



Committee for Communities

Minutes of Proceedings

Thursday 11 March 2021

Meeting Location: Room 29, Parliament Buildings, Belfast

Present: Ms Paula Bradley MLA (Chairperson)
Mr Andy Allen MLA
Mr Robin Newton MLA

Present by Video or Teleconference:

Ms Kellie Armstrong MLA (Deputy Chairperson)
Mr Alex Easton MLA
Mr Mark Durkan MLA
Ms Karen Mullan MLA

Apologies: Mr Fra McCann MLA
Ms Sinéad Ennis MLA

In Attendance: Dr Kevin Pelan (Clerk Assistant)
Mr Sean McCann (Assistant Assembly Clerk)
Mr Oliver Bellew (Clerical Officer)



In Attendance by Video or Teleconference:

Ms Antoinette Bowen (Clerical Supervisor)

Mrs Claire McCanny (Assembly Clerk, Bill Office)

The meeting commenced at 9.20 am in open session.

1. Apologies

As above.

2. Chairperson's Business

The Chairperson highlighted the successful young persons' Zoom event on the Licensing Bill, facilitated by the Assembly Engagement Team, on the evening of Tuesday 9 March.

The Chairperson thanked the young people who attended who had been put forward by NI Football Association, NICCY, Antrim Grammar, a Hockey Society, a Dance Academy, Girlguiding, Co-operation Ireland, Youth Action and Voice Of Young People In Care (VOYPIC).

The Chairperson advised Members that notes of the event will be circulated to the Committee as soon as possible.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 4 March 2021.



4. Matters Arising

Examiner of Statutory Rules Report

The Committee noted the Twenty Eighth Report of the Examiner of Statutory Rules 2020 – 2021.

Departmental response on the Review of Charity Regulation

The Committee noted the response.

Agreed: The Committee agreed to forward a copy of the response to the original correspondent.

Departmental response on the Renewal of the Personal Independence Payment (PIP) Contract

The Committee noted the response.

Departmental response on the draft Programme for Government

Members raised concerns regarding the lack of inclusion of a second housing outcome in the public consultation on the draft Programme for Government.

Agreed: The Committee agreed to write to the Department to ask why the public consultation on the draft programme did not include a second housing outcome.

Departmental response on the Discretionary Support Fund and Help with Health Costs

Members noted that Universal Credit in Northern Ireland is delivered through a Department for Work & Pensions (DWP) computer system and that it was not possible to include the facility to apply via this system for the Universal Credit Contingency Fund which is unique to Northern Ireland.

Members raised concerns regarding access to information on the fund, particularly for those claimants with reading difficulties and those applicants for whom English is not their first language.



Agreed: The Committee agreed to write to the Department asking if information on the fund is available in an easy read version and to ask if there are alternative options available to applicants for whom English is not their first language.

Members noted that there was an option to make bespoke amendments to the DWP computer system.

Agreed: The Committee agreed to write to the Department to ask if they have had any discussions with DWP about the possibility of availing of this option and to ask whether the Department or DWP is responsible for the costs of amendments.

Departmental response on Covid-19 Heating Payment Appeals Funding

The Committee noted the response.

Departmental response on the Covid-19 Culture, Languages, Arts and Heritage Funding

The Committee noted the response.

Departmental correspondence on the Social Inclusion Strategies Expert Panel Reports

The Committee noted the response.

5. SL1: The Occupational and Personal Pension Schemes (General Levy) Amendment Regulations (NI) 2021

The Chairperson advised Members that the proposed regulations give effect to new rates that will be used to calculate the general levy payable by occupational pension schemes and personal pension schemes.

Agreed: The Committee agreed that it was content with the proposal for the Statutory Rule.



6. SL1: The Social Security (Claims and Payments) Telephone and Video Assessment Regulations (NI) 2021

The Chairperson advised Members that the proposed regulations will expand the channels for medical examination and consultation, in addition to those methods currently available to the Department for Communities (DfC). The regulations will enable medical examinations and consultations to be conducted in person, by telephone or by video to meet the needs of different claimants.

Members, whilst content for the Department to proceed to make the rule following assurances from the Officials, felt that people are still unaware of all the options open to them when it comes to assessments for claim and payments.

Agreed: The Committee agreed that it was content with the proposal for the Statutory Rule.

Agreed: The Committee agreed to write to the Department to ask that it is made clear to claimants that telephone and video assessments are an option, not a requirement and that, if claimants wish, they can wait to have a face to face assessment.

7. SR 2021/48: The Guaranteed Minimum Pensions Increase Order (NI) 2021

The Committee considered SR 2021/48: The Guaranteed Minimum Pensions Increase Order (NI) 2021 which specifies the percentage by which the guaranteed minimum pension element of an individual's occupational pension entitlement (a person could accrue a guaranteed minimum pension in a contracted-out occupational pension scheme between 1978 and 1997) is increased with effect from 6th April 2021.

Agreed: The Committee considered SR 2021/48: The Guaranteed Minimum Pensions Increase Order (NI) 2021 and, subject to the Examiner of Statutory Rules Report, had no objection to the Rule.



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8. SR 2021/55: The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Conditions and Amounts) (Amendment) Regulations (NI) 2021

The Committee considered SR 2021/55: The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Conditions and Amounts) (Amendment) Regulations (NI) 2021 which amends the Pneumoconiosis, etc., (Workers Compensation) (Payment of Claims) Regulations (Northern Ireland) 1988 to increase the amounts payable under the Order from 01 April 2021.

Agreed: The Committee considered SR 2021/55: The Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Conditions and Amounts) (Amendment) Regulations (NI) 2021, and recommended that it be affirmed by the Assembly.

9. Correspondence

- i. The Committee considered a request from Hospitality Ulster to brief on its Hospitality Recovery Plan.

Agreed: The Committee agreed to schedule this briefing after the Committee Stage of the Licensing Bill has ended.

- ii. The Committee considered a request to brief from Co Ownership on the Minister's Housing Policy.

Agreed: The Committee agreed for the Chairperson to meet with representatives from Co Ownership and to bring a note of the meeting back for consideration at a future meeting.

- iii. The Committee considered a Departmental response in relation to the Discretionary Support Self-Isolation Grant.

Agreed: The Committee agreed to forward a copy of the response to the original correspondent.



The Committee noted the following:

- i. Department of Finance Spring Supplementary Estimates 2020- 2021.
- ii. The North South Language Body Annual Report & Accounts 2018.
- iii. Letter from RSPB to the Finance Minister requesting the establishment of a Green Recovery Fund.
- iv. Departmental letter in relation to the Consultation on the Role and Regulation of the Private Rented Sector.
- v. Copy of Local Government Auditor's Code of Audit Practice.
- vi. Copy of the Historic Buildings Council Report 2016-2020.
- vii. Correspondence from the Committee for Finance in relation to the Covid-19 Business Support Schemes.

10. Forward Work Programme

Members noted that, at its meeting on 18 March 2021, the Committee will continue its deliberations on the Licensing and Registration of Clubs (Amendment) Bill.

11. Any Other Business

There was no other business.

12. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 18 March 2021 at 9.15 a.m. in Room 29, Parliament Buildings.



13. Committee Deliberations on the of the Licensing and Registration of Clubs (Amendment) Bill

The Chairperson reminded Members that the Committee had agreed at its meeting on 4 March 2021 to consider clauses by subject matter rather than in strict numerical order.

The following Departmental Officials joined the meeting:

Mr Liam Quinn, Urban Regeneration Strategy Director

Ms Carol Reid, Social Policy Unit

The Officials provided Members with a brief overview of each of the clauses. The Chairperson gave a summary of the key issues raised in evidence to the Committee before asking Members for their views on each clause.

Clauses 1 and 23: Removal of additional restrictions at Easter

The Chairperson advised Members that there was considerable support for the modernisation of licensing laws with the removal of restrictions at Easter.

The Chairperson highlighted the public health evidence against expanding any permitted hours on the basis that increased accessibility further encourages alcohol consumption.

Members discussed a number of concerns regarding the protection of the rights of workers over the Easter period and other religious festivals of significance.

A Member asked whether there was scope to consider staff protection in the Bill, or whether current protections in place in the retail sector would be taken forward to include the hospitality industry.

Agreed: Departmental Officials agreed to seek clarification from the Department for the Economy regarding protections for staff working in the hospitality industry.



Clause 2: Public houses and hotels: further additional hours

The Chairperson advised Members that evidence to the Committee indicated considerable support for this modernisation of licensing laws to improve the night-time economy and to support changes in consumer behaviour and the expectations of tourists.

The Committee discussed a range of issues including those in relation to Article 44 and 45 of the Licensing Order. Issues were also raised relating to Sunday trading hours into Monday and definition of entertainment.

Members raised concerns on the long term public health impacts of increased accessibility to alcohol and the likely resource impacts on the PSNI and health and social care service.

A Member raised the issue of a 'night time levy' and the lack of consultation on this issue.

Members agreed with the Departmental Officials that to amend the bill to impose a levy now, as the hospitality industry emerge from the impact of COVID-19, would not be appropriate.

Members discussed the option of 'future proofing' the bill by building a review mechanism into the Bill. This could include options for the introduction of a night-time levy, following appropriate consultation.

Agreed: Departmental Officials agreed to provide clarification on the issues raised in relation to Article 44 and 45 of the Licensing Order.

Clause 4: Police authorisations for additional hours

Members questioned why there was disparity between small and large pubs regarding additional hours and why the maximum number of authorisations should not be 104 occasions for all premises.

Members also queried where the increase from 20 to 85 occasions originated from.



Clauses 5 and 24: Extension of “drinking-up time”

Mark Durkan declared an interest as family members own licensed premises.

The Committee raised concerns that more drinking-up time will result in individuals purchasing larger quantities of alcohol at last orders, staying in the premises for longer, and becoming more intoxicated.

Members discussed the potential impact this would have on the PSNI and health and social care service.

A Member discussed the possibility of having a review of this clause built into the legislation.

Departmental Officials advised that there was no need for a review of the extension to be on the face of the Bill, rather that the Minister could give a commitment to the Assembly to review the extension.

The Officials also confirmed that drinking-up time related only to an establishment or part of an establishment where alcoholic drinks are sold i.e. not at an underage event in a hotel.

A Member asked if implementing drinking-up time was optional for the licence-holder.

The Officials advised that it was optional but that it would be good practice for the licence-holder to advise patrons of the drinking-up time they would be afforded.

Clause 7: Licensed race tracks: Sunday sales

The Chairperson advised Members that the Committee had received limited evidence on this Clause and that the representative from Dumbo Park Ltd welcomed the plans when he briefed the Committee at a previous meeting.

Clause 3: Alignment of closing time for liquor and entertainment

The Chairperson advised Members that there was a mixed response to this proposal in the Bill. Although it had been welcomed by a range of stakeholders, a number of other submissions highlighted that it does not permit any flexibility for a licensee who



wishes, with good intentions, to provide entertainment beyond the hours of their alcohol licence.

Members discussed concerns that the Clause has the potential to fetter the discretion and powers of local councils and prevent them from acting to suit local circumstances.

Members also discussed the disparity between the definition of entertainment in the entertainment licence and in the licensing order and the potential need to modernise the definition of entertainment.

Clause 9: Requirement for off-licence

The Chairperson advised Members that evidence gathered generally supported the strengthening of the law around delivery of alcohol, particularly that it should ensure that dial-a-drink type services, run without proper enforcement or monitoring, will in future be able to be policed properly.

Members raised a number of concerns regarding the increased availability of alcohol due to the increasing number of intermediary companies now offering delivery services, including the practicality of enforcing this clause beyond licensee deliveries.

The Chairperson highlighted PSNI concerns regarding current gaps in licensing legislation that had come to its attention during the pandemic relating to road side van sales of open pints and drinks and off-selling of open alcohol (pints and cocktails) from their off-sales.

The meeting was suspended at 10.40 am and restarted at 10.52 am

Clause 14: Restaurants and guest houses: notice displaying licence conditions

The Chairperson advised Members that the main comments made on the clause was that the requirement would be unlikely to have an impact on the illegal activity of the small group of restaurants that trade outside the restrictions of their licence.

Robin Newton re-joined the meeting at 10.55 am



Clauses 15 and 30: Prohibition on self-service and sales by vending machines

The Chairperson advised Members that the majority of responses supported prohibition on sales via vending machine and any supply of alcohol not made under the direct supervision of a licensee.

Members sought clarification around click and collect storage, self-service checkouts and other display boxes.

The Chairperson asked about the use of an 'honesty box' to pay for alcohol.

The Officials indicated they would need to examine this issue in more detail.

Clause 18: Occasional licences: conditions

Members discussed the inclusion of a provision for an organisation to apply for an occasional licence in order to hold a festival or event without the need for an existing premises licence holder being involved.

In particular, Members discussed how councils could run events with an occasional licence.

Members also raised concerns that some local producers may find themselves worse off as they currently use occasional licences in order to hold occasional taproom events.

Clauses 19 to 32: Code of practice

The Chairperson reminded Members that there was a wide range of opposing views on this matter.

Members discussed whether the current voluntary-led code is flexible and fit for purpose for the licensed trade.

The Officials advised the Committee that if the licence holder does not sign up to the code then their licence will not be renewed.

Clause 20: Body corporate: change of directors

A Member raised concerns regarding the level of the fine proposed.



The Officials noted that the level of fine was in keeping with companies' legislation.

Clause 21: Removal of exemption for angostura bitters

Members indicated that they were content with this clause.

Clause 16: Restrictions on off-sales drinks promotions in supermarkets etc.

Members discussed and sought clarity on the distribution of leaflets/brochures within a 200m radius of licenced premises.

The Officials advised that they would seek legal advice on this issue.

The Officials also suggested that a public health campaign was required on drinks promotions.

Agreed: The Departmental Officials agreed to provide clarification on the issues raised.

Clause 17: Prohibition of Loyalty Schemes

Members discussed the operation of different loyalty schemes by larger retailers across the devolved administrations and the Republic of Ireland and noted that tobacco and lottery cards are not included in these schemes.

Members also recognised that retailers would require sufficient lead-in time to make the relevant changes.

Agreed: The Departmental Officials agreed to provide clarification on the variation in loyalty schemes across the UK.

Clause 31: Restrictions relating to Advertisements (for registered clubs)

Members indicated that they were content with this clause.



Clauses: 6 and 25 - Major Events

The Chairperson informed Members that the evidence the Committee had received showed considerable support from a broad range of stakeholders for varying licence conditions to support the viability and sustainability of major events.

Members asked questions about the definition of a major event.

A Member asked the Officials if, in the absence of a Minister, the Department should have the power to designate major events.

Agreed: The Departmental Officials agreed to provide clarification on this issue.

Clause 8: Licence for Off-sales (small producers)

The Chairperson advised Members that this clause had already caused considerable debate during the Committee's evidence sessions.

Members raised concerns that this had been an issue since the proposed 2016 legislation and yet the Officials did not include it in the Bill consultation or carry out any of the extensive research which they now say is necessary before they could make any recommendations on taprooms.

The Committee agreed to cease deliberations on the Clauses of the Licensing and Registration of Clubs (Amendment) Bill at 12.45 pm

The Chairperson thanked the Officials for their attendance.

The meeting moved into closed session at 12.48 pm to allow the Committee to be briefed by an Official from the NI Assembly Bill Office.

The meeting was adjourned at 13.17 pm.

Paula Bradley MLA



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