



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill:
Department for Communities

24 November 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colum Eastwood (Chairperson)
Ms Michelle Gildernew (Deputy Chairperson)
Mr Andy Allen
Mr Jonathan Bell
Mrs Naomi Long
Ms Nichola Mallon
Mr Fra McCann
Mr Adrian McQuillan
Ms Carál Ní Chuilín
Mr Christopher Stalford

Witnesses:

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

The Deputy Chairperson (Ms Gildernew): Lads, you are very welcome. Who wants to kick off?

Mr Liam Quinn (Department for Communities): I will kick off, thanks. The plan today is to go through the clauses and take questions from Committee members as we move through the Bill and discuss the issues.

There has been some discussion of large amendments that would fundamentally change the licensing regime in Northern Ireland. They include removing the surrender principle, transferring some of the responsibilities for licensing to local government and then possibly introducing the Scottish model, which has a number of licensing objectives and licensing boards. I caution against fundamental changes to a small Bill without the proper research and evidence base to justify them. That would be a very major change, and an amendment is probably not the best way of doing it. However, that is just a comment.

Ms Ní Chuilín: Maybe the Department should just do it, Liam, so we do not have to amend the Bill.

Mr Quinn: Yes. We shared the documents on the surrender principle with the Committee. When that was thoroughly researched a number of years ago, there was no strong evidence one way or the other.

We will now go through the clauses. Clauses 1 and 16 concern additional hours at Easter. Carol will talk us through them.

Ms Carol Reid (Department for Communities): As Liam said, clauses 1 and 16 cover Easter hours. The Minister stated at Second Stage that Easter is a period of special significance, that that is reflected in law and that he is not prepared to remove the current restrictions entirely.

The Deputy Chairperson (Ms Gildernew): The lot?

Mr F McCann: He says "entirely": do you know what he means by that?

Ms Reid: I think that he is content with the status quo, which is the change to the Thursday night.

The Deputy Chairperson (Ms Gildernew): He is not even prepared to go with the Saturday, as was in the original draft of the Bill.

Ms Reid: The Minister removed that from the draft put to the Executive.

Clause 2 is on applications to court for additional hours. The policy intent is to allow for special occasions, and the 12 occasions allowed for in the Bill equate roughly to once a week. We will take back any amendments that the Committee puts forward to the Minister to consider.

Mr Quinn: Once a month.

Ms Reid: Once a month, sorry.

The Deputy Chairperson (Ms Gildernew): The Minister is sticking with 12 times a year.

Ms Reid: We can bring back to him anything that the Committee proposes in its report.

Mr Allen: Is the Minister content with 12 times a year, having heard the evidence from stakeholders? Has he given any views on that?

Mr Quinn: He has not really given any views. He will consider any amendments suggested by the Committee. If the Committee is minded to increase the number from 12, he will look at that. He is fairly certain, though, that the 104 additional nights proposed by the hospitality industry is a step too far. That is to go to general 2.00 am opening every weekend — Friday and Saturday, essentially. That was not the purpose or the policy intent of the clause. It really was just for special occasions.

The Deputy Chairperson (Ms Gildernew): The evidence that we have heard is that the application process for additional nights is onerous and that a lot of pubs will not take up the option, but the fact that it is in there means that there is flexibility in the system.

Mr F McCann: I understand the policy intent. As a matter of fact, Liam, you and I are old enough to have sat through these discussions and debates before. The Committee is tasked with looking at the wider issue of how the legislation impacts on daily life, whether people are for or against it. We have to take the economics into consideration and the fact that we live in a changing world, where tourism, entertainment and socialising play a major part in people's lives. It is easy for the Minister to say, "I will not go this far", but we as a Committee have to set ourselves the task of doing what we believe to be right.

Ms Mallon: We also received in our submissions some evidence from the PSNI — I hope that I am accurate in how I reflect it — that regularisation and a level of predictability might help them plan their resources. Was that evidence shared with the Minister?

Mr Quinn: The view is that the policy intent here was to facilitate special occasions rather than regular late-night opening. That was what was consulted on as part of the Bill. As Fra rightly says, the Committee will take its own view, and, having listened to evidence from the PSNI, it may come forward with its own proposal. The Minister will consider that at the time, but the policy intent of the clause was for special occasions, not regular late-night opening.

Ms Ní Chuilín: We have loads to get through here. I assume that the Minister has heard and read much of what we have had to say. It is the Committee's prerogative to amend the legislation. You are here on the basis that we have had discussions. You are trying to reflect what the Minister's views are

as a result of those. If there has not been a change of mind or a significant shift one way or the other, it really is down to us to work out what we as a Committee need to do with the Bill.

The Deputy Chairperson (Ms Gildernew): Absolutely.

Mr Allen: Can the views of the Minister be sought on whether he is minded to table any amendments? If the Minister is minded to make any changes, it will be much better for him to do so than us. I am sure that he has been copied in on a lot of the evidence that we have received. If we can even get a view on whether the Minister is prepared to increase on 12 occasions, that will give us a happy medium, and we can then get a consensus on the Committee on where we want to go with things.

Mr Quinn: If the Committee wishes to write to the Minister setting out what the Committee's view is or seeking the Minister's view on a range of issues, he will certainly respond. Maybe that is the way forward. There is very limited information that I can pass on here.

Ms Ní Chuilín: We understand that.

Mr Allen: Has the Minister not given any additional views to the Department on any of the clauses to say whether he is prepared to amend?

Mr Quinn: Going through the whole lot very quickly, I can say that the one on which he has indicated to me that he is prepared to consider a change is on the extension of drinking-up time. The Bill as drafted has a one-year review period.

Ms Ní Chuilín: Is that clause 5?

Mr Quinn: Yes, clause 5. The Minister has indicated that he accepts that a year might not be long enough and that we could have the review over a two-year period. Other than that, there is not awful lot more that I can say by way of movement. We can explore the issues and discuss the pros and cons of various approaches, but I do not know what the Minister's mind is at this stage.

Mr Allen: Sorry, I know that we are jumping ahead of ourselves, but has he not given any views on microbreweries?

Mr Quinn: He has not said anything formally, but I know that he is fairly receptive to that. He mentioned in the House at Second Stage that he understands that those are niche drinks from craft breweries and that they will not contribute to disorder or have a huge impact on health. He is fairly receptive to that, and he has said so publicly.

The Deputy Chairperson (Ms Gildernew): Liam, do you want to go back to the order in which the paper is set out so that we can go through this clause by clause?

Ms Reid: On clause 5, as Liam said, we have listened to the information given in the evidence sessions. We have listened to the arguments, and the Department sees merit in extending the review to in the region of two years. That would ensure enough time to carry out the review and implement any regulations, if that were to be the way forward. Liam, you wanted to talk about clause 5(2).

Mr Quinn: The other part of clause 5 relates to removing sealed containers from pubs during drinking-up time where there is a late licence. This is not really about the issue that Hospitality Ulster mentioned, whereby somebody goes shopping, buys a bottle of wine and then falls foul of the law when taking groceries home. The Bill was drafted in response to police concerns about young people bringing large carry-outs into licensed premises and then, at closing time, removing the carry-out and taking it to the beach or a local park where the party will continue. This was leading to disorder, particularly in coastal resorts. It was the police who raised the issue with us a number of years ago, and that is why the subsection was inserted in the Bill.

Clause 6 is on the alignment of liquor licences. The Minister is prepared to stick with what we have. The police and the hospitality industry are supportive of the clause. The hospitality industry does not want competition from bars that are illegally trading, and, where there is an entertainment licence that runs well past the time at which you can legally sell alcohol, there is a temptation to serve alcohol illegally. That is unfair competition for the rest of the trade, which is abiding by the law.

(The Chairperson [Mr Eastwood] in the Chair)

The other issue is that, in some of establishments, there have been issues with drugs. No alcohol is being sold, and music is going on to 4.00 am or 5.00 am. The Committee Clerk mentioned to me before a possible link between clause 5 and clause 6, and, if the decision to extend drinking-up time to an hour does not proceed after the review, we may want to revisit clause 6. If drinking-up time is not extended, it will be because there has been significant disorder or a nuisance caused by the drinking-up time being extended. We therefore do not really see the link between clauses 5 and 6 in that regard.

Mr Allen: A number of stakeholders expressed concern about individuals ordering large quantities of drink in that period. Is the Department minded to monitor that? How will it take that into consideration? Are pubs ejecting people earlier? Once they have stopped selling, there is no benefit to them in having people on the premises.

Mr Quinn: A bar can remove anybody as soon as it stops serving, if that is what it wishes to do. You do not have a right to remain on licensed premises during drinking-up time. We will discuss the impact of the additional 30 minutes of drinking-up time with the hospitality industry, the police and the local councils, which are probably best placed to monitor any disorder or nuisance being caused to local residents and so on.

Mr Allen: Will they provide feedback periodically to the Department and the Minister during the review period?

Mr Quinn: Yes. That is the intention.

The Chairperson (Mr Eastwood): We will move on to clause 7.

Mr Quinn: The removal of the requirement for the children's certificate is broadly welcomed. It is a layer of bureaucracy that is being removed.

Clauses 8 and 19 concern underage functions, which, obviously, are for people under 18 years of age. They can use licensed premises provided that the optics are closed, drink is not on display and any gaming machines limited to over-18s are removed from that portion of the premises. That is as far as we are going on that one. There has been some talk about allowing people under 18 to remain at family weddings past 9.00 pm or 9.30 pm. Should the Committee be minded to table such an amendment or come forward with its views on that, the Department and the Minister will certainly consider it. It is a difficult one. We listened to the evidence from the Chief Medical Officer. Licensed premises are essentially an adult environment. Having young children running around licensed premises late at night is probably not a good idea. It is not the sort of thing that you want to have happening generally. An exception for family events might be worth looking at, but that would need to be fairly well defined, and some controls would need to be put in place. I think that one of the stakeholders talked about birthday parties. If premises held an eighteenth birthday party, for example, you could have a significant number of people under 18 trying to attend and all the problems that go with that.

Mr McQuillan: Sorry for being late. I was stuck on the motorway.

The Chairperson (Mr Eastwood): I know the feeling.

Mr McQuillan: Liam, will you clarify the difference between a person at a wedding and a resident staying over at a wedding? Do you still have to leave the wedding at 9.30 pm if you are a resident? What way does it work?

Mr Quinn: Essentially, for residents of a hotel, the law treats the hotel as being part of their home. Generally, the whole of a hotel will be licensed, including bedrooms, in which you might have a minibar. Young people who are residents of the hotel are permitted to stay on the premises 24 hours a day, as they would be in their own home. There is no requirement for a resident to leave a family function at 9.00 pm.

Mr F McCann: It is a bit of a nonsense. We have been told that the licence of the hotel covers the whole hotel. I think that the grounds of the hotel, the car park and such things were mentioned.

Somebody here a number of weeks ago said that, if two 17-year-olds were to get married and have their wedding in a hotel, they would have to leave their own wedding. That is a complete nonsense. I am just making that point. I do not expect you to comment on it, Liam.

The Chairperson (Mr Eastwood): He gets your fairly strong view, Fra.

Mr Stalford: Could the law of unintended consequences flow from some of the proposed changes mentioned? People talk about events and what have you. If kids are allowed on licensed premises after a certain time, the sad reality is that there are irresponsible parents, so folk who abuse alcohol could be in charge of children. Could we be facilitating that, if we were to allow that to happen?

Mr Quinn: That is quite possible. If we were to remove the prohibition on young people being in bars after 9.00 pm entirely, that would be very likely to happen. People might just bring their children down to the bar rather than engage a babysitter. You then have an issue for other adults who are trying to enjoy a night out, yet children are running around or are crying because they want to go home.

Licensed premises are generally not good places for children to be, because they will witness behaviour that you do not want them to see. There is obviously a range. We are talking about under-18s, and Fra mentioned 17-year-olds at a wedding, but if you remove the prohibition completely, you will be down to small babies and toddlers.

Mrs Long: The difficulty is that the provision will be almost impossible to police, despite the fact that it will be there. People who are at the wedding and staying in the hotel will be able to keep their children with them at the wedding for the entirety of the event, but people who are not staying at the hotel and are driving home at night will have to take their kids home at 9.30 pm. Who will know which children belong to which adult? There is absolutely no way that the police will be wandering around checking out adults and children to determine whether they are staying in the hotel. Having rules that you cannot enforce is a bit of a waste of time.

Most responsible parents will take their children home when they are tired, so young children will leave events around 9.30 pm or 10.00 pm anyway. Older children who are there with their parents — 16- or 17-year-olds — because they are part of the company may stay later, but they are still not able to drink. They are not able to purchase any alcohol, and it is not allowed to be bought for them, so the law is still able to be enforced. I just think that having a rule that you have to remove children from a family wedding will be completely ignored and cannot be enforced easily.

Mr Stalford: Will you take a wee point?

Mrs Long: Sure.

Mr Stalford: I accept what you say about the rule not being enforced. I suspect that it is not being enforced at present. My concern is not so much about weddings, which, by their nature, should be rare events; rather, my concern is that, if we are to lift the prohibition on the time limit, it will be seen as a green light for licensed premises as a whole. You will then end up with what is effectively child abuse — irresponsible parenting — and there will be absolutely nothing at the state's disposal to act against that.

Mrs Long: To finish the point, I can absolutely see that, if it is non-residential premises such as a bar or a club, it is easy to police children leaving at a certain time. It is obvious that there is nowhere for them to stay, so no children should be there. When you are dealing with a special event happening on residential premises, it seems that there is some distinction made there, in that it is a hotel. Not all weddings are in hotels, but most of them are, and hotels are licensed premises that also have residential accommodation. There is something there that makes the provision unenforceable. People may end up breaking the law because no one enforces it, but I do not think that it is a good idea to encourage people to play fast and loose with the law simply because we cannot find a form of words to tie it down. That creates a bad culture when it comes to how people should behave. I just cannot see how the law can be enforced in a hotel setting.

Ms Gildernew: Setting aside the enforcement issue, the problem that we have seen with formals recently is that, because of the law, hotels are refusing to take that business, and it is business that they cannot afford to turn away. If we think about the evidence that we have got over the past number of weeks, the law might be looked at in such a way that it could be implemented either way, but hotels

will have to do what the law says or else they could be liable to prosecution. They will therefore end up not taking bookings.

We could have, as Christopher said earlier, the law of unintended consequences. If we look to the worst-case scenario in every clause that we are dealing with, we will end up with a situation in which we may as well not bother modernising the law. There will be very little change to what we have now, and what we have now is not fit for purpose. The tourism industry, the entertainment industry and our night-time economy are crying out for change. While the rest of the world moves on, we will be stuck in the past.

Liam, I am very concerned about what you have told me about the Minister's thinking, and I think that the Committee will have to do an awful lot of heavy lifting. Certainly, from the evidence that we have received, there is a will out there and a wish for us to modernise the licensing law, and it will be up to us to do it. We cannot always go to the worst-case scenario and work from there.

The Chairperson (Mr Eastwood): Liam, on Naomi's point about how we enforce this clause, how will it work? If there are 16- and 17-year-olds hanging around playing cards over in one part of the hotel while everybody else is in the main hall, how is this ever going to be enforced? I do not buy Christopher's point, because I do not know any publican who wants kids in their premises after 9.00 pm. They do not want them in at any time, to be honest, because it is just too much hassle for publicans. They do not want to put off other customers. I do not see this as being an opening of the floodgates for pubs and clubs. It just will not happen.

Mr Quinn: Clause 8 will permit underage functions on licensed premises. Therefore, young people under the age of 18 could be on the licensed premises until 1.00 am if that is the time that the licence runs to, provided the bar is closed in the function room. That is what the clause is offering. It takes account of school formals and other events that are run for children.

The Chairperson (Mr Eastwood): It does not deal with weddings.

Mr Quinn: No, it does not deal with weddings. That is not in the clause.

Mrs Long: The fundamental point is that, again, it creates a false divide within families, a point that I have raised a number of times. Young people can go to licensed premises where everything is shut down and closed and where there is no alcohol available, and that is fine. They can have their formal, and that is OK. They cannot be in a normal family setting, however, where parents are behaving responsibly, having a glass of wine with the meal, enjoying the wedding and being responsible. Young people are not able to stay in that family setting. In the majority of cases at weddings, that is what you are talking about. You are talking about people who are not abusing alcohol and not drinking to excess, largely because there are people — older and younger — in the company who moderate that behaviour. In some ways, by getting the children to leave at 9.30 pm, it is almost like saying that that is the point of the night at which everybody can go mad. That is not very healthy either.

Another thing is that, in order to enforce the law, people are increasingly being asked to remove all children from the room at the wedding at 9.30 pm. That has one of two effects: either children end up going to their room and being on their own or one parent goes with them. It is not a good environment for them. The wedding is still going on, and everyone knows it is still going on, but they have to sit in another part of the hotel while it takes place. They are still technically on the licensed premises but not in the room in which the event is taking place. That is the only way in which the law can be enforced at the minute, because, as I said, the police are not going to go around and check who owns which children.

The Chairperson (Mr Eastwood): This clause does not deal with that.

Mr Quinn: No, it does not.

The Chairperson (Mr Eastwood): If the Committee is so minded, we will have to figure out whether we want to add a new clause. That is the best way in which to deal with the specific issue of weddings.

We will keep going, Liam.

Mr Quinn: Clause 9 deals with the delivery of intoxicating liquor to young persons. During the evidence sessions, the supermarkets had concerns that there would be an impact on them, in that they would have to record the ID shown when a young person received a delivery of alcohol. In our view, that is not really a huge issue. All that they need to do is give the delivery driver a notebook and pen and ask them to record that they have seen a driving licence, passport or whatever. It is not just about supermarkets delivering food and alcohol. There are off-licences that deliver alcohol alone, so it is important that we have controls in place.

The Chairperson (Mr Eastwood): There is not much disagreement with that.

Mr Quinn: Clause 10 deals with restaurants and guest houses. The clause as drafted has been fairly well received. One issue that came up during some of the evidence sessions was around bring-your-own outlets, where people bring their own wine to a restaurant. The scope of the Bill is a matter for the Speaker, but, to me, unlicensed premises do not fall within the scope of a Bill about licensed premises. The Department and I are not aware of any significant issues of people misbehaving or causing disorder at bring-your-own restaurants.

Clause 11 and 12 are on the prohibition on self-service and sales via vending machines. The provisions have been widely welcomed, although the supermarkets suggested that there may be a point in the future at which there will be a way of selling alcohol remotely. The Department's view, and the reason why the clause was brought forward, is that the sale of alcohol must be supervised by a person who is there to check ID and to make sure that if someone has had too much to drink they are not served any more.

The Chairperson (Mr Eastwood): Just to play devil's advocate, if there is a technological solution to this at some point in the future, is there any way of —

Mr Quinn: Well, it would require a further amendment.

Ms Gildernew: It might not be a bad idea to get a point of view from Asda on what they are talking about on that one. No one here is dying for vending machines serving alcohol. We were pragmatic enough about that, but it would do no harm to explore it a wee bit further.

Mr Quinn: Aspects of clause 12, "Restrictions on off-sales drinks promotions in supermarkets etc.", appeared to cause some confusion. We have been advised that what we have is legally correct, but it may be worthwhile putting a further explanation in the Bill or in the explanatory and financial memorandum to explain what is meant by "premises". As drafted, the Bill says that the word "premises" has its ordinary meaning, which means the building plus the car park or anything else that is part of the premises. We will look to clarify that so that there is no doubt as to what exactly is meant.

The other issue that came up around drinks promotions was minimum unit pricing. As members will know, minimum unit pricing was passed by the Scottish Parliament in 2012, and recently the Court of Sessions in Edinburgh ruled that it would be legal to introduce minimum unit pricing in Scotland. I understand that the Scotch Whisky Association intends to appeal to the Supreme Court or at least seek leave to appeal. However, the Department of Health leads on that; it could possibly fall within the scope of the Bill, although that is a matter for the Speaker. The research has been done by the Department of Health, and were the Committee minded to move forward on this one, it would need to take a view from the Health Minister.

Ms Mallon: Has the Minister for Communities expressed a view? If there is the possibility that it does fall within the scope of the Bill, is it something that the Minister would be minded to look at?

Mr Quinn: The Minister has seen the evidence of the impact of minimum unit pricing and is fairly convinced that minimum unit pricing will have an impact on those who drink harmfully. Whether he would support an amendment, however, the policy is a health policy, so it will be the Health Minister who will decide whether we move forward with it.

The code of practice has been fairly well received. Supermarkets had some concerns about signing up to a code. In their evidence, they said that they would bring forward their own code but that they did not like the code as it exists currently. They feel that the code is dominated by on-sales and that they may unfairly pick on off-sales. However, looking at the operation of the code over the past three

or four years, they have had only one complaint about a supermarket, which was not upheld. The code cannot deal with issues of pricing, and most of the drinks promotions that supermarkets operate are on price, so they would be outside the scope of the code. Any amendments to the code would have to be approved by the Department. If somebody operating the code decided to take on the supermarkets in an inappropriate way, the Department can block it and remove recognition from that code if they are not carrying out the policy intent.

There is also talk of possibly extending the range of consultees. The Bill says that that would be discussed with the police. The reason why the Department worked with the trade to come up with a code in the first place was that it can respond very quickly to changes in the licensed trade. Within a matter of weeks, you can start to tackle bad practice and put a stop to it; whereas if you have to go through a full consultation with a range of health stakeholders, councils and so on, it runs into months, realistically. It is something that we would prefer to avoid if we want to respond quickly.

Clause 14, "Removal of exemption for angostura bitters", has been widely accepted. No significant issues were raised with clause 15, "Sporting clubs: extension of premises". Clause 20, "Young people in sporting club premises", refers to young people in sporting clubs during the summer months up to 11.00 pm. The summer months, when we consulted, were clearly June to August. The Minister at the time was lobbied by sporting organisations such as the Golfing Union of Ireland, the GAA, yacht clubs, and others that have sporting events going on late into the evening during the summer when there is daylight. The issue was that children could not sit in the club waiting to be collected by a parent or guardian after taking part in sport. That was why this proposal came forward. There is not much daylight going into September or earlier than that when there are sporting events up to 11.00 pm or even 10.00 pm.

Ms Gildernew: Aye, there would.

Mr Quinn: In September, up to 11.00 pm? Is it still bright at 11.00 pm?

Ms Gildernew: Well, maybe not 11.00 pm, but if the event does not finish until 9.00 pm —

Mr Quinn: Currently, they can stay on the premises until 10.00 pm. During the rest of the year it is 10.00 pm, and during the summer months we are changing it to 11.00 pm.

Ms Gildernew: Liam, the previous manifestation of the Bill had a four-month window. That is now down to two. Is that right?

Mr Quinn: No. We —

Ms Gildernew: There was some talk about a measure —

Mr Quinn: We consulted. The consultation gave a range of options, which covered six months, and the other option was two months. So, during the consultation, we gave a range of options, and the general view was that the summer months are June, July and August when children are generally off school. They may be involved in sport late in the evening, and it is useful from a diversionary point of view to keep them involved in sport.

Mrs Long: Is this not another issue to do with the conversation that we had about young people being at things like weddings and so on? What we are saying is that they can be at a golf club, for example, until 11.00 pm, but they can only be at the hotel down the road until 9.30 pm with their parents. You can see that there seems to be a disconnect between the two if you can be in one place until one time at night. Even as things stand, you can be there until 10.00 pm, so it is a half hour later than you can be in a local hotel. If you are at an event and have a meal, does that not disadvantage businesses in the hospitality industry that are not a sporting club but which, essentially, provide the same service in competition with the same group of people? I think that there is an issue there.

Mr Quinn: The law recognises that sporting clubs are different from the hospitality industry; they are there to provide sport for their members and guests. The halls that they often use as the bar are also used for indoor training, aerobics and so on. If we were to maintain the 9.00 pm cut-off period, it would mean that aerobics classes and indoor circuit training could not take place in a lot of sports halls.

Mrs Long: I am not arguing for limitation; I am arguing for consistency between the two. A golf club is a sports club, and you could easily have a wedding in a golf club as opposed to a hotel.

Mr Quinn: Providing that they are members.

Mrs Long: Yes, providing that the people getting married are members; however, not everybody there needs to be. You need two members to be able to do it. The point that I am making is that they are potentially in competition for events like that with other licensed premises and would not have the issue of, at 9.30 pm, saying to parents, "You have to take your kids home" because they would be able to stay until 11.00 pm. There is a need for consistency between those two to be fair to people who do not fall into this category but who, in some cases, will be directly competing.

Mr Quinn: All I was explaining was that there is a reason why sporting clubs are treated separately because their halls tend to be used for sporting events, circuit training and that sort of thing. Moreover, there is the issue of children waiting on the premises.

Mrs Long: Let us take sports clubs that have a separate bar and restaurant area so that we are not just talking about a single hall. Surely, they would be exactly the same in that context as a hotel, where, essentially, the premises are being used, but the bar/restaurant area is never being used for anything else.

Mr Quinn: In that regard, they would be, but the difference between a sporting club and a hotel is that it is not open to the public. It is a members' club.

The Chairperson (Mr Eastwood): That is debatable in a lot of ways.

Mrs Long: In terms of signing people in, it often —

The Chairperson (Mr Eastwood): Please continue.

Mr Quinn: Clause 22, "Restrictions relating to advertisements" refers to the restriction relating to advertisements for registered clubs. This came forward in the last liquor licensing Bill but was not moved, and there was general support for that. The advert will state, "For members and guests only".

I will move on to some other issues that came up and which the Clerk has drawn to our attention. The Minister has not expressed a view on these issues. It will be for the Committee, I suppose, to set out in written correspondence with the Minister whether you wish to consider these matters. There was written correspondence from the Turf Guardians on introducing penalty points for illegal gambling on licensed premises. There is the Drumbo Park issue. I know that they have given evidence to the Committee in its various guises over the years. There is the microbreweries issue. I think that the Minister has indicated that he has an interest in that.

The Chairperson (Mr Eastwood): What does he think about Drumbo Park?

Mr Quinn: He has not expressed a view formally. The other issues that I talked about at the start were the surrender principle and the impact on health. A couple of issues were raised by the Federation of Clubs, one of which was the legislation regarding accounting. It is possible for the Department to amend the regulations on accounting requirements by regulation. We are working with the PSNI to come up with an acceptable format. The restrictions on clubs' accounting were introduced many years ago when the police advice was that a lot of clubs — well, some clubs — were being run by paramilitary organisations and money was being siphoned off, so very tight accounting arrangements were put in place. The police are content that circumstances have changed and that the restrictions can be relaxed now. We can get that done fairly quickly by regulation.

The other issue is that the clubs sent forward an amendment on PSNI right of entry to clubs. The Department does not see any reason to implement that amendment because the right of entry to a club is exactly the same as it is to licensed premises, such as pubs or hotels. We have not sought the views of the police formally, but I would be very surprised if they were prepared to give up the right of entry to a club where a breach of the clubs' order was taking place or potentially taking place.

Mr McQuillan: I have a couple of wee questions on that. I am very keen that we do something about microbreweries. I would have thought that the Department would have drawn up some amendment

for that and brought it to the Committee. You also mentioned gambling on licensed premises. I have that problem at the minute in my constituency. What is the Department's thinking on that?

Ms Gildernew: You personally, Adrian? *[Laughter.]*

Mr McQuillan: I cannot stay away from it.

Mr Stalford: It is all gone: the house, the car, the wife's jewellery. All gone. *[Laughter.]*

Ms Gildernew: Well, you would get a few pound for Jonathan's jacket. *[Laughter.]*

Mr Stalford: It used to be a pair of curtains. *[Laughter.]*

The Chairperson (Mr Eastwood): You would get a few pound for wearing it. *[Laughter.]*

Mr Bell: I hope that Hansard records that the Chairman asked me when I came in whether I had won this jacket in a bet.

Mrs Long: He was assuming that you had lost. *[Laughter.]*

Mr Bell: I think that we are dealing with more important matters.

Mr Quinn: Gambling on licensed premises is illegal under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985; it is a matter of enforcement for the police. The bookmakers propose the introduction of penalty points, which would mean that, if you got three or four penalty points for each offence, ultimately you would have your licence suspended. I do not know whether the Committee wishes to hear evidence from them to tease out their thinking. From our point of view, betting on licensed premises is illegal.

Mr McQuillan: I would be happy enough for something to be done to tighten that up a wee bit. I would like to see something being done for microbreweries.

Mr Quinn: As we said earlier, if the Committee writes to the Department setting out its views on all the clauses or other additional clauses that it may want to insert, we will respond formally.

Mr Bell: Just on that point, what if somebody uses their mobile to bet while watching a football match on licensed premises?

Mr Quinn: Strictly speaking, that could be illegal, but the betting order is very out of date. It dates from 1985, long before the Internet was widely available and certainly long before mobile phones were readily available. It really only deals with people betting in person.

The Chairperson (Mr Eastwood): Exactly. The whole industry has changed.

Mr Stalford: To take up the point that Adrian raised, are you saying that if the Committee were to request it, the Minister would be prepared to accept an amendment for dealing with the issue of microbreweries?

Mr Quinn: I indicated that the Minister will respond, but he has certainly said that he is open to such a suggestion. How it is framed would be a matter of detail. There is a recognition that microbreweries will not contribute to disorder or health problems with alcohol. These are small breweries that create a small amount of employment and potentially provide a tourist offering as well.

Mr Stalford: Chair, is it necessary for me to make some sort of proposal, or do we just note it?

The Chairperson (Mr Eastwood): Not right now. Next week, we will begin to formulate our amendments, if there are any.

Mr F McCann: I thought that Christopher was going to propose that, considering the number of microbrewers in south Belfast. It has been argued at the Committee before that the best way to deal

with illegal gambling in pubs is to allow the Sunday opening of bookies. That would deal with it in one blow. We need to tackle that in the near future. Secondly, on police entry into clubs, I thought that it was much more than them just asking about entering clubs; it is about the circumstances of what happens when they go into clubs and the demands that they make in them. Has that been taken into consideration?

Mr Quinn: It has not been taken into consideration because there is no clause dealing with it and no amendment. The situation with clubs and other licensed premises is broadly the same. The only difference is that clubs have to maintain very detailed accounts as to where they got their drink, how much money is taken over the till, who is responsible for it and so on. That is the aspect that we are prepared to relax. That is one of the things that clubs have been lobbying for, and we are working on that with the PSNI.

Ms Gildernew: I am keen to know the Minister's thoughts on microbreweries as well. There will be quite a bit that the Committee needs to amend. We are keen that the Minister and the Department do what they need to do to ensure that there is a fair split in the amount of work that will be taken. I am also keen to know the Minister's view on Drumbo, because they made a very pertinent argument here. We hear rumours about where that will be, but I personally think that our party would be keen to see Drumbo treated the same as everywhere else. At this stage, we are getting conflicting reports about the Department and the Minister's thinking. We need to see both positions as soon as possible so that we can establish a Committee perspective.

Mrs Long: I agree with Michelle. If there is consensus on microbreweries and on Drumbo Park, what the Department can take forward really should be taken forward by the Department; it makes more sense than the Committee having to do it. If there is consensus, which there seems to be, there is no good reason not to do it that way round, as there will be things that the Committee may want to do that the Minister does not. Our attention should be focused on that and not on doing the Minister's work, essentially.

The other issue is gambling. I agree with Adrian that it will increasingly be an issue. There are two ways of addressing it: one is through the reform of gambling laws, and the other is in this Bill. Increasingly, it is not just a matter of somebody betting on their phone; it is much more than that. Terminals are being installed in bars by gambling organisations so that they provide the betting information, the terminals and everything else. It is a real problem. In Australia, you were allowed to bet on licensed premises, but they have now brought in laws to stop it because they have recognised that problem gambling is connected to problem drinking. When people have to get up, go out of the bar, place a bet and come back from a different premises, they are less likely to continue drinking and gambling for as long. When people can sit in the comfort of a bar drinking, they tend to place larger and larger bets as the day goes on, and it becomes a real problem. There are people who essentially go to the bar at lunchtime and sit there and gamble and drink all day, and it puts them in real danger because there is no break. They are separating their premises so that you will not be able to gamble on licensed premises anymore.

There is a genuine issue with the technology because it is no longer an informal thing. People are selling terminals to pubs and telling them that it is not breaking the law, yet, very often, the publican is either taking the money on their behalf or phoning through the bets to the company. There is no question that, when you do that on someone else's behalf, it is breaking the law. So, regardless of whether it is in here or via the gambling laws that need to be looked at, we need to look at a clearer line. I agree with Fra that part of it is that, on Sundays in particular, people cannot go to betting shops, so they are partaking in illegal gambling in pubs. That is where it started, but now it has become an industry. It is happening seven days a week.

Mr F McCann: There are also more protections for people in bookies.

Mrs Long: Look at the laws on bookmakers and what they have to do under the guidance, legislation and responsibility placed on them. None of that exists if people are gambling in pubs and clubs; it just does not happen. So, the protections that we are putting in place to prevent high-risk gambling, and so on, taking place are being done away with through a combination of digital terminals and those being sold quite aggressively in pubs.

The Chairperson (Mr Eastwood): I fully agree with all of that, but there is another point: there are plenty of pubs next door to bookies, and they are very busy during the day, for a reason.

Mr Quinn: The Institute of Public Health mentioned the need for an electronic register of alcohol licences, which sounds like a very good idea, as it would make it easier for everybody to see exactly where the bars are and what their opening hours are. However, that would be a matter for the Department of Justice and the Courts and Tribunals Service, which maintain paper records.

The PSNI are coming back to the Committee, I believe, with details on how they think the Bill should be amended to allow for large events. We await their response with interest. I am not sure what the detail is, but we will see what they come back with.

I think that I mentioned moving towards councils and away from the courts. It is a significant change, which I would caution against trying to do by an amendment to the Bill. People travelling by party buses and drinking on transport, and so on, would be outside the scope of the Bill because the Bill deals with licensed premises, and they are clearly not licensed premises.

An issue with pavement cafes was raised by the Northern Ireland Catholic Council on Social Affairs. I can write to the Committee on that because it is fairly detailed, but I am confident that the issue has been addressed in the pavement cafes legislation.

The Chairperson (Mr Eastwood): Thank you very much, folks, for coming in.