taproom owners — and they have said that not only are they unable to have additional days or hours but being banned or excluded from being able to access occasional licences brought forward even by a partner pub that they work with makes life extremely difficult for them. Indeed, later in group 2, I will talk about the review that I would like to see happen, because I have been told by local producers that it is very unlikely that anyone will apply for a taproom licence under article 52E because of the restrictions that are placed on them.

Someone here mentioned the poor relations. While our local producers have the opportunity to develop and extend our food and drink tourism market, unfortunately, the restrictions on them —

Mr Allen: Will the Member give way?

Ms Armstrong: I will indeed.

Mr Allen: I am sure that the Member will note the important inclusion of the secondary legislation-making powers that the Minister holds in relation to taprooms. Hopefully, through the various reviews, the Minister will be able to see that there is potentially an undue impact on the sector and will, by way of regulation, be able to bring forward additional days.

Ms Armstrong: I thank the Member for that. I certainly hope that that will be the case. Limiting our taprooms to possibly two days a week over a year with only six hours a day, which is 12 hours a week, does not, as I said at Consideration Stage, make it feasible for people to work there or for taprooms to cover

the cost of fitting out a place where alcohol would be consumed.

Unfortunately for all in the Chamber, I will go against amendment No 5. I know that amendment No 9 is consequential to amendment No 5. I very much expect that I will be a lone voice in the House, but taking away the opportunity for a taproom to have the use of even an occasional licence brought forward by a partner pub, just goes beyond the pale and leaves them as the poor relation in the sector.

Mr Principal Deputy Speaker: Thank you, Members. As it is 1.56 pm and questions to the Minister of Justice are due to commence at 2:00 pm, I suggest that the House takes its ease. When we return to this business, the next Member to speak will be Miss Rachel Woods.

The debate stood suspended.

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

2.00 pm

Oral Answers to Questions

Justice

Mr Deputy Speaker (Mr Beggs): I advise Members that question 13 has been withdrawn.

Animal Cruelty Convictions

1. **Mr Stalford** asked the Minister of Justice how many people have been convicted of animal cruelty in the last three years. (AQO 2240/17-22)

Mrs Long (The Minister of Justice): From 2018 to 2020, there were 153 convictions at courts for offences under animal welfare legislation. That total relates to 68 convictions in 2018, 50 in 2019 and 35 in 2020.

Under the Welfare of Animals Act (Northern Ireland) 2011, all animal welfare matters, including the creation of offences and penalties in legislation for the abuse of animals and their enforcement, are the policy and legislative responsibility of the Department of Agriculture, Environment and Rural Affairs. You may, however, be interested to know that I recently met Minister Poots to discuss proposals for the creation of a register of those who have been banned from owning animals. While any policy decision on the creation of a register of those convicted of animal cruelty is purely the responsibility of DAERA, I have agreed that my officials will provide advice on the management of criminal records in order to assist with that work.

Mr Stalford: I congratulate the Minister on having the prescience to anticipate where I was going with this. Does she agree that it is essential that progress is made between the Department of Justice and the Department of Agriculture, Environment and Rural Affairs in bringing in such a register? It is essential that people who are cruel to animals are prevented from owning them.

Mrs Long: It is indeed important that those who are found guilty of serious animal cruelty offences are prevented from owning animals. The difficulty, of course, with a register is that there are issues with the General Data Protection Regulation (GDPR) and access to criminal record information. My Department is in

a good position to advise the Agriculture Department on how it could access those records in a meaningful way, depending, of course, on their ultimate use, which will determine the level of access to which it is entitled.

Mr McAleer: The Minister may be aware that, last month, the AERA Minister indicated that he was considering the establishment of an island-wide register of people who have been convicted of cruelty to animals. Is she aware of that? If so, does she have any update on progress?

Mrs Long: The Member will be aware of the complexities of sharing criminal record information on a cross-jurisdictional basis. However, that is another area in which the Department will be able to assist the Agriculture Department in how it is taken forward. How the register will be constructed, with whom it will be shared and for what purpose are decisions that will need to be taken by the Agriculture Department and the Minister. However, we will be able to give assistance and guidance on the parameters that have to be met in that sharing to ensure that it can be legally actioned.

Mrs Barton: Minister, has there been any conversation between your Department, the AERA Minister and the Minister for Justice in the Republic of Ireland about cruelty to animals and a register?

Mrs Long: I met the AERA Minister. I am not aware of whether he has had any discussions with his counterpart in the Republic, but, from my perspective, if we arrive at a point where DAERA wishes to share that information on a cross-jurisdictional basis, we will, obviously, want to provide it with legal guidance on how that data could be shared and with whom.

Sexual Abuse in Non-statutory Settings

2. **Ms Armstrong** asked the Minister of Justice what progress is being made to protect young people in non-statutory settings from sexual abuse. (AQO 2241/17-22)

Mrs Long: As I previously announced, I intend to strengthen the current law on abuse of positions of trust by extending its scope beyond those responsible for our young people in the statutory sector. That should be achieved through an amendment of the justice Bill during its passage through the Assembly later this year.

While I am very conscious that there has been a particular focus on the risks posed in the sport and religious sectors, I am mindful that predatory behaviour can occur in other environments in which adults have significant influence or power over a young person in their care. I am therefore committed to ensuring that any legislative change is as robust as possible and offers protections where they are needed. That said, it is imperative that the law can withstand scrutiny and challenge in the courts to ensure that there is no wiggle room for offenders. Similarly, I do not want to criminalise people inappropriately. It is crucial that the legal definition that applies in law strike a proportionate balance. We need to ensure that, in protecting our young people, we also respect their rights to engage in a healthy sexual relationship where they wish to do so.

The draft justice Bill has been ready to go forward since early May. My attempts to include the approval of the Bill's introduction on the Executive's agenda at every meeting since 6 May have, however, been unsuccessful, and the Executive have still to approve its introduction. I am greatly concerned that that inexplicable and continuing delay is making it increasingly problematic for the Bill to be progressed through its necessary Assembly stages to Royal Assent in the current mandate. I remain hopeful that good sense and responsible stewardship will, even at this late stage, enable me to introduce the Bill and secure its passage in the remainder of this mandate. We are rapidly approaching a point of no return, however. If the Bill cannot be progressed in the current mandate, I will ensure that my Department will take the necessary steps for the inclusion of the abuse of trust provisions in a suitable legislative vehicle early in the next mandate.

Ms Armstrong: I thank the Minister for her commitment on the matter. The sexual abuse of young people in any format is abhorrent. I am concerned by what the Minister has just said about the justice Bill being held up. Does she have any deadline by which it needs to be presented, beyond which it will be killed off for this mandate?

Mrs Long: That deadline has effectively already passed. To introduce the Bill, we needed approval a number of weeks ago. That would have given the Speaker's Office the customary two weeks to review the legislation and ensure its competence; to arrange with the Business Committee the tabling of the Bill's introduction; to allow a two-week gap between that and Second Reading so that the Department could fully brief the Committee

between the two stages; and, subsequently, to allow the Committee to do a call for evidence, hopefully over the summer, to allow it to proceed. That process can, of course, be truncated, and, with the goodwill of the Speaker, it may be possible to carry out the review of the legislation more quickly. With the goodwill of the Committee, it may be possible to do the call for evidence prior to Second Reading. That would be unusual but not impossible. We are, however, now relying on people's goodwill rather than on good procedure, which is a shame.

The drafting of the Bill was complete at the end of March. Initially, I issued an Executive paper to seek approval for its introduction on 27 April. The Bill's content, which, as the Member knows, includes important provisions to protect women and children from serious sexual offences and sexual exploitation and a number of other important matters, was agreed with the Executive Committee in November 2020.

Ms Brogan: I share the Minister's concerns about the delays to the justice Bill by some parties in the Executive. The delays really are inexcusable. It is a concern that children and young people are still at risk and will remain at risk of grooming and sexual abuse while there are no adequate protections in place. Will she outline what the potential implications are if the legislation is not passed in this mandate?

Mrs Long: The Member will be aware that, if the legislation is not passed in this mandate, the current arrangements for protections still apply. It is not that people will have no protection from such offences, but it limits the protections to those working in the statutory sector. Those working in the voluntary sector would not be covered.

The Bill covers a number of incredibly important areas to do with public protection. All of the Bill's content, as presented for introduction, was subject to appropriate consultation. No new content has been added in advance of the Bill's introduction. I have written to my Executive colleagues on six separate occasions to stress the importance of the Bill. I have sought to get the Bill on the Executive agenda for a decision at each of the Executive's meetings since 6 May. In the most recent letter, I confirmed that we had at least three Ministers requesting that the item be tabled; indeed, we had all Ministers bar those in the DUP.

Ms S Bradley: Whilst I appreciate that it is not in itself a solution, has the Minister considered the development of a guidance document so

that those in out-of-school settings can engage in best practice in helping the children in their care?

Mrs Long: The preparation of guidance documents on safeguarding would be a matter for the Department of Health, but the law on abuse-of-trust provisions falls to the Department of Justice. In the absence of developments on the Justice Bill, we would look to other Departments to provide interim measures. However, guidance is not law. Those in breach would, therefore, have only breached guidance rather than broken the law and criminal penalties would not be accessible.

Telephone Scams

3. **Ms Hunter** asked the Minister of Justice to outline the steps she has taken to counteract the threat of telephone scams. (AQO 2242/17-22)

Mrs Long: I recognise the devastating consequences that can be caused when a person falls victim to any scam, including telephone scams. Nearly a third of all fraud is committed over the phone, and telephone scams were recently highlighted as the type of scam requiring the least effort by fraudsters. A scam can have a devastating financial and emotional impact, especially over the past year, when some are on a limited or fixed income and are also, perhaps, in a more vulnerable position.

My Department works to tackle the threat of scams through its membership of the Scamwise Northern Ireland partnership, which is chaired by the PSNI. The partnership has over 45 partners that work collaboratively to raise awareness of key types of scams, including telephone scams. Key partners include the Northern Ireland Policing Board, the Northern Ireland Trading Standards Service, the Consumer Council, the Commissioner for Older People, representatives of the retail and banking sector, including Royal Mail and the Post Office and a number of faith and youth groups. I am pleased that Ofcom, the communications regulator, joined the Scamwise partnership at the start of this year and will assist it in working more closely with mobile phone network operators and internet providers to help prevent scams.

Mr Deputy Speaker (Mr Beggs): Technology may have let us down. We will go on to another supplementary, and we can go back to Cara if we make contact again.

Ms Dolan: It is really concerning that telephone fraudsters have posed as police officers on over 300 occasions this year. Has the Minister engaged directly with the Commissioner for Older People to try to support the older population by increasing awareness of and help prevent these sophisticated scams?

Mrs Long: As I said in my original answer, the PSNI and the Commissioner for Older People are members of the Scamwise partnership. In order to help tackle and raise awareness of scams, a series of books has been developed by the partnership: the 'Little Book of Big Scams'; the 'Little Book of Cyber Scams' and the 'Little Booklet of Phone Scams'. The freely downloadable and hard copy books provide a comprehensive guide to how scams operate, how people can fall victim to fraudsters and, most importantly, how people can protect themselves and spot scams. The 'Little Booklet of Phone Scams' gives 11 pages of advice on how to spot and stop a telephone scam, including information on fraudsters' tactics, which can include disguising their phone number to make it look genuine.

The partnership has also developed a series of short video clips to give social media users key advice and top tips on scams, including telephone scams. The clips have been rolled out across PSNI, Scamwise and nirect social media platforms and shared with other Scamwise partners, including the office of the Commissioner for Older People.

Mr Weir: I welcome the work in Northern Ireland to which the Minister referred.

However, quite a lot of those scams will involve people purporting, in writing or on the telephone, to represent national UK-wide agencies such as HMRC or DVLA. Can the Minister outline what steps are being taken on a cross-jurisdictional basis to cooperate to try to combat those scams?

2.15 pm

Mrs Long: The Member is, of course, right. HMRC-style scams are some of the most obvious. However, banking scams, where people will text and ask you to return details of your account and passwords, are becoming increasingly common and elaborate. Recently, I spoke to someone who works in IT, and, as a test, their department sent out a fake scam to test staff after training. A number of IT professionals fell foul of the scam, and that shows how sophisticated some of those scams can be.

Working through, particularly, the offices of the Communications Ombudsman is important, because that is a UK-wide body that keeps pace with local, national and, indeed, international scams. Some of the text messages that look like they come from UK numbers are often generated well outside the UK and its jurisdictions. Therefore, it is an important step forward that we now have Ofcom representatives on our Scamwise partnership to inform us on how to deal with that cyberthreat.

Mr Deputy Speaker (Mr Beggs): We have been unable to resume our link with Cara Hunter. We will have to move on.

EU Settlement Scheme

4. **Ms Sheerin** asked the Minister of Justice to outline any work her Department is undertaking to promote the EU Settlement Scheme (EUSS) with vulnerable victims of crime. (AQO 2243/17-22)

Mrs Long: The EU Settlement Scheme is not the responsibility of the Department of Justice but is a UK-wide scheme managed by the Home Office. The scheme applies to all, regardless of whether they are a victim of crime or not. However, separately, my Department does provide contracted support for adult potential victims of modern slavery and human trafficking, in line with section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. As well as providing safe and secure accommodation, the support providers ensure that potential victims receive assistance to obtain legal advice or representation and are signposted to information on matters that are relevant to the individual's circumstances. That includes advice on applications to the EU Settlement Scheme, where appropriate.

Decisions around leave to remain are not a devolved matter. I understand that the Home Office published updated guidance, in December 2020, for its staff on the circumstances in which it may be appropriate to grant discretionary leave to remain to confirmed victims of modern slavery and human trafficking. That guidance clarifies that EEA nationals, who are confirmed victims of modern slavery, will automatically be considered for a grant of discretionary leave in the same way as EEA non-nationals.

I am aware that a range of steps to raise awareness of the EU Settlement Scheme has also been undertaken through public and social

media, such as the campaign by Citizens Advice. Two organisations in Northern Ireland — Advice NI and the Stronger Together EU Settlement Scheme Support Project — can provide free, confidential advice and support, including immigration advice, and practical help and support, including interpreting services and an EU Settlement Scheme helpline to provide support on completing applications.

I remain committed to supporting victims and improving their experience of the criminal justice system. My Department provides funding of £2.3 million for support services for victims and witnesses of crime. Those services are delivered by Victim Support Northern Ireland (VSNI) and the NSPCC and ensure that victims and witnesses receive information, emotional support, advocacy, assistance with compensation and support at court. VSNI has, through social media, announced a call to action to the EU Settlement Scheme and provided a link to the Migrant Centre NI. In conjunction with Advice NI, the Migrant Centre NI provides support to vulnerable EU citizens who need additional help when applying for their immigration status through the Home Office EU Settlement Scheme portal.

Mr Deputy Speaker (Mr Beggs): I remind the Minister that it is two minutes for an answer, but she can request an extra minute if she feels that she need it.

Ms Sheerin: Minister, thank you for your comprehensive answer. You have referred to the fact that the scheme deadline is 30 June. From engagement with groups, we know that a vast number of people who require an application to the scheme to secure their future here have not yet applied. Can you advise whether your Department will do anything to support people who have not been represented? If there are circumstances in which people will be able to make a late application, will your Department make representations on their behalf?

Mrs Long: As I said at the outset, it is not the responsibility of the Department of Justice to do that. However, where we have the opportunity to engage with victims of crime, we provide them with the opportunity to be able to do that. We also engage with those in the justice system; for example, those in prison or on probation. We have made arrangements in order that those who wish to be resettled — including, for example, remand prisoners who, at the minute, have not been found guilty of any crime but who may find themselves in difficult circumstances that affect their ability to apply

for settled status — have access to the information and the ability to make applications. A further complication that has been noted is that many parents were unaware that, in addition to their own application, they had to make separate applications for their children, so we are seeking to raise awareness of that. It is primarily an issue for other Departments as opposed to the Department of Justice, though we will help where we can.

Mr McGrath: The Minister is correct: it is not her Department's responsibility. It is, in fact, everybody's responsibility, because what we are trying to do is make sure that people who live here and have called it their home for, sometimes, up to 40 or 50 years can avail themselves of all the proper services. Minister, you mentioned that your Department did some work to try to signpost people. Can you detail further what that work was and how successful it was?

Mrs Long: Having been scolded by the Deputy Speaker already about the length and breadth of my original answer, I am not going to risk his wrath by repeating it all. There was quite a lot of detail in the answer that I ask you to reflect on after this. We have done considerable work with prisoners who do not have access to documentation, who are not able to hang on a phone line for, sometimes, up to three days to get through to an adviser or who may not speak English and therefore need a translator. Those are obstacles that are being placed in the way of people who would otherwise be able to remain here. It is important to note that we have asked that the scheme be extended to give people good time in which to make their applications.

Ms Armstrong: As we all know, there are only nine days left for people to apply to the EUSS. You mentioned that you have provided support for those in prison or on probation to make an application under the EUSS. On the type of support, you mentioned translators and so on. Have you been able to use any of our local advice services for that? Is there anyone else left in your system over whom you have control who can apply but has yet to do so?

Mrs Long: We have continued to raise that with a number of organisations, and, indeed, a number of organisations, like NIACRO and others, have raised it with us because of their concern. You will appreciate that it is all done by smartphone, and prisoners do not have access to smartphones. They are often not in a position to have the documentation that is required or the access to be able to receive it.

Quite a number of months ago, we sought and gained permission from the Home Office to access a paper scheme so that people would be able to apply on paper. However, the paper documentation was never released, despite the fact that the Home Office had agreed to do that. It may now have been released, but it certainly was not available the last time that I sought an update.

There is also the issue of being able to get advice from a caller. You should be able to ring a number and know that you can speak to someone who can help. It is frustrating enough trying to get through to an advice service when you are phoning up from home. It is more frustrating when your telephone time is limited and you are not in a position to make repeated calls or when you have an interpreter who is sitting there ready to answer questions and assist you but who will not be there the next time you call, so you are left hanging without the ability to make an application. Those are very complex issues. A number of organisations are funded specifically to offer that advice, so we direct people towards them in order to get assistance.

Gillen Review: RSE Recommendations

5. **Ms McLaughlin** asked the Minister of Justice for an update on the progress of the implementation of standardised relationships and sexuality education (RSE) in schools, as recommended in the Gillen review 'Report into the law and procedures in serious sexual offences in Northern Ireland'. (AQO 2244/17-22)

Mrs Long: Although my Department has overall responsibility for the implementation of the Gillen review, the recommendations represent a transformational programme of significant reform that requires collaboration and coordination across Departments, multiple sectors and partner organisations and cannot be delivered by the Department of Justice alone. The provision of standardised, effective RSE is an example of that, as it can only be delivered by the Education Minister and her Department. You may therefore wish to seek an update from my ministerial colleague on the work that her Department is doing in that regard.

It may be helpful to add, though, that I fully support Sir John Gillen's recommendations and believe that consistent and uniform RSE is crucial to giving children and young people the information and tools that they need to

understand healthy relationships, make informed decisions and protect themselves. Effective RSE will also contribute to reducing the risk of them becoming offenders. It is for that reason that I met the former Education Minister, who is, I am pleased to see, on the Back Benches and, more importantly, on my Committee. He and I had discussions about how to take forward the planned work on improving the provision of RSE in our schools. Minister Weir gave a commitment that his Department would lead cross-sectoral work that would look at improving the provision of RSE, including a review of the minimum content order. I am pleased that a working group has now been established. My Department has arranged workshops to enable officials from the Department of Education to engage with the views of stakeholders, including Nexus, Women's Aid, the NSPCC, Queen's University, Cara-Friend, Common Youth, the Council for the Curriculum, Examinations and Assessment (CCEA) and the health trusts. The Department of Education will consider those discussions and advise on next steps. I understand that any changes to the minimum content order will require legislation, but that will not be progressed in this mandate. However, other work can be taken forward in the interim. I will continue to press for positive change, and I hope to discuss progress with the new Minister of Education in due course.

Ms McLaughlin: I thank the Minister for her answer. RSE is an example of where Departments must work together for the appropriate outcomes. All Ministers want our young people to have and receive comprehensive training and education on relationships and sex. In the Minister's discussions with the previous Education Minister, had she confirmed a timeline for when RSE could be run out into all our schools?

Mrs Long: As I indicated, the minimum content order, which was the subject of the most recent discussion we had, requires legislation. It is unlikely that it would be able to be brought forward in this mandate, given the short time available and the need to consult with education stakeholders on any specific proposed changes. However, as I said, other things can be done, short of the minimum content order being changed, that would allow an improved CCEA review of RSE, for example, which, I believe, is under way, if not complete. I am looking to the former Minister for assent, but he is giving me nothing; I will assume that I am not misspeaking. I understand that there was a review under way. I am hopeful that, in the interim, those schools that wish to advance RSE are able to do so. It is important, because

the education gives life skills. It is important for young people to be able to protect themselves both from offending and from being victims of sex crime.

Ms Dillon: I thank the Minister for her answers so far and Sinead McLaughlin for tabling the question. It is vital. It is a cross-cutting issue, and Sinead is right: this is a perfect example of where we need Departments to work together. Will the Minister give us an update on Operation Encompass? Sex education is extremely important — I want to see it across all schools, not just in those that choose to provide it — but we also need to be sure that our children are protected when they are in school.

Mrs Long: I could give the Member an update on Operation Encompass, but I will have to do so via writing because I do not have an update to hand. However, I know that work is well under way in the Department on identifying where information should be shared and how it can be shared legally and appropriately to ensure that, if a young person has been subjected to an adverse incident that has been reported to the police, the school will at least be aware that the young person has had that experience since their last time in school, and it will be able to respond appropriately and offer the right support when the person returns to school.

Miss Woods: Has the Minister had any commitment from the new Minister of Education that the work on changes to the minimum content order will continue in her Department, given comprehensive RSE's incredible importance? Does she support the pooling of budgets to enable that work to be done and facilitated, as per the conditions in the Children's Services Co-operation Act?

Mrs Long: On the second part of the question, resources are being pooled. As I said, my Department organised the workshops that have taken place this month. Those were led by the Department of Education, and they have enabled attendees to put forward suggested changes to the minimum content order for RSE. DE will collate the feedback from the workshops and report back to the RSE subgroup of the main Gillen education and awareness group. It is important to note that we do work together on those issues.

I have not yet had the opportunity to explore with the new Minister any personal commitment that she may give to the issue, but, given the direction of travel set by her colleague, I am

hopeful that she will continue with that very important work.

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We now move to topical questions. I advise Members that question 7 has been withdrawn.

2.30 pm

Loyalist Communities Council: Statement

T1. **Mr McGlone** asked the Minister of Justice whether she will condemn the despicable comments from the unrepresentative Loyalist Communities Council (LCC), which stated that Irish Ministers and officials are “no longer welcome” in Northern Ireland. (AQT 1441/17-22)

Mrs Long: I absolutely condemn such remarks. They create a chilling and unhelpful atmosphere. Such threats, however thinly veiled, have no place in Northern Ireland, and they never did. It is important that we recognise that Irish Government Ministers have an important role to play in our being able to cooperate and work together on an all-island basis to deliver better for people across the island, as well as for people throughout these islands. Those Ministers are also members of the British-Irish Council, which is an important part our work as Executive Ministers. Frankly, it is remarkable that an unelected group would dare to suggest that elected representatives, from this jurisdiction or any other, are unwelcome here. The only thing that is unwelcome in Northern Ireland is continued paramilitary influence in our communities.

Some Members: Hear, hear.

Mr McGlone: Thank you very much for your comments, Minister. Does the Minister agree that there have been a number of assessments by different Chief Constables who have described the organisations represented by the LCC as “organised crime groups”?

Mrs Long: Yes, that is the case. We know that paramilitary gangs exploit and harm people and prey on the most vulnerable in our society. They may wish to portray themselves as defenders of their community, but that could not be further from the truth. There is an onus on all of us, as political leaders, to ensure that they are not legitimised and that we actively work together to support communities and individuals who are vulnerable to their malign activities.

Countering the enduring and pervasive nature of paramilitarism and organised crime structures in our society requires a long-term and genuinely collaborative approach across government and working closely with local communities. That approach is at the heart of the cross-Executive programme, which has seen Departments, statutory agencies and voluntary and community groups working together to address the harm caused by paramilitarism and to build safer communities that are resilient to the effects of paramilitary activity.

Scams: DOJ Preventative Work

T2. **Ms P Bradley** asked the Minister of Justice what her Department is doing to prevent scams, particularly those that target the most vulnerable in our community such as the elderly. (AQT 1442/17-22)

Mrs Long: As I said in response to an earlier question, the Department is part of the Scamwise NI partnership, in which it works with people across the broad spectrum of communication organisations, such as Royal Mail and the Post Office, as well as with Ofcom, the PSNI, people from the age sector and others. They come together to try to advise and to provide information to those who may be vulnerable to scams about how those scams might appear, how they should respond to them and who they should report them to.

It is hugely important that people are aware of the risks of scams and of how sophisticated some of those scams are. They are truly, incredibly sophisticated. You get them by email and by phone and, to all intents and purposes, they look like standard emails and texts from a normal business. They are very convincing and very dangerous. People sometimes lose all their money, believing that they were contacted by a bank, only to find out that they gave their password and details to someone who then emptied their account. I appeal to anyone who gets an unsolicited email or text message, seemingly from a statutory agency or government body, not to respond with any details and not to reply, but to contact the agency directly at its registered number. Do not go back through that email because, undoubtedly, in most of those cases, it will be a scam.

Ms P Bradley: I thank the Minister for her answer. Are there any campaigns or anything that we can run that are specific to Northern Ireland, especially for the elderly? My mother constantly gets calls from Amazon or Netflix to

say that her account has been compromised. She does not have an Amazon or Netflix account, but she phones me in an absolute panic after receiving those and many other calls. Are there plans for any sort of campaign? It could be part of an international campaign or one that is specific to Northern Ireland.

Mrs Long: The Scamwise partnership has ongoing campaigns, and materials are available on an ongoing basis. I spoke earlier about the little books that give people background information on different types of scams, and those are accessible online and in hard copy for people who are perhaps not technically proficient to download them. There is a lot of material out there, and the Scamwise partnership has run a number of public awareness campaigns. I do not have an update on the next campaign, but I am happy to provide the Member with that information in writing.

Mr Deputy Speaker (Mr Beggs): Daniel McCrossan is not in his place.

Trafficking and Exploitation: Legislative Update

T4. **Mr Blair** asked the Minister of Justice for an update on progress on legislation in relation to victims of trafficking and exploitation. (AQT 1444/17-22)

Mrs Long: These issues have been touched on already, but I will perhaps provide an overview of the legislative programme and where it sits. The Domestic Abuse and Civil Proceedings Act passed into law in January, and, thanks to the work of the Justice Committee and my Department, we now have much more robust laws on coercive control, in particular, and domestic abuse.

The Committee is dealing with three pieces of legislation. The first is the Criminal Justice (Committal Reform) Bill, which will do two things: speed up justice and prevent victims having to give evidence twice in court. That is very important, and we are keen to move forward with that. The Committee is also dealing with the Damages (Return on Investment) Bill, which will essentially work out how we will calculate personal injury claims in future to ensure that the person receives 100% compensation. Furthermore, the Protection from Stalking Bill is in front of the Committee at the moment. Finally, there is the justice Bill, which, as I explained earlier, has been sitting with the Executive for seven weeks now.

The reality is that the fragility of these institutions could scupper all four pieces of legislation, because, if they are not passed and do not receive Royal Assent prior to this place keeling over, all the work done by the Committee and the Department and all the expectations of the public around these serious public protection issues will be dashed. I ask Members to reflect on that as they make decisions over the coming days.

Mr Blair: I thank the Minister for the answer. Separate to the legislative process, can the Minister confirm that there could be a major negative impact on victims of crime if this legislation does not proceed with some haste?

Mrs Long: Absolutely. Members of the Committee who are in the Chamber at the moment will be aware that one of the major issues in the justice Bill is that it will provide special measures for complainants in serious sexual offence cases. We will also legislate to permit protections for defendants in those same cases and will follow many of the recommendations from Sir John Gillen's review to ensure that people who are subject to serious sexual offences are not re-traumatised on their way through the system. Similarly, the Criminal Justice (Committal Reform) Bill follows up on recommendations from a number of organisations that say that committal reform needs to take place both to speed up justice and because of the risk of victims and witnesses becoming subject to intimidation when they make complaints and follow cases. We know that attrition rates in serious sexual offences are significant. It also deals with child sexual exploitation, so it will leave a very vulnerable group of young people even more vulnerable. As I said earlier, it will also prevent our being able to move forward on abuse-of-trust legislation in those areas outside statutory provision.

However, it is not, of course, only about legislation. Members are well aware that I am on record in the House as saying that I want to develop a victims of crime commissioner. I want a postholder designate by the end of this year. There is a lot of work to do for that to be possible. It will require the cooperation of the Assembly Committee, and it will require us to develop a legislative footing on which to place that commissioner. That legislation will hopefully pass in the next mandate. All that work will be jeopardised unless we get down to doing the business that we were elected to do.

Hate Crime Legislation

T5. **Dr Aiken** asked the Minister of Justice, in advance of her meeting with the all-party group on ethnic minority community tomorrow, to outline the action that she is taking to advance hate crime legislation. (AQT 1445/17-22)

Mrs Long: We are taking a number of actions to bring forward hate crime legislation. The Member will be aware that we had the Marrinan review. The Department has moved forward with that, and I await the final report. Once we get that, I will set out my intentions for taking the matter forward. I am aware, as he is, of the huge appetite for improved laws on hate crime. My intention is that we will commence the drafting of a hate crime Bill in the summer, when the legislative programme should open up slightly, and there should be access to drafting experience in the Department and the Office of the Legislative Counsel. The draft Bill will come forward at the start of the next mandate.

Dr Aiken: I thank the Minister for her answer. We are seeing a delay in the justice Bill. She will be fully aware of concerns, particularly among those whom I call the new Northern Irish people. They see that the hate crime legislation to address their concerns seems to have been put back yet again. Can the Minister see any way that hate crime legislation, much of which is taken from other parts of the United Kingdom, might be put directly into the justice Bill, even at this late stage, to enable that vital thing to be done?

Mrs Long: Given that one of the rather weak excuses for not passing the justice Bill through the Executive was the fear that people would add to it, I am not sure that the Member's suggestion would provide a helpful solution. Whilst I understand that the Member wishes to make haste on the issue, it is not as simple as lifting legislation from elsewhere, because it has to interact with our local human rights and equality legislation. Moreover, the issue is complex. A number of Judge Marrinan's recommendations go well ahead of current policy. Policy development work and public consultation will be required on the issue of misogyny, for example, which has been widely debated. Should gender be a category of hate crime, or should misogyny be a specific category, with trans issues as a separate kind of hate crime? Those issues are not settled in the Marrinan review, and we will have to seek public views on them as we develop policy. There are elements of hate crime legislation that are potentially reasonably straightforward, but I want to wait until I have seen my officials' final report to judge best how the matter can be taken forward. In giving leadership on the issue

and ensuring policy coherence, it is much more preferable to propose a hate crime Bill that covers all those elements in one place. To ensure that nothing falls through the cracks, that is a much better way to do it.

Regional Care and Justice Campus: Timeline

T6. **Ms S Bradley** asked the for Minister of Justice to provide an updated timeline for the delivery of the regional care and justice campus, following the publication of the consultation analysis report. (AQT 1446/17-22)

Mrs Long: The work is ongoing between the Department of Justice and the Department of Health, and we are making good progress. A number of issues have been and will be raised in the consultation, which we will want to look at carefully. We can make good progress on that by working with Minister Swann. There are genuine concerns about how the work will be led and by which Department, and about how the Departments will interact, but all of those are entirely resolvable. In working with the Department of Health, the most important thing is that we try to provide a therapeutic environment for young people, particularly the youngest and most vulnerable, who are guilty of offending but have, nevertheless, been subjected to adverse childhood incidents. If many of the young people who come into the justice system did not do so, they would come to society's attention through the care system. We need to have a standardised approach to how we deal with adverse childhood incidents and the vulnerabilities of young people, rather than taking a criminally led approach.

Ms S Bradley: I thank the Minister for her response. She rightly noted some of the concerns raised. One of those is the risk associated with the approach to an integrated admissions process. She talked to that and said that she would set up a scheme that takes into account the associated risks. I want to know who will be responsible for developing that model. Who will sit around the table in an effort to mitigate those risks?

Mrs Long: Health and Justice officials.

Mr Deputy Speaker (Mr Beggs): That is the end of questions to the Minister of Justice. I ask Members to take their ease for a few moments before we progress to the next batch of questions.

2.45 pm

Agriculture, Environment and Rural Affairs

Points of Entry Delays: Compensation

1. **Mr McNulty** asked the Minister of Agriculture, Environment and Rural Affairs for his assessment of the cost in compensation arising from delaying the construction of new facilities at points of entry for goods checks required under the protocol on Ireland/Northern Ireland. (AQO 2253/17-22)

Mr Poots (The Minister of Agriculture, Environment and Rural Affairs): As Minister for the Department whose responsibilities are most affected by the implementation of the Northern Ireland protocol, I am fully aware of the difficulties that it is causing, especially the impact of additional new rules and the barriers that they place on the movement of goods, products and live animals from Great Britain to Northern Ireland, to which I am firmly opposed. I feel that those checks on intra-UK moves are unnecessary and totally unacceptable, as they place Northern Ireland businesses and consumers in an unfavourable position. While the current easements on the movement of goods from GB to NI are welcome, they are only interim solutions to the problems associated with the withdrawal agreement and the protocol. The situation will become impossible once the grace periods that are currently in place, primarily for retail goods, come to an end.

The issuing of the controlled stop to the contractors appointed to the design and build programme has triggered a compensation event. The review process for the compensation claims is ongoing, but DAERA has not been formally issued with any verified costs. Until all claims have been submitted by contractors and reviewed in accordance with the contract, the additional cost to the Department cannot be confirmed.

Mr McNulty: I thank the Minister for his answer. Does he agree that, at this point, the ports want certainty and clarity? When will that certainty and clarity over their legal obligations be forthcoming?

Mr Poots: I hope that we will get that certainty and clarity over the next number of weeks, because it is for the UK Government to make that decision. The UK Government have been very well informed by the DUP Ministers on the Executive and, I assume, by others about the

issues, complications and problems that come about as a consequence of the protocol, such as the cost to businesses and therefore consumers, the constitutional impact and the democratic deficit. I am not sure whether there is any other country that has 26 other countries making the rules that are implemented in that country and where individuals in that country have no say over the rules that they are being asked to enforce. That is undemocratic. I had always thought that the European Union was an organisation that supported democracy. We cannot therefore move forward with the protocol.

Ms Kimmins: I disagree with the Minister on no one having any say, because the DUP has brought us to where we are. It is an outworking of Brexit. Can the Minister give us an assurance that the work on the construction of the point-of-entry facilities will proceed without further unnecessary and politically motivated delay?

Mr Poots: The advice from the civil servants is that we cannot proceed. Once the civil servants arrive at some different conclusion, that is a decision for the Executive and not for me as Minister. It is a controversial decision and therefore requires the entire Executive's support. I can confirm that I will not be breaking the ministerial code by following your suggestions.

Mr Allister: Does the Minister agree that the real and lasting cost of his implementation of the protocol is the distortion of trade arising from the intolerable impediments on trade within the United Kingdom and, of course, from the looming costs that have yet to land from the EU diktat that the cost of all the checks must be passed on to businesses? Have those costs even been quantified? How disastrous will they be?

Mr Poots: The costs that I have for government alone, which are then supposed to be applied to businesses, are around £25 million per annum. The problem is that those are not the only costs for businesses, because they have to employ people to produce the common health entry documents (CHEDs) and carry out all the background paperwork. They have a series of pieces of work to do, to the point that one of our leading retailers, Marks and Spencer, apportioned a significant amount of the losses that it declared this year to the protocol and how it affected its supply of food to Northern Ireland.

We have 325 documentary checks a day in Northern Ireland, while, in Rotterdam, the

largest port in Europe, there were 125. That is how preposterous the European Union imposition on Northern Ireland has been. I explained how preposterous it was to Maroš Šefčovič last Wednesday. The EU seems to be hanging its hat on dealing with it by having the Swiss model — I believe that the Swiss may want out of that — applied to all of the United Kingdom. In reality, that will not happen. Getting rid of the protocol is the only solution for the people of Northern Ireland, and the Government need to act.

Exports: Dual Market Access

2. **Mr O'Toole** asked the Minister of Agriculture, Environment and Rural Affairs what recent discussions he has had with the British and Irish Governments and the European Union on opportunities for farmers and food producers in Northern Ireland to expand their exports based on dual market access offered by the protocol on Ireland/Northern Ireland. (AQO 2254/17-22)

Mr Poots: It is primarily a matter for the industry how it makes the best use of the current set of trading arrangements. Invest NI continues to provide support to Northern Ireland exporters. In discussions with government, I have been clear in my view that the protocol causes significant difficulties for Northern Ireland businesses because of the trade friction introduced on goods moving from GB to Northern Ireland. As GB is our largest market for the sale and supply of goods, we need frictionless trade with GB in both directions. Furthermore, we have to have a say in the agri-food regulations that impact businesses and consumers in Northern Ireland.

Mr O'Toole: Minister, since the end of the Brexit transition period, food exports from Great Britain to the EU have fallen sharply. They have frequently been delayed and stuck in warehouses, with produce going out of date as quickly as the average DUP leadership. However, exports from Northern Ireland going South and beyond into the wider EU market have shot up. Last week's statistics from the Central Statistics Office show that exports from Northern Ireland have doubled in volume and value. Meanwhile —

Mr Deputy Speaker (Mr Beggs): Come to your question, please.

Mr O'Toole: — exporting food producers here have unfettered access into Britain. Minister, acknowledging that we need to streamline east-west goods transit, why do you want to deprive

our amazing food producers of one of the most advantageous export positions on the planet?

Mr Poots: I have described the protocol as something that gives us a win, in that we get that export trade. However, in exchange for that single goal scored, we concede about six goals on our imports. The consequence of the protocol is that businesses cannot get the goods in to carry out their manufacturing processes without the delays and additional costs that make them more uncompetitive. The delusion that it is a win-win circumstance is just that: it is an absolute delusion. We are taking a battering as a result of the protocol. That battering is because of our reliance on imports. Over 50% of our imports come from Great Britain, and those are being disproportionately affected. If the Member is operating under the delusion that having 15,000 checks per week at Northern Ireland ports when the grace periods end is positive for the people of Northern Ireland, he really is living in cloud cuckoo land.

Ms Sheerin: The European Commission has called for cattle farmers in the North to be included in the Irish grass-fed beef protected geographical indication (PGI) application, a move that would help to ensure that Ireland is recognised as producing the most environmentally friendly and climate-friendly beef in the world. Minister, do you agree that that provides us with another important opportunity — obviously, we heard the good news today about Dale Farm, which the protocol has brought about — to mitigate the disastrous consequences of Brexit for our farmers, such as those included in the trade deal with Australia, which you obviously oppose?

Mr Poots: The "disastrous consequences" are related to the protocol, not to Brexit. The opportunities to sell food to our main market, GB, are stronger now as a consequence of Brexit and because of the issues that will inevitably come about as it becomes more difficult for the EU to export goods to Great Britain. That creates an even better opportunity for us.

I remind Members that the country that pays most for beef in the European Union is the United Kingdom. You can chase pots of gold at the end of rainbows elsewhere, but I would rather use the certain market that we have on our doorstep. That market uses exactly the same standards, has the same taxation system and has the same regulatory bodies as us. We have an excellent market there. Why would I throw that away for the pot of gold at the end of

the rainbow that Sinn Féin tries to bluff the community exists?

Mr Chambers: While we have still to see the small print on the agreed Australia/UK trade deal, given the details that have been released, how beneficial might it be to Northern Ireland food producers?

Mr Poots: It is probably not beneficial to Northern Ireland food producers. More than likely, it is beneficial to other businesses and industries, but, for Northern Ireland food producers, it will be a challenge. Nonetheless, it is a challenge we will have to rise to *[Interruption]* and it has been brought about as a consequence of the deal that has been done. Let us be real: more deals will be done with other countries, such as the Mercosur countries, North America and other places.

The attitude that the UK Government have to Australia is that Korea and China's growing demand for beef is of such significance that little additional beef or lamb will come from Australia to the UK. That remains to be seen. I made this argument to them. We have a vibrant rural community. We had vibrant coal-mining and car-making communities in the United Kingdom. The consequence of not looking after those industries was widespread unemployment in housing estates and degeneration in those areas. I do not want that happening in our rural communities, so I urged caution on the Australian trade deal.

Mr Deputy Speaker (Mr Beggs): I urge everyone to address the Chair, so that their comments are picked up by the microphones.

Illegal Waste Dumping

3. **Ms Anderson** asked the Minister of Agriculture, Environment and Rural Affairs what measures his Department has put in place to prevent illegal waste dumping, similar to that discovered in Mobuoy. (AQO 2255/17-22)

Mr Poots: Following the discovery of the illegal waste site at Mobuoy, the then Environment Minister, Alex Attwood, commissioned an independent report from Mr Chris Mills, the former director of the Natural Resources Wales agency, to carry out a review of waste disposal at the Mobuoy site and the lessons learnt for future regulation of the waste industry.

The Mills report presented 22 recommendations, 21 of which have been accepted and implemented by DAERA, formerly the Department of the Environment (DOE), with

the aim of creating a waste sector in Northern Ireland that complies with the law, protects the environment and underpins resource efficiency. The full report is available on the DAERA web page.

My Department has put in place a range of legislative, policy and process measures to ensure more effective regulation and enforcement to prevent illegal waste dumping. For example, legislative amendments have been made in the Waste Management Licensing (Amendment) Regulations (Northern Ireland) 2015 to tighten the requirements around the technical competence required by operators to hold a waste management licence and to expand the list of prescribed offences to be taken into account when determining whether someone is a fit and proper person to hold a waste management licence. The only outstanding recommendation from the Mills report is recommendation 9, which relates to retrospective planning permissions, and that was transferred to the Department for Infrastructure in 2015, along with the planning function.

3.00 pm

Ms Anderson: As the Minister knows, it took nine warning letters, 17 notices and 42 inspections before the entire Mobuoy site was forcibly closed. That was after two million tons of illegal waste was dumped there. Given that the site is adjacent to the River Faughan, which, as the Minister knows, is a major source of drinking water for Derry, and that the Assembly called, seven years ago, for a public inquiry into the allegation that a blind eye was turned to alleged criminal activity on that site, when will he advance such an inquiry?

Mr Poots: We have the Mills report; a piece of work that was actioned by the then Minister to identify the issues, problems and solutions. We have followed the recommendations of that report. My focus is to ensure that we provide safety when it comes to drinking water in the River Faughan. Testing is carried out weekly to ensure that the water quality remains good, and it does. We are looking at developing a course of work that will ensure that the waste material that is there is made safe for generations to come. That is where our focus should be; on taking actions that actually deliver something, as opposed to having more and more retrospective looks at what went wrong. We know what went wrong. We have the report that identifies the problems. My focus is on actual delivery, not looking at what the problems were. We know what they were.

Mr Nesbitt: Will the Minister tell the House how many similar illegal dumps have been identified in recent years and whether those identifications have led to any successful prosecutions?

Mr Poots: I do not have the figure for how many similar illegal dumps there are. There were none of the scale of Mobuoy. I know that there were some 20 dumps when I was previously the Minister in 2010. There were some 20 dumps then that involved illegal waste that had come across the border from the Republic of Ireland. I engaged with the Irish Government Minister at that time, Eamon Ryan, and we agreed to repatriate that waste. I was somewhat shocked when I came back into office to find that only around half of that waste had been dealt with and that, 10 years later, there were still around 10 sites where repatriation had not taken place. The Irish Government have a duty to honour the agreement that was made and repatriate waste that should never have been illegally dumped in Northern Ireland, because they did not do their job right in the first place. If it is not done, it is a matter for us to raise with the European Commission.

Mr McGlone: The Minister has just touched on his work with Minister Eamon Ryan. Can he update the House on current collaborations between the jurisdictions, particularly meetings that he has had with the current Minister with regard to cross-border waste crime?

Mr Poots: The agreement between the Ministers is that it is unacceptable. It would be unacceptable if waste were to travel from Northern Ireland to the Republic of Ireland as well. There needs to be a good information flow about its taking place. If it is identified that it is taking place, we need to crack down on the individuals who are involved. Waste crime is a lucrative business. People who engage in it are very often engaged in general criminality. Therefore, it is incumbent upon us to ensure that we clamp down on that element of criminality. That involves cooperation with our neighbours, and I am happy to cooperate with neighbours on things that are of mutual benefit.

Mr Blair: With regard to pollution closer to home, it has emerged to me through questions for written answer and other queries that the Environment Agency has taken Northern Ireland's sole water provider, Northern Ireland Water, to court 73 times since 2017 over pollution incidents. What urgent action is the Minister taking to ensure that that public body

causes no further pollution incidents in this jurisdiction?

Mr Deputy Speaker (Mr Beggs): The question is wide of the subject of the original question, but the Minister may wish to comment.

Mr Poots: I suspect that, if you wanted to ensure that that is the case, you would need to give Northern Ireland Water a few billion pounds to spend on infrastructure. That is the reality. For years, we did not spend money on water and sewerage infrastructure. When the Troubles were going, we were paying for police officers' overtime and for rebuilding buildings that had been blown up. There was some investment in roads, schools and hospitals, but there was very little investment in water and infrastructure. I take this right back to the Troubles. We have been left with something that, as a consequence of the Troubles, is impacting on our environment and on those young people in particular who want to buy homes in that, in a lot of the towns they would want to buy those homes in, they cannot build the houses because there is not the infrastructure to support them.

DAERA Ballykelly: Staff Complement

4. **Mr Robinson** asked the Minister of Agriculture, Environment and Rural Affairs whether the staff complement at his Department's headquarters in Ballykelly will be increased during the 2017-2022 mandate. (AQO 2256/17-22)

Mr Poots: Some 250 DAERA staff were located in Ballykelly House when it opened in May 2018. Since then, a further 87 DAERA staff have relocated to Ballykelly, bringing the total to 337. The Department also has plans to relocate a further 54 posts during the 2017-2022 mandate. When filled, that would increase the staff complement to 391. The need to relocate those further posts will remain under review.

Mr Robinson: I thank the Minister for his reply. The DAERA headquarters in Ballykelly, which I intensely lobbied for, is an impressive building. Using it to the greatest capacity is essential, but it also plays a significant economic role in job potential for Ballykelly and the wider north-west. Minister, will you undertake to optimise the use of the Ballykelly headquarters where possible?

Mr Poots: Yes, we can do that. That has been the case to this point. It is operating well, and it has good numbers operating in it. We intend to utilise it fully. It is one of our more modern,

environmentally friendly and economic buildings to run because it is built to modern standards and specifications. That is certainly something that we will look at for other parts of the estate.

Ms Mullan: Will the Minister outline what measures are in place to ensure that employees have the opportunity to relocate to Ballykelly?

Mr Poots: There has been an effort from the outset to ensure that employees move to Ballykelly, without forcing people to do it against their will. That has proved to be very successful. As I indicated, the numbers there are a demonstration of its success.

Mrs Barton: Minister, will you advise what the final number of posts relocated to the Forest Service headquarters in Enniskillen are? What is the final complement of staff in those posts in Enniskillen?

Mr Poots: I do not have the actual figure, but that is now where Forest Service's headquarters are. It has a substantial cadre — it is certainly in three figures — of staff based at Enniskillen. I view that very positively. A lot of DAERA forestry is in the west of Northern Ireland, so having the headquarters there is absolutely rational.

Ms Armstrong: Minister, what preparations is your Department making for alternative or flexible working arrangements, including working remotely, post-COVID? What protections will be put in place for your staff to ensure that they do not suffer from living-at-work syndrome, where their mental health is hindered because of the amount of pressure they have from working additional hours?

Mr Poots: I suggest that DAERA was probably the most flexible Department in dealing with COVID and in identifying means for people to work from home. We have a lot of experience because we had Ballykelly, Klondyke, Dundonald House and a whole series of buildings where we had digital communication already in place. We were very quick to ensure that people had the equipment to allow them to work from home. With the double vaccination, people are working in bars, restaurants, schools and other places, so getting people back into the Civil Service workplace should be happening. That was raised at the last Executive meeting, and the Civil Service is working closely and in conjunction with what is happening in Whitehall.

It is time for a lot of people to come back to the offices again. Working from home has worked to an extent, and there will be a lot of opportunities to work from home, which will be good for reducing our requirement for office buildings and reducing the cost of travel and the impact on the environment. Nonetheless, we need to ensure that we are getting maximum efficiency from our civil servants, and if that involves them coming into work, that is what should happen as opposed to working from home in circumstances where the impact is negative.

Soil Sampling

5. **Mr K Buchanan** asked the Minister of Agriculture, Environment and Rural Affairs what plans he has to extend soil sampling pilots on farms to include all of Northern Ireland. (AQO 2257/17-22)

Mr Poots: I am very pleased with the findings of the evaluation of my Department's soil sampling pilot schemes. The pilots included soil collection and analysis over three water catchments — upper Bann, Colebrooke and Strule — and in one open element that was available Province-wide. In addition, lidar risk-mapping was provided to farmers in upper Bann and parts of Colebrooke.

The evaluation of the pilots highlighted a number of key findings, including that the provision of individual field information for farmers helped to drive behaviour change in nutrient management practices. Applying nutrients to meet crop need is a central tenet of why soil testing and nutrient management planning are important. Improved nutrient management can contribute to improved water quality and can also have economic benefits for farmers.

A NI-wide programme could provide government with invaluable baseline information for prioritising future interventions. Collectively, the pilots constituted a publicly funded intervention of £2.261 million, in which 1,613 farms, with fields spanning over 49,711 hectares, had soil samples collected and analysed. The results from the piloting approach are helping to inform future direction and policy development in relation to soil health and future farm-support measures. Officials are therefore working on a business case for a potential NI-wide soil nutrient health scheme. That scheme would provide farmers with the nutrient status of their fields, which would assist them to make best practice decisions on nutrient requirements. A baseline on Northern

Ireland soil status could then be used for spatial nutrient management planning and to inform the development and implementation of future agri-support schemes.

Mr K Buchanan: I thank the Minister for his answer and agree with him that better soil and nutrient management is key for farmers. Obviously, the pilot has a very important role to play in assessing the value of soil testing. You referred to the pilot being rolled out in the rest of Northern Ireland, but, given the need to increase the bottom lines of farmers and protect the environment, what is the timeline for that?

Mr Poots: The soil evaluation is critical if we are going to ensure that we can meet the challenges to the environment and ensure that our water quality is as high as possible. The Member represents the Mid Ulster area, which includes a large swathe of Lough Neagh. Lough Neagh has suffered from eutrophication as a consequence of phosphate run-off from the land. Therefore, farmers applying the appropriate amount of phosphates, whether it is through slurry or fertiliser, will be of huge benefit because it will mean that the run-off does not end up in the water and the farms will still get optimal growth.

We are looking at a five-year scheme, the cost of which will be £37 million, and we are working up the business case to ensure that we can move ahead with that as quickly as possible. I hope to be able to start that either later in this financial year or certainly in the next financial year.

Ms Bailey: Back in 2016, the sustainable agricultural land management strategy report stated that 98% of Northern Ireland soils were inadequately analysed every year and that 82% of soils were below optimum fertility. Have those statistics improved?

3.15 pm

Mr Poots: That is why it would have been great to have someone like me as Minister over the last few years as opposed to the Assembly crashing and not operating. Those three years were wasted. A consequence of not having devolution is that everybody suffers in Northern Ireland, including the environment.

Mr Lynch: Minister, I welcome the soil sampling results that show that soil management has improved by 60%. Do you have the capacity and resources to continue with the catchment-based approach?

Mr Poots: We have the skills to do that work. We will continue to work with the Department of Finance to provide the resources. I hear people talk a lot about the environment, so I hope that they will be as good at talking about it when the Department is seeking money to protect the environment and that they will support the case that the Department makes to the Department of Finance to achieve that.

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We will move on to topical questions shortly. Members, please take your ease for a few moments.

Food Producers: Protocol Benefits

T1. **Mr O'Toole** asked the Minister of Agriculture, Environment and Rural Affairs whether he will commit that if the European Commission and the UK can work together to mitigate movement of goods from east to west, he will ensure that we maximise the opportunities for our food producers under the protocol, given that, in his earlier answer, he acknowledged that the protocol does provide wins for food producers in Northern Ireland, albeit we agree that there are issues, such as east-west movement, that need to be dealt with. (AQT 1451/17-22)

Mr Poots: The fundamentals of the protocol relate first to whether it is a democratic action. Does it change the constitution? It does change the constitution. Therefore, if you want to change the constitution, you should ask the people. If the Member is a democrat, he will want to ensure that the people are asked to support the protocol by a referendum or that we remove the protocol and find another means of doing things.

There are other means of doing things, and I have made a commitment that I want to find a solution. I believe that solutions exist, and I put one to Maroš Šefčovič last Wednesday. I want to find a solution that will ensure that we protect the single market and will not have barriers on the island of Ireland or in the Irish Sea. All those things are entirely achievable if the European Union wants to be entirely reasonable as opposed to being entirely unreasonable.

Mr O'Toole: Can I deduce from that that the Minister would like Northern Ireland to continue to have unfettered access to the European single market, unlike Great Britain? The Minister acknowledges that that is a good thing.

While we are on democratic accountability and referendums, I am duty-bound to point out that

the people of Northern Ireland voted to remain. However, will the Minister agree that continued access to the EU single market for our food producers is a good thing?

Mr Poots: The argument that the DUP brought this about is nonsense and entirely wrong because it would not matter if every person in Northern Ireland had voted not to have Brexit; the majority in the United Kingdom voted to have it. That was the democratic decision of the country. The question was not, "Do you believe that Great Britain should leave the European Union?"; the question was, "Do you believe that the United Kingdom should leave the European Union?". Therefore, it should be the United Kingdom that leaves the European Union. That leads us to this circumstance.

The protocol was put forward as a solution; instead, it is a barrier. The protocol ensures that we do not have the trade between Great Britain and Northern Ireland that previously existed. The consequence of that is that it is driving up costs. Anybody who is out and about will know that businesses say that costs are going up very regularly and that goods that they previously had are not available. That is not good for the people of Northern Ireland.

I encourage my colleague from South Belfast, instead of pursuing the agenda that the protocol and its rigorous implementation are good, to recognise that it is not good and that we need different solutions. I encourage him to support us in getting those solutions by going to the European Union and saying that this is wrong and that it is hurting the people of Northern Ireland. In particular, it is hurting the people who have the lowest incomes and can ill afford to have their food costs driven up as a consequence of the protocol.

Mr Deputy Speaker (Mr Beggs): Mark Durkan is not in his place.

Pet Travel in the UK

T3. **Mr T Buchanan** asked the for Minister of Agriculture, Environment and Rural Affairs for an update on the issues surrounding pet travel in the UK as a result of the protocol that folk on the other Benches are seeking to talk up. (AQT 1453/17-22)

Mr Poots: The European Union's expectation that we should treat animals for tapeworm and, indeed, rabies was put back in the first instance to 1 July. I chose to defer that further to 1 October because, again, we need solutions. No one, but no one, can argue that this poses a

threat to the single market. Doing what the European Union wants us to do poses a threat to people who are disabled, who are not able to get their guide dog. Doing what the European Union wants us to do poses a threat to people who have family members in Great Britain and travel with their dogs to see them. Doing what the European Union wants us to do imposes an unnecessary medical intervention on animals. We should recognise that, if a disease has not been in a country for 99 years, we do not need to bring in rules to keep it out. That is the case for rabies, which has not existed in Ireland, Great Britain or, indeed, Northern Ireland for 99 years.

Mr T Buchanan: I thank the Minister for his response. Constituents have expressed concern about bringing their dog with them from Manchester and about the exorbitant cost of getting all those tests done. Does the Minister agree that the requirements, especially for rabies and tapeworm treatment, are totally unacceptable and counterproductive and present animal health issues?

Mr Poots: The Member is absolutely right: they are totally unacceptable. It is also unacceptable that pointing that out is met with inflexibility in finding a solution. Our Chief Veterinary Officer (CVO) and the UK Chief Veterinary Officer are engaging with their European Union counterpart. All know that this is just nonsense, but the politicians are not allowing it to change. It is regrettable that, even when you point out things that are entirely reasonable, the European Union engages in a way that is entirely unreasonable.

Dale Farm: Arla Contract

T4. **Ms S Bradley** asked the for Minister of Agriculture, Environment and Rural Affairs, while resisting the temptation to draw him on his comments about asking the constitutional question, to join her in congratulating Dale Farm on winning a significant contract with the Danish firm Arla for the delivery of whey protein and to state whether he accepts that that contract would not have been achievable without the protocol. (AQT 1454/17-22)

Mr Poots: If Dale Farm has achieved something on the back of the protocol, I congratulate it, and I commiserate with the many thousands of businesses that are damaged as a consequence of the protocol.

Ms S Bradley: Thank you, Minister. I note how swift and short on detail your answer was.

Dr Johnson was quoted in the 'Irish Farmers Journal' as saying:

"The protocol has strong support within the agri-food sector in Northern Ireland, simply because we recognise that, without it, we would be in great trouble."

Does the Minister refuse to recognise that the protocol is the key economic driver for the agri-food sector in Northern Ireland?

Mr Poots: I absolutely refuse. What Dr Johnson did not point out was that the beneficial impact that he identified for the dairy industry does not apply to the beef, chicken or pork industries. For example, Foyle Food Group in Dungannon and other companies in Northern Ireland import tens of millions of pounds of beef from Great Britain for further processing here that then goes back to Great Britain. That is impacted on as a consequence of the protocol. The same applies to chicken and pork. Those are important elements of ensuring the viability of the beef, chicken and pork industries.

If you want to grab on to one element where the protocol has been beneficial, that is absolutely fine, but why ignore the many thousands of companies that import plants for sale in our nurseries; that import the trees that we plant in Northern Ireland to ensure that we protect our environment; or that import hedges? I cannot buy a hedge from Lancashire, but I can buy one from Latvia. I am sorry, but the product that is growing and was bred in a similar environment is the product that is best placed to suit Northern Ireland. Our farmers who were previously selling their bulls in England cannot sell them any more, because, if they take them there, they have to stay there for six months. There is no reason for it. Farmers who bought sheep were left stranded in Scotland, which caused them huge problems. Of course, the fishermen have their problems as well. The problems are so extensive, and, if the Member wants detail, she will get an overload of it very quickly.

Carbon Reduction Levels

T5. **Miss Woods** asked the for Minister of Agriculture, Environment and Rural Affairs what measures he will implement to ensure that necessary carbon reduction levels are achieved in Northern Ireland, given that, last week, his Department reported that carbon reduction levels had come down by an embarrassing 1%. (AQT 1455/17-22)

Mr Poots: We have our climate change legislation, which has been sitting with the Executive, to bring forward, but legislation on its own will not ensure that we reduce carbon by the amount that is required. We need actions. The actions that we will take will be contained in our green growth policy. We will continue to work extensively on the development of that green growth policy. One of the things that my officials are working on is the funding to support that. We are looking at putting in a request to the Department of Finance for around £100 million per annum over the next number of years so that we can seriously tackle the issues of carbon reduction.

Many folk have been keen to show their green credentials in the Climate Change Bill. They will have to identify whether they support DAERA in its request and whether they have the green credentials to ensure that DAERA gets the finances to take real and meaningful action on carbon reduction. We have had substantial success in the energy sector in particular, which is no longer one of the big three. Those are now agriculture, transport and people's homes. There is work to be done to make that real, tangible difference. The question that I have for all my Assembly colleagues today is this: will you support me in doing that, or will you just make noises about the environment without providing the actions to back up that noise? That is a challenge that I lay down to all of you.

Miss Woods: I thank the Minister for his answer. I agree: there is no time for greenwashing. There never was, and there certainly is not any more.

The Minister has made announcements and noises about planting eight million trees along with Forests For Our Future, but the figures from the Department show that we have a disproportionate reliance on commercial Sitka spruce planting.

How urgent does he feel the need to plant native broadleaf trees is so that we can start carbon sequestration?

3.30 pm

Mr Poots: Sitka spruce trees are pretty good at carbon sequestration as well. I planted broadleaf trees on my own land many years ago, not for commercial interest but to help the environment. Whilst Sitka spruce trees may not be my tree of choice, planting trees for commercial interest but with environmental benefits is not a bad thing. Forest Service's making £10 million a year is not a bad thing.

We need to have wood in our lives, whether it is for the pencils that we use, the beds that we sleep in or the floors that we walk on. Planting trees that we will use to harvest is not a bad thing.

Mr Deputy Speaker (Mr Beggs): That ends Question Time for today. I ask Members to take their ease for a few moments before we return to the Licensing and Registration of Clubs (Amendment) Bill.

(Mr Deputy Speaker [Mr McGlone] in the Chair)

Executive Committee Business

Licensing and Registration of Clubs (Amendment) Bill: Further Consideration Stage

Debate resumed on amendment No 1, which amendment was:

In clause 9, page 10, line 6, leave out "for a film exhibition" and insert "as a cinema".— *[Ms Hargey (The Minister for Communities).]*

*The following amendments stood on the
Marshalled List:*

No 2: In page 10, leave out lines 8 to 10 and insert -

"cinema' means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;".— [Ms Hargey (The Minister for Communities).]

No 3: In page 10, line 11, leave out from "after" to end of line 12 and insert "before 'a theatre' insert 'a cinema,'".— *[Ms Hargey (The Minister for Communities).]*

No 4: In clause 10, page 10, line 29, after "premises" insert

", except in so far as that is permitted by Articles 52E and 52F".— [Ms Hargey (The Minister for Communities).]

No 5: In clause 11, page 16, line 34, at end insert -

"(1A) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

'(1A) An occasional licence may not be granted for any 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 6: In clause 11, page 16, line 38, leave out from second "(3)" to "(4)" in line 39 and insert -

"(5) (inserted by section 8(2)) insert—

'(6)".— [Ms Hargey (The Minister for Communities).]

No 7: In clause 11, page 17, line 7, at end insert -

"(5A) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

'(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.'

(5B) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before 'if' insert ' or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect.'— [Ms Hargey (The Minister for Communities).]

No 8: In clause 11, page 17, line 8, leave out subsections (6) and (7) and insert -

"(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, after '48' insert ' 52E',

(b) in paragraph 1, after '48' insert ' 52E', and

(c) in paragraph 4, after paragraph (c) insert—

'(ca) 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 extension licences)—

(a) after paragraph 1 insert—

'1A. In this Schedule 'authorisation' means an authorisation under Article 52F.'

(b) in paragraph 2, after 'the grant of a licence' insert 'or authorisation', and

(c) in paragraph 4, after 'the granting of the licence' insert 'or authorisation'."— [Ms Hargey (The Minister for Communities).]

No 9: In clause 12, page 17, leave out clause 12.— [Ms Hargey (The Minister for Communities).]

No 10: In clause 15, page 21, line 38, leave out subsections (4) and (5) and insert -

"(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after '52E' (inserted by section 11(6)(a)) insert 'or 58A',

(b) in paragraph 1, after '52E' (inserted by section 11(6)(b)) insert 'or 58A', and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(6)(c)) insert—

'(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);'

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(7)(a)), after '52F' insert 'or 58B'."— [Ms Hargey (The Minister for Communities).]

No 11: In clause 20, page 25, line 20, leave out "licensed".— [Ms Hargey (The Minister for Communities).]

No 13: In clause 23, page 26, line 36, leave out "as the court thinks fit".— [Ms Hargey (The Minister for Communities).]

No 17: In clause 26, page 29, line 18, leave out "insert" and insert "(but before the following 'or') insert 'or'".— [Ms Hargey (The Minister for Communities).]

No 18: clause 34, page 35, line 13, at end insert -

"(1A) After paragraph (2) of that Article insert—

'(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

(2B) Regulations may not be made under paragraph (2A) 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 19: In clause 37, page 39, line 23, leave out "that Order" and insert "the Registration of Clubs Order 1996".— [*Ms Hargey (The Minister for Communities).*]

No 23: In clause 48, page 45, line 2, leave out "7(1) and (3), 11" and insert "1, 7(1) and (3), 11, 14".— [*Ms Hargey (The Minister for Communities).*]

No 24: In schedule 1, page 46, line 22, leave out paragraph 3 and insert -

"3. In Article 5 (premises for which a licence may be granted), in paragraph (3)—

(a) for 'Article 51(1)(b)' substitute 'Articles 48B(2) to (6), 51(1)(b) and 52C(1)',

(b) for '(l)' substitute '(m)', and

(c) in sub-paragraph (b), at the beginning insert 'except in the case of premises of a kind mentioned in Article 5(1)(m),'."— [*Ms Hargey (The Minister for Communities).*]

Miss Woods: If you will allow me to open my speaking notes, Mr Deputy Speaker, I will do so very quickly. I will begin, as I have done throughout the Bill's progress, by declaring an interest. I worked in the hospitality sector for 17 years and, most recently, up to March last year, in a pub in my constituency.

As has already been said, the Bill has been a long time coming. The amendments in this group, as was outlined by the Minister, are largely technical and amend the wording of a number of amendments that were made at Consideration Stage. I have no real issues in relation to most of them, but I would like clarification from the Minister as to the impact of amendment No 13 in removing the words "as the court thinks fit" on the issuing of terms and conditions for occasional licences. Will the terms and conditions be set out elsewhere and are they OK under the Licensing (Northern Ireland) Order 1996 as it stands?

Amendment No 8 adds further clarity on applications under articles 52E and 52F of the 1996 order and, as a technical amendment, it is welcome.

On occasional licences, Kellie Armstrong mentioned her intention to vote against amendment No 5, and I am minded to do so in the same vein. I would certainly be happy to take an intervention for clarification from the Minister on the effect of amendment No 5 on occasional licences — already in the Bill —

which amends article 30 of the Licensing Order on the local producer's licence. I will raise similar issues to those that I raised at Consideration Stage about why this article is being amended. Does amendment No 5 mean that those with local producer's licences under article 5(1)(m) cannot get an occasional licence via another licensed premises, namely a pub, or does it mean that local producers who do not have a taproom licence can still avail themselves of occasional licences via another licensed premises, as occurs today?

For example, I can attend a taproom event under an occasional licence, and if the local producer who runs the taproom did not apply for a taproom licence under article 5(1)(m), under the on-sale licence in article 52E, could a friendly pub still go to the courts and apply for an occasional licence on their behalf after this Bill is enacted? Furthermore, on Kellie Armstrong's point, does it mean that if a local producer gets a taproom licence, which, I remind Members, despite attempts to say otherwise at Consideration Stage, is for very limited circumstances on hours and days, occasional licences cannot be sought on their behalf under this clause?

I do not think that we have all taken into consideration — some of us have — the effects of the practical outworkings of the Bill on viability, despite having discussed them at some length at Consideration Stage. The Committee spent a number of hours talking about the viability of the local producer's licence.

A further query for the Minister is on amendment No 13, which, as I said, changes policy by leaving out "as the court sees fit". Will the courts still issue terms and conditions under the 1996 Order?

I welcome amendment No 24 from the Minister. I thank the Department and Claire McCanny in the Bill Office for their time and support over the past week or so to help me discuss the issues that I raised at Consideration Stage on the practical outworking of and much-needed clarity on the new local producer's licence in relation to its status in the Bill and in the 1996 Order that would be amended on the basis of the "ancillary" label, which was mentioned previously.

In summary, the issues are the rating process and the potential impact on industrial derating as manufacturers; the requirement for further planning permission, either in part or in whole, depending on whether the taproom is ancillary and temporary; restrictions on opening hours,

which we have already attempted to amend; where the red lines can and should go on applications for taprooms, off-licences and the toured areas; the removal of access to occasional licences and how this licence will be interpreted in the courts in the context of building regulations and by authorities, PSNI and councils, for example; and the fact that the impact of the licences might mean that it is not worthwhile for small, independent businesses to apply for them. We need to make sure that the Bill does not end up being unworkable in practice.

Amendment No 24 seeks to make it clear in the legislation that the taproom aspect of the licence is ancillary to the main functions of the area. Using the example that I gave at Consideration Stage, if the taproom element of the licence, namely the red line, is around 5% of the manufacturing or production building, that is treated as ancillary to the main purposes of the premises.

Can the Minister confirm that that will mean that planning permission will still be required for the licences to be issued and whether she has discussed or will discuss that with the Minister for Infrastructure and the local planning authorities to assess any impact on their business? I echo those comments in asking the Minister to engage with the Minister of Finance on the rating issues, to establish whether regulations or guidelines are needed to progress them, as the extent of the relief through industrial derating is determined by statute. Derating is apportioned according to the occupation for other purposes. We still need to work out those fine details.

A lot of the Bill is complex in nature, alongside the maze that is the Licensing (Northern Ireland) Order 1996 — I do not claim to know anything about it at all, but fair play to anybody who does. Much of this Bill seeks to amend the Order. I welcome the clarification in amendment No 24, and I hope that it does just that. The need for information is a key issue that has been brought to me by sector bodies and local producers in the last few weeks.

I will draw my remarks to a close on this group, as I will pick up on the complex nature of the legislation and the need for clear guidance on its practical implementation in the group 2 debate under the amendment tabled in my name.

Mr Deputy Speaker (Mr McGlone): Agus anois iarraim ar Aire na bPobal ceann a chur ar na leasuithe. I call the Minister for Communities to wind up on the amendments.

Ms Hargey (The Minister for Communities): I thank everyone who has spoken. Again, I thank the Chair and the Committee for their approach to the amendments. I was glad to work with the Committee to adopt some of the amendments. Many of the amendments are technical and consequential, and, as has been touched on by many members, moving to Further Consideration Stage is a huge step forward. Hopefully, the debate will not be as long as the Consideration Stage debate.

Amendment no 5 has been mentioned. The policy for the use of occasional licences at the premises of a local producer was agreed at Consideration Stage. From my point of view, voting against amendment No 5 will not reverse the decision that was made by the House. To reiterate, amendment No 13 is about improvements to the drafting of clause 23. It is about permitting a court to determine an application for an occasional licence and to impose the terms and conditions of that licence as it sees fit. I commend the amendments to the House.

Mr Deputy Speaker (Mr McGlone): Thank you, Minister.

Amendment No 1 agreed to.

Amendment No 2 made:

In page 10, leave out lines 8 to 10 and insert -

"'cinema' means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;".— [Ms Hargey (The Minister for Communities).]

Amendment No 3 made:

In page 10, line 11, leave out from "after" to end of line 12 and insert "before 'a theatre' insert 'a cinema,'".— [Ms Hargey (The Minister for Communities).]

Clause 10 (Licence for off-sales)

Amendment No 4 made:

In page 10, line 29, after "premises" insert

", except in so far as that is permitted by Articles 52E and 52F".— [Ms Hargey (The Minister for Communities).]

Clause 11 (Sales and consumption of intoxicating liquor in local producer's premises)

Amendment No 5 made:

In page 16, line 34, at end insert -

"(1A) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

'(1A) An occasional licence may not be granted for any 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 No 6 made:

In page 16, line 38, leave out from second "(3)" to "(4)" in line 39 and insert -

"(5) (inserted by section 8(2)) insert—

'(6)".— [Ms Hargey (The Minister for Communities).]

Amendment No 7 made:

In page 17, line 7, at end insert -

"(5A) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

'(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.'

(5B) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before 'if' insert 'or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,'.— [Ms Hargey (The Minister for Communities).]

Amendment No 8 made:

In page 17, line 8, leave out subsections (6) and (7) and insert -

"(6) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, after '48' insert '52E',

(b) in paragraph 1, after '48' insert '52E', and

(c) in paragraph 4, after paragraph (c) insert—

'(ca) 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 extension licences)—

(a) after paragraph 1 insert—

'1A. In this Schedule 'authorisation' means an authorisation under Article 52F.'

(b) in paragraph 2, after 'the grant of a licence' insert 'or authorisation', and

(c) in paragraph 4, after 'the granting of the licence' insert 'or authorisation'.— [Ms Hargey (The Minister for Communities).]

Clause 12 (Restrictions on occasional licences)

Amendment No 9 made:

In page 17, leave out clause 12.— [Ms Hargey (The Minister for Communities).]

Clause 15 (Underage functions)

Amendment No 10 made:

In page 21, line 38, leave out subsections (4) and (5) and insert -

"(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after '52E' (inserted by section 11(6)(a)) insert 'or 58A',

(b) in paragraph 1, after '52E' (inserted by section 11(6)(b)) insert 'or 58A', and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(6)(c)) insert—

'(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);'

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(7)(a)), after '52F' insert 'or 58B'.— [Ms Hargey (The Minister for Communities).]

Clause 20 (Restrictions on off-sales drinks promotions in supermarkets etc.)

Amendment No 11 made:

In page 25, line 20, leave out "licensed".— [Ms Hargey (The Minister for Communities).]

Clause 22 (Minimum unit pricing)

Mr Deputy Speaker (Mr McGlone): We now come to the second group of amendments for debate. With amendment No 12, it will be convenient to debate amendment Nos 14 to 16 and amendment Nos 20 to 22. In the group, amendment Nos 14 and 15 are mutually exclusive, and amendment No 22 is consequential to amendment No 21.

Anois, iarraim ar Dheirdre Hargey, Aire na bPobal, leasú 12 a mholadh agus labhairt ar na leasuithe eile sa ghrúpa. I now call Deirdre Hargey to move amendment No 12 and address the other amendments in the group.

Ms Hargey: I beg to move amendment No 12: Leave out clause 22 and insert -

"Minimum price for alcohol

22.—(1) The Department of Health must, before the third anniversary of the whole of this Act coming into operation—

(a) bring forward to the Assembly legislation to set a minimum price for the sale or supply of intoxicating liquor in Northern Ireland and to prohibit its sale or supply in Northern Ireland below that price, or

(b) if it is not reasonably practicable for the Department to comply with paragraph (a), make a statement to the Assembly on why it is not reasonably practicable to do so.

(2) In this section, 'intoxicating liquor' has the same meaning as in the Licensing Order."

The following amendments stood on the Marshalled List:

No 14: Leave out clause 24 and insert -

"Independent review of licensing system including surrender principle

24.—(1) The Department for Communities must, before the first anniversary of this Act receiving Royal Assent, appoint an independent person ('the reviewer') to conduct a review of the system in Northern Ireland for authorising the sale by retail of intoxicating liquor ('the licensing system').

(2) The review must include the following—

(a) an assessment of the operation of the surrender principle, an examination of options for reforming it and an assessment of the implications of those options for licence holders;

(b) an analysis of the geographical distribution of licensed premises in Northern Ireland;

(c) an analysis of the economic and social impact of the licensing system and the impact of the licensing system on personal and public health;

(d) an assessment of the extent to which the licensing system meets consumer demand and local community needs, when set alongside the impact it has on personal and public health and on public order;

(e) whatever recommendations for improving the licensing system that the reviewer considers appropriate.

(3) The reviewer must complete the review within two years of the appointment being made.

(4) The reviewer, having completed the review, must provide a report to the Department; and the Department, having received the report, must—

(a) lay the report before the Assembly, and

(b) arrange for it to be published.

(5) The Department must, within six months of the publication of the report, publish a plan setting out how it proposes to respond to the report.

(6) The Minister for Communities must, within six months of the publication of the report, make an oral statement to the Assembly about the plan published under subsection (5).

(7) *The Department for Communities may by regulations modify subsection (3), or modify subsection (6), so as to substitute a different period for the period for the time being specified there.*

(8) *Regulations may not be made under subsection (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.*

(9) *In this section—*

(a) *the reference to an independent person includes a reference to a group of independent persons, an independent organisation or a group of independent organisations,*

(b) *the references to intoxicating liquor, licences and licensed premises are to be construed in accordance with the Licensing Order, and*

(c) *the reference to the surrender principle is a reference to the part of the procedure for granting a licence that is provided for in Article 7(4)(e) of the Licensing Order.”— [Ms Hargey (The Minister for Communities).]*

No 15: In clause 24, page 27, line 33, at end insert -“(e) *the social value of public house diversification, including the current mixed trading regulations for licensed premises of a kind mentioned in Article 5(1)(a) of the Licensing Order.*”— [Miss Woods.]

No 16: Leave out clause 25 and insert -

“Annual publication of the number of licences

25.—*(1) The Department for Communities must, as soon as reasonably practicable after the beginning of each year, publish a statement of each of the following as at 31st December in the previous year—*

(a) *the number of licences in force for premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;*

(b) *the number of licences in force for premises of a kind mentioned in Article 5(1)(b) of the Licensing Order;*

(c) *the number of premises of a kind mentioned in Article 5(1)(a) of the Licensing Order in each district electoral area or, if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas, in each of those areas;*

(d) the trends which may be observed from the numbers referred to in paragraphs (a) to (c).

(2) *In subsection (1), ‘licences’ and ‘premises’ each have the same meaning as in the Licensing Order.”— [Ms Hargey (The Minister for Communities).]*

No 20: In clause 43, page 43, line 18, after “effect” insert “and practical implementation”.— [Miss Woods.]

No 21: In clause 44, page 43, line 35, after “implementation” insert “and effectiveness”.— [Ms Armstrong.]

No 22: In clause 44, page 43, line 39, after “implementation” insert “and effectiveness”.— [Ms Armstrong.]

Ms Hargey: My amendments in group 2 would improve the drafting of the Bill and mainly address the potential practical difficulties in implementation. Amendment No 12 clarifies clause 22, ensuring that the Department of Health not only sets a minimum unit price for alcohol but prohibits the sale of alcohol below that price. The amendment also provides the Minister of Health with the opportunity to explain to the Assembly the reasons that it is not practical to do so within the timescale set, should that be the case. The amendment is in response to legal advice received by my Department that the statutory duty placed on the Department of Health to bring forward legislation takes no account of the role of the Executive Committee and could place the Minister in a position of being unable, because of his duty under the ministerial code, to comply with a legal obligation.

Amendment No 14 replaces and improves the drafting of clause 24, “Independent review of the licensing system and surrender principle”, to ensure that there no issues with the practical implementation of the provisions. A number of definitions have also been added as they are stand-alone provisions that are not to be inserted in the Licensing Order. The amended clauses increase the time frame for appointing an independent person from six months to within one year of the Act receiving Royal Assent. The timescale from the completion of the review is increased from one year to two, with the inclusion of a regulation-making power to extend that if necessary. A regulatory power has also been included to allow for the time frame for publishing an action plan to be increased by the regulations if necessary. The remaining changes are to improve the drafting of the clause and ensure its practical

implementation. They do not seek to reverse the agreed policy intent. I thank Matthew O'Toole for tabling the amendment at Consideration Stage and for working with my officials to ensure the practical implementation of the policy.

Amendment No 15, tabled by Rachel Woods, proposes that the independent review provided for in clause 24 should, as part of its remit, consider the desirability of the social value of public houses carrying out other types of businesses on their licensed premises. I have been advised that an examination of the social benefits or otherwise of the diversity of trade on licensed premises is adequately covered by the terms set out for the review in new clause 24(2)(d) and (e) proposed by my amendment No 14. I, therefore, do not support the amendment.

Amendment No 16 to clause 25 clarifies that the information that is required to be published annually by the Department relates to the number of pubs and off-licences, not the operation of the entire licensing system. The amendment also sets the reporting level of the geographical spread of pubs to district electoral area and requires the Department to include a statement commenting on observable trends. Again, I thank Matthew O'Toole, whose amendment it was, for working with my officials to ensure that there are no practical difficulties in implementing the policy.

Amendment No 20, tabled by Rachel Woods, proposes that, under clause 43, the Department's guidance should include the detail of the practical implementation, as well as the effect of Part 1 and the resultant Act on the Licensing Order. The practical implementation of the Act is set out in the schedules and the various court rules that accompany it. I do not think that the amendment is necessary. Therefore, I do not support it.

Amendment Nos 21 and 22, tabled by Kellie Armstrong, propose that clause 44, which requires the Department to review and report on the implementation of each provision of Parts 1 and 2 of the resultant Act, should include the term "and effectiveness". I have been advised that any assessment of the implementation of a provision would necessarily include an objective assessment of its effectiveness. I do not support the amendment, as I believe that it is unnecessary.

Ms P Bradley (The Chairperson of the Committee for Communities): At our meeting on 17 June, as I said in the debate on group 1, members considered a detailed paper from the

Department that outlined all of the Minister's amendments and the need for them. The Committee was content with the Minister's proposed amendments in group 2. They do not reverse the decisions that the House agreed at Consideration Stage but refine the clauses that stand part of the Bill to ensure that they are legally effective and practically possible to implement, improve the drafting of clauses and ensure their enforceability.

The Committee supports amendment No 12, which leaves out clause 22, entitled 'Minimum unit pricing', in the version of the Bill as amended at Consideration Stage and inserts a new clause 22 entitled, 'Minimum price for alcohol'. The Department's paper to the Committee advised that new clause 22 takes account of a number of comments by the Attorney General that the Department of Health should not only set a minimum unit price for alcohol but prohibit the sale of alcohol below that price; that it should recognise the limited power of an individual Minister to introduce legislation; that it should take account of the role of the Executive Committee; and that, should it not be reasonably practicable to comply with clause 22(1)(a), it should provide the Minister of Health with an opportunity to explain to the Assembly the reasons that it is not practicable to do so within the timescale set.

With regard to clause 24, "Independent review of the licensing system and surrender principle", the Committee supports the Minister's amendment No 14, which leaves out clause 24 in the version of the Bill as amended at Consideration Stage and inserts a new clause 24, "Independent review of licensing system including surrender principle". The Committee understands that the amended clause has been proposed to ensure that there are no issues with its practical implementation, that it does not seek to reverse the agreed policy intent and that the Minister's amendments have Mr O'Toole's support. The Department advised the Committee that the amended clause increases the time frame for appointing an independent person from six months to within one year and increases the timescale for completion of the review from one year to two years, with the inclusion of a regulation-making power to extend that, if necessary. A regulatory power has also been included to allow the time frame for publishing an action plan to be increased by regulations, if necessary.

I understand that amendment No 15 is mutually exclusive to amendment No 14. Have I got that right? I will wait to hear what Miss Woods says further to that.

The Committee supports the Minister's amendment No 16, which provides improved drafting of the clause in the version of the Bill as amended at Consideration Stage.

Amendments Nos 20 to 22 to clauses 43 and 44 are proposed by Rachel Woods and Kellie Armstrong. It will be up to the House to decide whether those amendments should be included.

Ms Ennis: My comments on this group of amendments will be brief. I am glad that we are getting through the amendments more efficiently today, as I do not think that anybody wants to hang around until 3.00 am or 3.30 am. Exhausting as that was, however, it was important that we had the debate that night, and I am thankful to the Minister for facilitating that. As Committee members, we tend to think of the Bill as our baby, but, of course, it is for Members in the House to have their say and to table amendments if they wish to do so. I am impressed by and pleased at the support for the Bill and the interest in it. I previously outlined that I am glad to support the Minister's intention for the Bill to have a positive impact on our hospitality and tourism industry.

With respect to the amendments in group 2, I will first deal with amendment No 15 in the name of Rachel Woods. I believe that that amendment is sufficiently covered by amendment No 14. As the Minister said, an examination of the social benefits or otherwise of diversity of trade on licensed premises is adequately covered by the terms set out for the review in new clause 24(2)(a) and (e), proposed by amendment No 14. It is not that I do not see the point of the amendment; I do not see the need for the amendment, given that we have amendment No 14.

We also feel that amendments Nos 20, 21 and 22 are unnecessary. Efficiency should be a given for all Departments that bring through legislation, and this Department should be no different. We do not see any divergence in approach there. That is why we feel that those amendments are not needed.

I will draw my remarks to a close by thanking the Minister for the amendments that she has tabled today in an effort to work collegiately with Members across the House to tidy up some of the amendments that they have passed over previous weeks. I reiterate my previous comments about this being a hugely positive step. We are a step closer to seeing this much-needed Bill enacted as legislation, which will give our hospitality and tourism sector a much-needed boost.

Mr O'Toole: I know that the Committee members feel a bit like this legislation is their baby, and I would quite like to lay claim to being the wicked uncle of the legislation, trying to inject something a little different into it. I know that doing that has occasionally caused headaches for some people, but that has been for good reason.

I will not go through all the amendments in the group, but it is clear that amendment Nos 14 and 16 to my previous clauses 24 and 25, as amended at Consideration Stage, are probably two of the most consequential amendments that we are debating today.

The Minister is right, and I thank the officials in her Department for engaging with me on this.

4.00 pm

At Consideration Stage, I made clear that what I was seeking to do with my amendments and the provisions was to put in statute the need for a fundamental review of our licensing system, and let me reiterate, for the benefit of everyone, including people who are listening outside the House, why that is necessary. House of Commons Library data shows that, over the past 20 years, 36% — that is nearly 40% — of pubs in Northern Ireland have shut. That is faster than in any other part of the UK and faster than in the South of Ireland. We have lost 22% of pub staff. The number of people employed in pubs has fallen by nearly a quarter. We have a dramatic situation, particularly but not exclusively, in rural areas. The data shows that, for example, in the constituency of East Belfast, which is my next to my constituency of South Belfast, 50% of pubs have shut.

I will not delay everyone today by going over all the principles. I can see the Member for South Down starting to pray silently that I do not go through the surrender principle in detail, but it is worth mentioning. In the Consideration Stage debate, we were saying, at 2.00 am, that the thing that is unique to this place and this island — it is better preserved in this part of the island — is that the surrender principle means that, for all intents and purposes, once a pub closes, it cannot reopen. We need evidence and an evidence base for how the licensing system as a whole, not simply the surrender principle, is working. It is not about abolishing it; it is about gathering evidence and looking at possible reforms.

During the Consideration Stage debate, I made it clear that I would work with the Department if

it had concerns about scope or, more specifically, about the capacity to deliver what is in the amendment. I thought that that was a reasonable way to proceed, and, on that basis, the Assembly agreed with the amendment and endorsed an independent review of the licensing system. I am not necessarily brimming with enthusiasm about giving the Department extra time to do this work, but, in the spirit of goodwill and after discussing it with officials, I am willing to accommodate and support it.

I will briefly outline what the amendment does. It keeps, in principle, the independent review of the licensing system and the surrender principle. Looking at it in total, the key changes are to the timings. The previous amendment allowed six months for the Department to appoint an independent person. It will now have up to a year. After that, the independent person will have, rather than just a year, two years, with the Department having a regulatory-making power to change that, if necessary. After that, the Department will have more time to respond to the Assembly, again with a regulatory power to extend. I was happy to work with the Department on that, but I will say now in the Chamber that it is really important that this additional headroom, to use a phrase from the Finance Department, is, as a bank manager might say, a potential overdraft facility rather than a target. We can get this done as quickly as possible.

I am really keen for the Minister, if she is willing, to make clear that she will mandate her officials to get this person appointed as quickly as possible, ideally before the end of the mandate. Of course, none of us in the Chamber knows when this mandate will end, but, assuming that it ends next May, I am really keen to hear whether the Minister is willing to say that she will encourage her officials to endorse it by the end of next May.

There are a couple of other changes, which I am tolerant of, to the initial independent review that was passed at the previous stage. There have been changes in the drafting, but the changes are not fundamental. Subsection 2(c) of my previous clause mentioned the creation of new licences in areas of clear community need and talked specifically about new legislative options. That language has been removed in the new clause. I am clear that the review should look at those issues, and the independent person will have longer to do so. As far as I am concerned — I want to say it on the record, and I hope that the Minister will agree with me — nothing in this clause substantively changes the powers or remit of the review.

It simply gives the Department and the independent person a longer period in which to do that work. I repeat, however, that it does not state that they should take longer to do the work, and I hope that they do not. As I said, I am keen for the Minister to clarify, if she is willing, that she wants the work to happen as quickly as possible and that the new time limits are just that: limits not targets. I am sure that I and others in the Chamber will, in the best spirit possible, hold the Department to them.

I should say that I support amendment No 15, which stands in Rachel Woods's name. It does not create an undue burden; rather, it clarifies what we are trying to do. It also clarifies the Pub is the Hub model, which, I know, many in the industry, especially Hospitality Ulster, are keen to promote. That is important.

I will talk more about this at Final Stage, but we want the entire sector and everyone else who is interested to get behind the review. That is where I am, as it were, on amendment No 14. I have been working with the Department, and I welcome its engagement. Many of the changes are technical. There are some substantive ones, but —

Mr Allen: Will the Member give way?

Mr O'Toole: I will, yes.

Mr Allen: The Member's amendment at Consideration Stage indicated a desire to break down the publication of the number of licences by postcode. I note that the Department's amendment states that it should be done by district electoral area. Does the Member agree that it would be good to have that information even by postcode prefix?

Mr O'Toole: I am grateful to Committee member Mr Allen for his intervention. He is right. I was going to come on to amendment No 16. That amendment is another new clause, replacing my previous clause 25 on the annual publication of the number of licences. I have had conversations since with the Department, and some of the language in the clause has been clarified. The Department gave me some information that was, frankly, very useful. My clause had not been drafted as well as it could have been. I had also obliged the Department to do a 10-year rolling horizon forecast of the number of pubs. I accept that that would have been pretty ambitious and, even for the most creative economist, difficult to achieve. That has been replaced by a statement on pub trends.

It has been pointed out to me since that subsection (1)(b) required the Department to break down the number of operational pubs by postcode. Others have said that that should be doable by postcode prefix, without jeopardising General Data Protection Regulation (GDPR) or being a major burden. It would be helpful if the Minister could clarify that she will, at the very least, endeavour to get her officials to do it by postcode prefix. That should be covered by:

"if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas".

I do not see how doing it by, for example, BT4, where we are now, would violate GDPR too much. It would be helpful if the Minister could clarify that.

As I said, the issue is critical. This is fundamental legislation, and I did not want to let it go past without moving amendments that offered us the opportunity to look in substance at the operation of our licensing system. We face a crisis in rural areas in particular. The legislation does not commit the Department or the Assembly to any changes; it simply commits us to a process of gathering evidence. That might take years. In fact, it could take more years, because, if we agree to the amendments today, we will give the Department more years. No one could object to that.

I seek clarity from the Minister, if possible, on two things. First, will she encourage the Department to go faster and treat the new time limits as limits not targets and for officials to do their homework, as it were, on Friday night, once they get home, rather than on Sunday afternoon? Secondly, will she ask the Department to investigate whether it is possible to publish data using postcode prefixes? I do not see how that could violate GDPR.

I also say that we support Rachel Woods's amendment No 15 and Kellie Armstrong's amendments. Other than that, most of the rest of the amendments in the group are technical, so I will not trouble the House any longer. I look forward to boring everyone at Final Stage on the issues.

Ms Armstrong: To be honest, I would love to support everything that is in group 2, but I know that amendment Nos 14 and 15 are mutually exclusive. I will see how the voting goes on those.

I am a wee bit disappointed by the group 2 amendments, even though I will support them.

Amendment No 12 gives a Minister an out. The Committee was very committed to ensuring that a minimum price per unit of alcohol would be brought forward within three years by the Health Minister, but, with amendment No 12, the Health Minister can choose to ignore that and would only have to come back and say that there is a reasonable excuse to do that. That is unfortunate.

As Mr O'Toole said, GDPR-compliant or not, amendment No 16 misses the point of what the Committee was looking for. I reiterate that, when I asked for a list of licence holders, I was told to go to the courts and get it myself. We were looking for that list in order to protect children and to help the police force and emergency services. It was not to cause difficulties for pub owners. Many pub licence holders are businesses, rather than named people. The list requirement has now been amended and, to be honest, watered down a little, but the reason that I asked for the list and that the Committee agreed to have the list was this: you could come to my Strangford constituency and look at a district electoral area (DEA). For example, in Portaferry DEA at the bottom of the Ards peninsula, there are pubs in Portaferry town, but there are also other licence holders that are outside that area. It gives me a list saying that, in that DEA, there are eight or maybe 10 pubs. It does not tell me where the cluster of those pubs is or how I, as a council, can plan ahead on entertainment licences. It does not tell me whether I, as a police officer, should send officers to one particular street or part of a town or a village. That is the part that really galls me. Imagine how many licences there are in the central Belfast DEA; just being told that you have 20 licences in one place does not break things down.

Mr O'Toole: Will the Member give way?

Ms Armstrong: I will indeed.

Mr O'Toole: I agree with the Member. The fundamental reason as to why I tabled the original amendment in the first place was simply because of the huge paucity of information. The information is gathered, but it is in different places. When you try to investigate how the system is working, it is simply impossible to get hold of it. Does the Member agree that it is in everyone's interests to have a consistent, clear data set that is published locally every year and that anyone can use?

Ms Armstrong: I absolutely agree. What annoyed me most was that, when I talked about this list, Hospitality Ulster was able to provide

me with a list of the numbers, but the Department could not. I thought that that was a bit much. I ask the Minister to provide clarification on the first part of the postcode breakdown, because, if we are to have effective data collection, the data has to be usable. I do not think that DEA data is usable.

Mr Allen: Will the Member give way?

Ms Armstrong: I will indeed.

Mr Allen: The Member welcomes the amendments, but does she agree that it has been a failing of the system that, until now, we have not had an electronic register available to us?

Ms Armstrong: I agree. A list would help in considering the surrender principle, because then we could see if our rural pubs are disappearing.

I completely understand where Miss Woods is coming from with amendment No 15. We heard very clearly in Committee — and I have spoken to Hospitality Ulster and other pub owners — about how the Pub is The Hub model is key. That part of the industry wants to see the social value and that additional aspect of pubs grown. It is never a bad thing to have social value. Pubs can invest back into the community by having a post office, a small shop, or whatever it may be. I could tell you a story about my local pub getting me eggs when I was pregnant, but we will not go into that here.

The reason why I have brought forward the idea of effectiveness in amendment Nos 21 and 22 is very simple. In finance terms, civil servants are quite often asked to consider the efficiency and the effectiveness of their work. I believe that the term "effectiveness" needs to be used here. When changes were coming through and comments were being made about taprooms and article 52E in particular, there was the impression that taprooms were going to take all the business away from pubs. It would be an awful situation. People would be drinking terribly high levels of concentrated alcohol, and it would be terrible altogether. However, no evidence had been collected; it was all hearsay. What I heard directly from those taprooms is that they are not applying for taproom licences. The article 52E will sit there and not be used, and that is why I am looking for the effectiveness of the legislation to be measured. It is not about how many taprooms have applied for licences; it is about whether the licences are of any use and whether the legislation is good enough.

4.15 pm

Will the legislation be good enough to stop young people from getting drink from off-licences? Will it be good enough to protect our Police Service when it needs more investment because the number of pubs that are letting people out at 3.00 am is putting a strain on it? That is why I included the words "and effectiveness" in the amendments. That will mean that the Department does not have to measure just outputs. It will be about how effective the legislation is. Someone may turn round to me and say, "It is covered. It is already in there". No, it is not. Unless it is spelt out in the Bill, it will not be measured.

Miss Woods: If Mr O'Toole thinks of himself as the uncle figure of the Bill, I am probably the annoying family member who you see a few times a year and who only visits and chimes in at Second Stage, Consideration Stage and today. I promise that I will not be back at Final Stage, and I will buy a round.

Before I discuss amendment Nos 15 and 20 that are tabled my name, I would like to support Mr Allen's comments about using postcode prefixes where they are available. On the surface, I do not see any GDPR issues, and I would certainly welcome an explanation. Those licensed premises are public houses or bars. We know where they are, and they will be listed in Companies House. I am not sure about the data issues, but I am happy to support the amendment that is on the Marshalled List. Without knowing the details of those types of data issues, I will leave my comments on amendment No 16 there.

Amendment Nos 15 and 20 stem from a number of issues that I raised at Consideration Stage. I will not go into every detail, because Members will have heard it all before and my comments are similar to those that I made during today's group 1 debate. Local producers and representative bodies raised a number of issues about the practical outworkings of the clauses in the Bill that relate to the local producer's licence, what it will mean in practice, the potential impact of accessing a licence on their business and current operations and whether it will be viable. I outlined those issues when I spoke on amendment No 24 in group 1. As I said, we do not want to get to a point where the licensing criteria in the Bill and its operational guidance and regulations mean that it is unworkable for the people and businesses that it is designed for. It is for the small, independent local producers, not the big boys. That remains to be seen.

I will speak first on amendment No 20 and then on amendment No 15. Amendment No 20 is very simple. It adds to the guidance that will be produced as part of the Bill becoming an Act by stating, under clause 43, that the "practical implementation" of the Bill will also have details published and available on it. The reasons for the amendment are quite self-explanatory and relate to my comments at Second Stage, Consideration Stage and during the group 1 debate today. With the creation of any new legislation, there must be accompanying guidance, so I welcome the fact that that requirement is in the Bill. The guidance, though, must serve and give details to those whom the Bill affects. As I stated, that guidance will most likely be very hefty, given the wide impacts of the Bill and its complexity. I have been looking at the Bill for the past few weeks, and I still need clarity. I am not a local producer, a bar owner or someone who will have to try to navigate the system. The system is complex. It is a maze, and people need some sort of helpful map to get through it.

As I said before, the 1996 Order is complex legislation and the Bill will only add to it. Licensing legislation involves many people, from local producers and alcohol manufacturers to the pubs, city-centre bars, councils, local residents, Departments, courts and other interested parties. Therefore, it must be fit for purpose. Guidance must be clear, accessible and easy to follow. I am not suggesting that clause 43 is not those things, but adding the words "practical implementation" will, I hope, ensure that the details that are needed for people to access are made available.

I know that the Minister indicated that she is not in favour of the amendment and pointed to the schedules to the Bill. Personally, I could not make head nor tail of the schedules without accompanying guidance. I have already outlined some of the concerns that have been raised with me in relation to the operation of the local producer's licence, and I stand by those concerns. It is clear to me, from the conversations that I have had over the last three weeks with the sectoral organisations and representatives from the industry, as well as local producers in my constituency, there are parts of the Bill that are fundamentally unclear.

Industry reps wrote to the Minister outlining their concerns on opening hours, planning permissions, rating, the application process and so on. Not all of the concerns that were brought can be answered in the details of the Bill. A lot of them will need answers, or they will be up to the courts to decide. That is where I see the amendment fitting into the departmental

guidance. How can this be unpicked, and questions answered, without guidance that covers the practical implementation of it, not just for the new aspects, such as the local producer's licence, but for the practical implementation of the new requirements for off-licences, supermarkets, cinemas and those hosting underage functions?

Amendment No 15 is a very simple one to add in the requirement, during the review of this Act, to look in detail at pub diversification. Many Members at Consideration Stage spoke of the possible merits of the Pub as The Hub model, about the importance of pubs and bars to local communities, especially in rural areas. There was also concern about the number of pubs that have closed or are at risk of closure. The Minister and Members have said that this is already covered in amendment No 14. If it is, it is obviously not explicit, but what is the problem with having it on the face of the Bill? However, I appreciate the comments made.

I am aware that, if amendment No 14 is made, this amendment falls. I appreciate that this is the position, but I wish to speak to it and reiterate the importance of it. I note that, in the Minister's opening remarks on this group, she mentioned social value being covered in amendment No 14 as well. However, there is no denying that there has been a sharp fall in the number of pubs operating in Northern Ireland over the past 20 years, and many pubs are at risk. There are many reasons for that. You can set aside the pandemic, but it is another matter that we need to grapple with. However, costs of living and wages, longer-term shifts in consumption, the increase in sales of alcohol in off-licences, shifts in behaviour and choices, to name but a few, are some of the multiple reasons that affect the profitability and viability of pubs. However, no publican wants to close the doors without trying to make their business work. Pubs and bars will change over time as the communities around them change. They will adapt, though, and they will be different.

Mr O'Toole: Will the Member give way?

Miss Woods: I will.

Mr O'Toole: Does the Member agree that part of the reason why we need this review and the better data is that, uniquely here, in the tragic situation where a pub decides to close or sell its licence on to a licensed off-sales, there is no way for that pub to reopen in practical terms? That is one of the things that we need to understand. New communities are growing up

and there are areas where houses are being built, but there is no way that a pub can open there, simply because of the operation of our current system. We need to understand how it is working.

Miss Woods: I thank the Member for his intervention, and I agree with him. I hope that, in the future, we can even look at community pub models: communities buying over pubs before they are sold on for different reasons and go out of the local area, given that the community pub is the community hub, in many cases.

Whatever pubs and bars do in local areas, they want to be different from the competition, and they want to stay open. Northern Ireland's rural communities could benefit from changes to the regulations that would allow them to provide enhanced community services, like post offices, local farm shops and so on, and also to facilitate community meetings, events and internet access points, as well as initiatives to tackle loneliness and social isolation in rural communities. They could, as an example, work in partnership with not-for-profit organisations such as Pub is The Hub and Hospitality Ulster, but this is just one example of many. I know that members of the Committee took evidence on this during their deliberations and spoke in favour of this type of model at Consideration Stage as something that they would like to explore. Again, I will not go over the details of that at this stage.

However, we know that possible diversity will not be a magic bullet to fix things overnight. However, it is something that we should explore, develop and support if required by licensees. That is especially the case with rural pubs, for example, before they are able to undertake the activity effectively. Our current licensing regulations for mixed trading only apply to off-licences, so any changes to allow for mixed trading in a pub setting would require changes to regulations and, perhaps, legislation. However, this amendment does not try to amend or change mixed trading. The Committee looked at that during Committee Stage, and it cannot be done through this legislation. However, making this amendment to the review clause would mean that this is something that could be looked at in further detail to see what could be done in the future and what appetite there would be for it.

Stakeholders and interested parties could be consulted, and the practical outworkings of any diversification could be understood. For example, how would it affect court applications? Would it affect the licence being granted? What

would be the impact of the red line on the licensed area to sell and consume alcohol? Strict segregation of products, which happens in a supermarket, say, or an off-licence, would not work in a pub setting. Would there be a change to building regulations or planning? During a review of the consultation, those kinds of questions could be asked and answered. It is at that time, with all the information and facts, that recommendations could be brought forward if needed.

Our hospitality and pub sector has stepped up during the pandemic, as have so many people in our communities. Businesses helped people in their local areas. They offered food essentials and takeaway meals, and they delivered food to vulnerable people and those who were shielding. They also donated food that they had stocked in March to food banks. They did the same in September and December. They adapted their businesses, if they could, to a different market. As we try to build back better post-pandemic and deal with all the outstanding issues that already faced that industry, we should look at whether there is any other support that government could give to the sector. If diversifying what is on offer in a pub or bar in a certain area would mean that the place was viable and sustainable, why not?

In closing, I say that I am aware that my amendment on pub diversification is unlikely to be made. I am glad that the Minister has said that it will be covered in amendment No 14, but I hope that the Department can progress some work on that through any review and going forward in general. I urge Members to support amendment No 20, which is also in my name.

Mr Carroll: It will be no surprise that I oppose amendment No 12, which relates to the minimum unit pricing of alcohol. At the previous stage, I spoke about the anti-working class sentiment behind such laws. Not only are they rendered ineffective for those who can afford to circumvent them but they impact disproportionately on working-class people. Frankly, I am disappointed with many Members, particularly those from the Minister's party, who are happy to go along with that kind of legislation, which exclusively targets low earners, the unemployed and those who get a pittance from our welfare system. Those with alcoholism, who were rightly factored into COVID regulations, will be hardest hit of all. I cannot go along with such legislation. I am disappointed that the Assembly will do so. Instead, a more responsible route would be legislation that does not disproportionately target one section of society, particularly when that section of society is the hardest hit by most

of the cuts and debilitating policies that come from the Executive already.

I also put on record my disappointment that, once again, the Minister has failed to include protections for bar workers, who will be detrimentally and directly impacted by the new laws. I submitted two amendments backed by Unite the Union that would have given those workers a pay premium and a safe journey home, but, unfortunately, they were not selected for debate. I asked the Minister to do that, but she said that it was outside the scope of the Bill, which is focused on licensing. I argue that that does not stack up, because the Bill takes into account the undue inconvenience that licensing changes could have on local residents, and that:

"the hours mentioned ... will not cause undue inconvenience to persons residing in the vicinity of the premises".

I ask the Minister this: how can the undue inconvenience of residents be within the scope of the Bill but the undue inconvenience of the workers who have to work those hours is not within its scope? Surely if we can afford residents the room for inconvenience, we can do the same for bar workers. I remind the Minister that we are talking about bar workers who are regularly assaulted as they travel home late from work, and female staff who report sexual abuse and fear of travelling home when public transport is not running. Is that not just as important — some might say it is more so — than residents suffering the unfortunate inconvenience of bars being open later? To be frank, I find it to be a blatant attempt to exclude workers' rights from the legislation. It is the latest attempt to do so by the Executive.

I will support all the amendments apart from amendment No 12, but workers' rights still have to be addressed in the Bill.

Mr Deputy Speaker (Mr McGlone): I remind the Member that Members have opportunities to table amendments themselves.

4.30 pm

Ms Hargey: I thank the Communities Committee and the Chair for all of the work that they have done to get the Bill to this stage and for working with me and my officials in the way that they have. I thank the Committee for playing its role as a scrutiniser of the legislation. I reiterate my thanks to my officials, who have been on hand for anybody in the Chamber and outside I who has asked to have those

engagements. As we move through the implementation of the legislation, once it is signed off by the Assembly, they will commit to continue to do that. They will not wait until Sunday but will do it on the Friday. As I said, they have been proactive since 2005 in trying to get the legislation through, and I know that they are committed to doing that. I express my thanks to the officials behind the scenes in the Assembly in Committee. I thank those who have contributed to the debate, even when their amendments have not been passed. It has shown how important the legislation is. It is historic that we are now finally moving forward on the implementation of this. Obviously, it has been long overdue, and I thank everybody who has made a contribution to it.

On the appointment of the independent expert, some of the initial stuff will take at least six months for procurement and for that person to be in post. Again, neither I nor my officials will rest on our laurels, and we will try to speed up where we can. There will not be any undue delay. There is a commitment in the amendment to the legislation that we will have the person in post as early as possible, but it may take at least six months just to get the procurement process in place.

There has been some discussion on amendment No 16, which relates to an amendment that was tabled by Matthew O'Toole at Consideration Stage. Obviously, the Information Commissioner's Office has determined that a postcode is classed as personal data and that, therefore, there may be GDPR issues with gathering and publicising that data. I can understand issues that people have raised in other circumstances where some of that data has been given in other records. Obviously, there is a commitment from me and my departmental officials to provide the information initially, as was said, at district electoral area level. We will try to go lower, where possible, in making sure that it complies with GDPR, so there is a commitment, in progressing this legislation, that we will try to provide as much of that information as possible, as long as it complies with those rules. Of course, the records are not held in my Department but are, in fact, held by the DOJ, which holds the data on the register of licences that go through the courts. Of course, it will depend on the quality of data received. Again, we are more than willing to work with the DOJ and with the courts on the back of the legislation to make sure that we provide data that is as good as possible and at the most local level possible.

Mr Allen: Will the Minister give way?

Ms Hargey: Yes, go ahead.

Mr Allen: Minister, you have highlighted an important point about the availability of an electronic register, and you have highlighted the fact that it is the responsibility of the Department of Justice. Have you had any engagement with your ministerial counterpart in the DOJ in respect of the creation of such a register?

Ms Hargey: There have been ongoing engagements with officials in the DOJ and with the Minister on the development of the legislation. You will understand that that will be a matter for that Minister and the Department. Obviously, the DOJ will be aware of the legislation's progress. There has been engagement on various parts of it, and it will be a call for that Department. Once the legislation passes, I will commit to working with the DOJ and the Minister to try to have a system of data that is as robust as possible and can be presented digitally. Again, the costings and all of that will be down to that Department, but I will be keen to work with it to deliver on that.

With the other amendments that were tabled, it is not that they are necessarily bad; it is just that there have been a lot of calls to make sure that the legislation is clear and concise, not unwieldy and layered. I believe that many of the amendments are not necessary because they are already covered.

Amendment Nos 14 and 15 are set out in the review. Amendment No 20 is already in the schedule and is set out in the various courts. On amendment Nos 21 and 22 around effectiveness, the implication of provisions will include objective assessment of effectiveness. I believe, therefore, that those assessments and requests are already built in to what I propose in the legislation. I commend the amendments to the House.

Amendment agreed to.

Clause 23 (Occasional licences: conditions)

Amendment No 13 made:

In page 26, line 36, leave out "as the court thinks fit".— [*Ms Hargey (The Minister for Communities).*]

Clause 24 (Independent review of the licensing system and surrender principle)

Amendment No 14 made:

Leave out clause 24 and insert -

"Independent review of licensing system including surrender principle

24.—(1) *The Department for Communities must, before the first anniversary of this Act receiving Royal Assent, appoint an independent person ('the reviewer') to conduct a review of the system in Northern Ireland for authorising the sale by retail of intoxicating liquor ('the licensing system').*

(2) The review must include the following—

(a) an assessment of the operation of the surrender principle, an examination of options for reforming it and an assessment of the implications of those options for licence holders;

(b) an analysis of the geographical distribution of licensed premises in Northern Ireland;

(c) an analysis of the economic and social impact of the licensing system and the impact of the licensing system on personal and public health;

(d) an assessment of the extent to which the licensing system meets consumer demand and local community needs, when set alongside the impact it has on personal and public health and on public order;

(e) whatever recommendations for improving the licensing system that the reviewer considers appropriate.

(3) The reviewer must complete the review within two years of the appointment being made.

(4) The reviewer, having completed the review, must provide a report to the Department; and the Department, having received the report, must—

(a) lay the report before the Assembly, and

(b) arrange for it to be published.

(5) The Department must, within six months of the publication of the report, publish a plan setting out how it proposes to respond to the report.

(6) The Minister for Communities must, within six months of the publication of the report,

make an oral statement to the Assembly about the plan published under subsection (5).

(7) The Department for Communities may by regulations modify subsection (3), or modify subsection (6), so as to substitute a different period for the period for the time being specified there.

(8) Regulations may not be made under subsection (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(9) In this section—

(a) the reference to an independent person includes a reference to a group of independent persons, an independent organisation or a group of independent organisations,

(b) the references to intoxicating liquor, licences and licensed premises are to be construed in accordance with the Licensing Order, and

(c) the reference to the surrender principle is a reference to the part of the procedure for granting a licence that is provided for in Article 7(4)(e) of the Licensing Order.”— [Ms Hargey (The Minister for Communities).]

Mr Deputy Speaker (Mr McGlone): I will not call amendment No 15 as it is mutually exclusive with amendment No 14, which has already been made.

Clause 25 (Annual publication of the number of operational liquor licences)

Amendment No 16 made:

Leave out clause 25 and insert -

"Annual publication of the number of licences

25.—(1) The Department for Communities must, as soon as reasonably practicable after the beginning of each year, publish a statement of each of the following as at 31st December in the previous year—

(a) the number of licences in force for premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;

(b) the number of licences in force for premises of a kind mentioned in Article 5(1)(b) of the Licensing Order;

(c) the number of premises of a kind mentioned in Article 5(1)(a) of the Licensing Order in each district electoral area or, if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas, in each of those areas;

(d) the trends which may be observed from the numbers referred to in paragraphs (a) to (c).

(2) In subsection (1), ‘licences’ and ‘premises’ each have the same meaning as in the Licensing Order.”— [Ms Hargey (The Minister for Communities).]

Clause 26 (Code of practice)

Amendment No 17 made:

In page 29, line 18, leave out "insert" and insert "(but before the following ‘or’) insert ‘or’".— [Ms Hargey (The Minister for Communities).]

Clause 34 (Increase in number of authorisations for special occasions)

Amendment No 18 made:

In page 35, line 13, at end insert -

"(1A) After paragraph (2) of that Article insert—

“(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

(2B) Regulations may not be made under paragraph (2A) 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 37 (Underage functions)

Amendment No 19 made:

In page 39, line 23, leave out "that Order" and insert "the Registration of Clubs Order 1996".— [Ms Hargey (The Minister for Communities).]

Clause 43 (Guidance)

Amendment No 20 made:

In page 43, line 18, after "effect" insert "and practical implementation".— [Miss Woods.]

Clause 44 (Review)

Amendment No 21 made:

In page 43, line 35, after "implementation" insert "and effectiveness".— *[Ms Armstrong.]*

Amendment No 22 made:

In page 43, line 39, after "implementation" insert "and effectiveness".— *[Ms Armstrong.]*

Clause 48 (Commencement and short title)

Amendment No 23 made:

In page 45, line 2, leave out "7(1) and (3), 11" and insert "1, 7(1) and (3), 11, 14".— *[Ms Hargey (The Minister for Communities).]*

Schedule 1 (Minor and consequential amendments)

Amendment No 24 made:

In page 46, line 22, leave out paragraph 3 and insert -

"3. In Article 5 (premises for which a licence may be granted), in paragraph (3)—

(a) for 'Article 51(1)(b)' substitute 'Articles 48B(2) to (6), 51(1)(b) and 52C(1)',

(b) for '(l)' substitute '(m)', and

(c) in sub-paragraph (b), at the beginning insert 'except in the case of premises of a kind mentioned in Article 5(1)(m),'.— *[Ms Hargey (The Minister for Communities).]*

Mr Deputy Speaker (Mr McGlone): That concludes the Further Consideration Stage of the Licensing and Registration of Clubs (Amendment) Bill. The Bill stands referred to the Speaker.

I ask Members to take their ease while we move to the next item of business.

Charities Bill: First Stage

Ms Hargey (The Minister for Communities): I beg to introduce the Charities Bill [NIA 27/17-22], which is a Bill to make provision about the lawfulness of decisions taken or other things done by staff of the Charity Commission for Northern Ireland, and about exempting

charities, by reference to conditions related to thresholds, from the duty to be registered in the register of charities.

Bill passed First Stage and ordered to be printed.

4.45 pm

Mr Deputy Speaker (Mr McGlone): Members should take their ease while we move to the next item of business.

Budget (No. 2) Bill: Further Consideration Stage

Mr Deputy Speaker (Mr McGlone): Iarraim ar Conor Murphy, Aire Airgeadais, an Bille a mholadh. I call the Minister of Finance, Conor Murphy, to move the Further Consideration Stage of the Bill.

Moved. — [Mr Murphy (The Minister of Finance).]

Mr Deputy Speaker (Mr McGlone): As no amendments have been tabled, there is no opportunity to discuss the Budget (No. 2) Bill now. Members will, of course, be able to have a full debate at Final Stage, which is scheduled for tomorrow, 22 June. The Further Consideration Stage of the Budget (No. 2) Bill is, therefore, concluded. The Bill stands referred to the Speaker.

The draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (Northern Ireland) 2021.

Mr Frew (The Minister for the Economy): I beg to move

That the draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate. I call the Minister to open the debate on the motion.

Mr Frew: I am seeking the Assembly's approval of a statutory rule (SR) that is being made under powers that are contained in the Insolvency (Northern Ireland) Order 1989. No company, no matter how big or small or how

long it has been in existence, is immune from getting into financial difficulties. If a company that is in financial difficulties can be restored to financial health, that is a gain for the economy and in preserving employment. That is the purpose of administration. Administration gives companies that are in financial difficulties the opportunity to continue trading under the control of a qualified insolvency practitioner who is appointed as an administrator. Administration normally lasts for up to one year but can be extended for a further six months with the consent of the creditors and without limit of time by court order. The administrator is required to carry out his or her functions with the aim of achieving objectives that are laid down by statute. The primary objective is to rescue the company so that it can continue trading as a going concern. If rescue proves impossible, the administrator must aim to achieve a better result for the creditors as a whole than would be the case with liquidation. If that also proves to be impossible, the administrator's function becomes one of selling the company's property in order to allow for distribution to secured or preferential creditors.

Under the law as it stands, the administrator has full rights to sell the company's property to anyone, including persons who are connected with the company, such as the directors or their relatives. The administrator is required to notify the creditors of the proposals to achieve the purpose of the administration within eight weeks of the company entering administration. A meeting to decide whether to approve the proposals has to be held within 10 weeks. However, as things stand, the administrator can have had the company's business or assets sold by then. There is no requirement under current legislation to prove that the sale is for value. Moreover, a sale of the company's business or assets to persons who are connected with the company can be arranged in advance of the company going into administration, with the sale being completed on the day that it goes into administration or shortly thereafter.

Existing directors who know the company well may be the ideal buyers, and there is nothing inherently wrong with so-called pre-packed sales. They are, in fact, a useful tool to help troubled but viable companies, and they play a critical role in helping to protect our economy and to preserve jobs. However, there is a need to protect the interests of creditors. They need to know that they are not losing out through the business or its assets being sold for less than they are worth. That, therefore, is the purpose of the regulations that the Assembly is being asked to approve.

The regulations provide that, during the first eight weeks of an administration, a sale of the company's business, its assets or a substantial part of its assets to a connected person can take place only if one of two conditions is met. Those are either that the administrator must have obtained the creditors' approval for the sale or that the connected person must have obtained a report from an independent and suitably qualified evaluator. The report must confirm either that the price to be paid for the property and the grounds for the sale are reasonable in the circumstances or that they are not. The administrator will have to send a copy of the evaluator's report to the creditors. If the administrator decides to proceed with the sale despite the evaluator's having stated that the price and grounds for the sale are not reasonable, the administrator will be obliged to provide the creditors with an explanation for doing so.

Those requirements will increase public confidence and transparency in cases where sales are made to connected persons. They will give creditors the assurance that their interests are being protected as well as those of the distressed business. The regulations have been agreed by the Economy Committee, and my Executive colleagues were advised prior to the debate. The regulations correspond to those that were made at Westminster in March 2021, which apply to Great Britain. They are, therefore, needed to give creditors of companies that are in administration in Northern Ireland the same protection as is afforded in the rest of the United Kingdom. I ask the Assembly to approve the regulations.

Dr Archibald (The Chairperson of the Committee for the Economy): I will speak briefly in support of the motion as the Chairperson of the Economy Committee and on its behalf. As the Minister indicated, the draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (NI) 2021 prohibit the disposal of a company's business or assets, or a substantial part thereof, to anyone who is connected with the company during the eight weeks following entry into administration unless the creditors have approved the disposal or a report on the disposal has been obtained from an independent and suitably qualified person.

The Committee agreed the statutory rule at its meeting on 26 May, subject to the report of the Examiner of Statutory Rules. The rule will come into operation on 25 June. The Examiner of Statutory Rules has no issue with the rule, and, on the Committee's behalf, I support the motion to affirm it.

I will say a few words as Sinn Féin's economy spokesperson. Over the past year, we have supported legislation, in particular under the Corporate Insolvency and Governance Act 2020 and other pieces of legislation, to help businesses and to protect jobs during the pandemic. That, of course, has been the right thing to do. While we support the actions that have been necessary because of COVID and because quick responses are needed, we are nearly a year and a half into it, and it is important to flag that a reliance on and following of British legislation is not the way that we should routinely do business. There are times when things will be applicable, but there will be others when it may not be the best fit. As a rule, we should seek to do our own legislation and our own consultations with stakeholders here. I know that the Minister is a devolutionist, so I assume that he agrees. I understand that today's SR places restrictions on disposal. Disposal can still take place, as the Minister has outlined, with a higher bar for transparency, so that sales that are designed to protect jobs will still be possible. Perhaps the Minister can comment on that. On the point about protection of creditors, workers are also creditors in some circumstances.

I understand that the reason why this is being progressed is the potential for companies to go into administration as a result of COVID, particularly when furlough ends. Hopefully, some of the other SRs that we have passed in the course of the past year will alleviate that, but we need to look at how businesses can be practically supported to get back on their feet. I look forward to engaging more on that with the Minister and the Department.

As a final point on this legislation, I ask the Minister for assurances that, in the near future, he and his Department will bring forward policy and legislation to prioritise workers' interests in administration proceedings, so that workers' pay and pensions go not to the bottom of the pile of creditors but to the top. Will the Minister look at that? We will support the SR.

Mr Deputy Speaker (Mr McGlone): I ask the Minister to conclude and wind up the debate.

Mr Frew: I thank the Assembly and the Committee Chairperson for their support for the regulations. The purpose of the draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (Northern Ireland) 2021 — a mouthful, but nonetheless very important — is to give workers and creditors in Northern Ireland the same protection as workers across the United Kingdom. The regulations are to prevent a

company's business or its assets or a substantial part thereof being sold to a connected person during the first eight weeks that the company is in administration, unless the sale has been approved by the creditors or a report has been obtained from an independent evaluator. What the regulations do is specific and bespoke, but that in itself protects creditors.

I have had experience of firms that I worked for going into administration. It is very important that creditors are given as much funding as possible to protect them so that there is not a spiral or domino effect. One company going into administration can have a massive impact on all creditors and businesses — subcontractors, wholesalers or any business that is dependent on the trade and custom of the company that has gone into administration. It is very important that creditors are protected, and this is one way of ensuring transparency and that there are not pre-packed arrangements for a particular director or directors of a company that greatly impact on the creditors. It is a way of ensuring transparency that then ensures fairness when a company goes into liquidation.

It is vital that the workers of any company that goes into liquidation are looked after. If something goes awry, the protection of workers is key, and they should get everything that they are entitled to in redundancy pay and everything else. I commend the motion to the House.

Question put and agreed to.

Resolved:

That the draft Administration (Restrictions on Disposal etc. to Connected Persons) Regulations (Northern Ireland) 2021 be approved.

The Employment Rights (Northern Ireland) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (Northern Ireland) 2021

Mr Frew (The Minister for the Economy): I beg to move

That the Employment Rights (Northern Ireland) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (Northern Ireland) 2021 be approved.

Mr Deputy Speaker (Mr McGlone): The Business Committee has agreed that there should be no time limit on this debate. I call the Minister to open the debate on the motion.

Mr Frew: I am seeking the Assembly's approval of the Employment Rights (Northern Ireland) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (Northern Ireland) 2021.

5.00 pm

The order extends previously existing protections against detriment in health and safety cases to workers. Until now, those protections have covered only employees. The order was made on 19 April 2021 and came into operation on 31 May 2021. As it is subject to the confirmatory process, it must be approved by the Assembly within six months of coming into operation.

In common with Great Britain, Northern Ireland has three classifications of employment status for determining employment rights. Those are employee, self-employed and limb (b) worker. While employees in Northern Ireland are entitled to a suite of employment protections, limb (b) workers have a more casual employment relationship with their employers. Those workers include groups of people such as agency workers and short-term workers. They are still entitled to a basic set of core employment rights such as the minimum wage and holiday pay. However, other employment rights do not extend to that group and apply only to employees.

The issue being addressed is health and safety and the difference up to now between the protections afforded to employees and those that apply to workers. Article 68(1)(d) and (e) of the Employment Rights (Northern Ireland) Order 1996 implemented the EU health and safety directive into Northern Ireland's law. Those articles give employees the right:

"not to be subjected to a detriment by the worker's employer for leaving or refusing to return to the worker's workplace ... in circumstances of danger which the worker reasonably believes to be serious and imminent."

Employees are also given the right not to be subject to detriment for taking steps to protect themselves or others from danger that they:

"reasonably believed to be serious and imminent".

Those important provisions, however, have not previously applied to workers.

Members may wish to note that the equivalent protections for employees in England, Scotland and Wales are enshrined in sections 44(d) and (e) of the Employment Rights Act 1996. In May 2020, the Independent Workers' Union of Great Britain brought a judicial review against the Secretary of State for Work and Pensions and the Health and Safety Executive in Great Britain. I understand that the union has around 5,000 members who are predominantly classed as workers. They include individuals involved in occupations such as taxi and private hire drivers, chauffeurs, bus and coach drivers, van drivers and couriers. In November 2020, the High Court found that the UK had not fully implemented the EU health and safety framework directive into domestic law in section 44 of the Employment Rights Act 1996. It concluded that some protections that apply only to employees should also extend to limb (b) workers. The court accepted that the UK was not required to extend unfair dismissal provisions to limb (b) workers and that it had properly implemented the general obligations of the health and safety framework directive.

Having considered the court judgement, my predecessor, Minister Dodds, decided to amend article 68(1)(d) and (e) of the Employment Rights (Northern Ireland) Order 1996 in order to ensure that workers in Northern Ireland can enjoy those important rights in the same way as employees. Ministers in the Department for Business, Energy and Industrial Strategy introduced similar legislation, the Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021, which came into force in England, Scotland and Wales, in parallel with the Northern Ireland order, on 31 May 2021.

Whilst the judicial decision may have been a catalyst for the change, the order is about more than responding to a High Court ruling. It will provide greater clarity for businesses and employers generally about their responsibilities. As limb (b) workers represent a small share of the workforce, the direct cost to business of any changes is expected to be very low. However, that does not make the order any less important. The protections are invaluable for employees and workers who have continued to work throughout the pandemic and for those who are returning to work as businesses emerge from lockdown.

Many will, undoubtedly, have a significant role to play in our economic recovery from the COVID-19 pandemic. The order will provide our

most vulnerable workers with the legal protection that they need to act to ensure their safety and the safety of others without the fear of suffering a detriment for doing the right thing. It is only equitable that our workers have the same legal protections from detriment as employees. We want them to do the right thing by taking the necessary steps to protect their safety and that of others and to protect them from suffering a detriment when they do so. That includes protecting them from being denied normal promotion, training opportunities or the refusal to pay seniority bonuses.

The court also held that the Personal Protective Equipment at Work Regulations 1992 should be extended to limb (b) workers. I understand that officials at the Health and Safety Executive for Northern Ireland have begun work to consult on and extend those regulations to all workers, with a view to further legislation being laid later this year.

In conclusion, in my new role as Minister with responsibility for employment law, I wish to protect workers' rights and support businesses, employees and workers through the challenges created by the COVID-19 pandemic. I am most grateful to my predecessor, Minister Dodds, for bringing forward this important legislation and to the Economy Committee for its scrutiny of the order. I urge the Assembly to support the motion. I hope that I have provided the House with sufficient explanation of the purpose of the order and will, of course, respond to any points made by Members in my closing remarks.

Dr Archibald (The Chairperson of the Committee for the Economy): As Chair of the Economy Committee, I support the motion on its behalf. As the Minister indicated, the Employment Rights (NI) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (NI) 2021 will ensure that all employees and workers have the right not to be subjected to a detriment by their employer for leaving or refusing to return to their workplace or for taking steps to protect themselves:

"in circumstances of danger which the worker reasonably believed to be serious and imminent".

That gives clarity to workers and businesses and supports workers through the challenges created by the COVID-19 pandemic.

The Committee agreed the statutory rule on 20 April 2021, subject to the report of the Examiner of Statutory Rules. The rule came into operation on 31 May. The Examiner of Statutory Rules

has no issue with the rule, and on the Committee's behalf, I confirm its support for the motion.

As Sinn Féin economy spokesperson, I welcome that the protections are being extended from employees to workers. All workers should be entitled to the same health and safety protections. I am, therefore, happy to support the SR. I am glad to hear the Minister say that he is looking at regulations on PPE and that those are being progressed. I look forward to them being brought forward.

Mr Frew: I thank Members for their consideration of the order. Limb (b) worker status allows for flexibility in the labour market whilst providing day-one worker rights and protections. Workers play a key role in our economy. In many cases, workers have been front and centre in helping us to meet the challenges created by the COVID-19 pandemic, and, no doubt, they will continue to play an important role as we seek to rebuild our economy. It is imperative and only fair that we take the appropriate steps to ensure their safety.

The order will ensure that employees and workers alike are protected from detriment in health and safety cases in the workplace. As I previously stated, that includes having the right:

"to not be subjected to a detriment by the worker's employer for leaving or refusing to return to the worker's workplace ... in circumstances of danger which the worker reasonably believes to be serious and imminent."

It also includes the right not to be subject to detriment for taking steps to protect themselves or others, again:

"in circumstances of danger which the worker reasonably believes to be serious and imminent".

It is a very important order, and I hope that the Assembly will join me in supporting it.

Question put and agreed to.

Resolved:

That the Employment Rights (Northern Ireland) Order 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order (Northern Ireland) 2021 be approved.

Adjourned at 5.09 pm.

Suggested amendments or corrections that arrive no later than two weeks after the publication of each report will be considered by the Editor of Debates.

They should be sent to:

✉ **Editor of Debates, Room 248, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1135**

✉ **simon.burrowes@niassembly.gov.uk**

Hansard reports can be made available in a range of alternative formats, including large print, Braille etc. For more information, please contact:

✉ **Hansard Admin Unit, Room 251, Parliament Buildings, BELFAST BT4 3XX**

☎ **028 9052 1463**

✉ **hansard@niassembly.gov.uk**

The Official Report (Hansard) is licensed under the Open Northern Ireland Assembly Licence, which can be accessed here: [Open Data Licence](#)

[To receive an alert each time an updated plenary report is published, you can follow @NIAHansard on Twitter](#)