



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

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

6 December 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Communities

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

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**Members present for all or part of the proceedings:**

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

**Witnesses:**

Ms Claire McCanny	NIA Bill Office
Mr Liam Quinn	Department for Communities
Ms Carol Reid	Department for Communities

**The Chairperson (Mr Eastwood):** I invite the departmental officials from the social policy unit, Liam Quinn and Carol Reid, to come forward. You are very welcome, folks, and I am sure you know how this works by this stage.

How do you want to do this? There are a number of issues.

**The Committee Clerk:** There are a number of issues laid out in the pack, and the idea is to work our way through them. We need to get to a point where the Committee has a position on those issues. For example, if the Committee wishes that an amendment be made to a particular clause, we will write to the Minister stating the Committee's position and asking him if he would be willing to table an amendment. If he is not, the Committee can reconsider it at the next meeting and decide whether it will table an amendment of its own. It is really about trying to move things on to the point of decision-making on the clauses.

**The Chairperson (Mr Eastwood):** Do you have views? What way do you want to do it, Liam?

**Mr Liam Quinn (Department for Communities):** I am content to work as Kevin says. I think that we have got to the stage where we have explained the Minister's position on most of the clauses and everybody understands where we are. Really, we are waiting for the Committee now to come to a meeting of minds and write to the Minister saying, "This is what the Committee's settled view is on

each clause". The Minister will then consider the issues raised by the Committee and respond as quickly as he can to allow you to come to a formal, final view.

**The Chairperson (Mr Eastwood):** Thanks, Liam. All right, folks, we will go through this in the order that it is in front of us.

Clauses 1 and 16 are about additional hours at Easter. The Minister is content with the clause, which provides for later opening on the Thursday before Good Friday. If the Committee feels that this does not go far enough, it should aim to come to a position on what changes it feels are appropriate. There were a number of options discussed, including regular opening times from Thursday through to Sunday, Good Friday opening hours at night-time and daytime, later opening for the Saturday before Easter Day, and Easter Day opening hours. Do members have any specific questions on that for Liam or Carol or any views?

**Mr F McCann:** Obviously, you have detailed a number of options. The Minister, as of last week, had hardened his attitude on the likes of Good Friday and Easter opening hours. Listening to what some of the people from the industry who came in said, I thought that they were not hard and fast on a wide range of opening hours. What they asked for was fairly moderate. They were probably trying to not raise the ante with the Minister and were hoping that their suggestions would be accepted, but, unless I am wrong, this Minister seems to have clawed back on what Nelson McCausland proposed the last time there was a Bill on these matters.

**Mr Stalford:** We are content with the clause as it is.

**Mr Agnew:** I have one point and one question for clarification. As a minimum, we should propose an amendment to regularise the Saturday evening opening hours. That is what was originally consulted on by the previous Minister, and, going back to Fra's point, it was a moderate ask from the industry. The issue of restaurants came up, and I should know the answer to this, but are restaurants with licences allowed to open on Good Friday currently?

**Mr Quinn:** They are open from 5.00 pm until 11.00 pm on Good Friday.

**Mr Agnew:** It is at lunchtime that they are not allowed to open currently.

**Mr Quinn:** No licensed premises can open until 5.00 pm on Good Friday currently.

**Mr Agnew:** Could there be exploration around allowing restaurants to open with their bars closed?

**Mr Quinn:** That is permissible at present.

**Mr Agnew:** OK. I confirm then that, at the very least, we should look at the Saturday night opening hours.

**The Chairperson (Mr Eastwood):** Will we go through this issue by issue and then come back?

**The Committee Clerk:** Whatever way the Committee wants to do it is OK.

**The Chairperson (Mr Eastwood):** Does anyone want to make a proposal? Steven or Fra, did you make a proposal?

**Mr F McCann:** I will second what Steven proposes.

**Mr Agnew:** I propose that the Saturday evening before Easter Sunday be treated as a normal Saturday evening.

**The Chairperson (Mr Eastwood):** If there are no counterproposals, we will vote on that.

**The Committee Clerk:** The proposal is that the opening hours on the Saturday before Easter Day be regularised.

*Question put.*

*The Committee divided: Ayes 4; Noes 2.*

**AYES**

*Mr Agnew, Mr Allen, Mr Eastwood, Mr F McCann.*

**NOES**

*Mr McQuillan, Mr Stalford.*

*Question accordingly agreed to.*

**The Chairperson (Mr Eastwood):** Clause 2 is "Additional hours: applications to court".

**Mr Stalford:** Excuse me, I am listed to speak in the Chamber and have to go. I am sorry.

**The Chairperson (Mr Eastwood):** Nichola had the same issue, Christopher. We are still quorate.

The Bill, as drafted, permits later opening for an additional one hour for a maximum of 12 days a year. A number of different proposals were floating around on what we do with that. Hospitality Ulster is looking for 104 additional openings, which would be twice a week. The Minister cannot accept that. Liam, is that right?

**Mr Quinn:** Yes.

**The Chairperson (Mr Eastwood):** If we do not think that 12 is enough, we have to figure out what number we would like. I will open the floor for questions or comments. Do not be shy.

**Mr Agnew:** I am content with the industry proposal of 104.

**Ms Gildernew:** We will maybe put an alternative, given the feedback from consultees; 104 might be too many. We propose half of that. Go for 52, which is once a week as opposed to twice a week.

**The Chairperson (Mr Eastwood):** Will that be regularised to a specific night in a week? Is that what we are talking about? Part of the problem in the discussions that we had was that nobody would know which 12 days, 104 days or 52 days it would be. Are we deciding that we want to leave that open to the publican and the court? Or, do we want to say that it is a Saturday night, for example? Some of the questions were around the police and managing the resources; in fact, everybody managing the resources. I think that we need to detail that in what we are saying. Are we saying that it is open to the process that is laid down for the 12? Or, are we saying that it is a specific day?

**Mr F McCann:** I have argued all along that people's entertainment habits have changed dramatically over the past number of years. Not everybody goes out on a Saturday night; there are people who go out on a Sunday night, Friday night or midweek. If this is to help tourism, we need to leave it open to the industry and the people who run it. That would allow them to pick the night. If you say that it is a Saturday night, you might find out that it might not suit all of the industry to have it just on a Saturday night.

**The Chairperson (Mr Eastwood):** I am just trying to tease it out.

**Mr Agnew:** I am fairly sympathetic to the idea of it being a Saturday night, but I am thinking about particular holiday periods, such as bank holidays, and whatever —

**The Chairperson (Mr Eastwood):** I am not making a proposal; I am just trying to reflect some of the things that were said.

**Mr Agnew:** I can see that point of view. I just wonder if there needs to be some flexibility within that.

**The Chairperson (Mr Eastwood):** The PSNI have said that they do not think there will be any tangible benefits to regularising it. They are comfortable that, if it is extended, it is whichever day. Is that right?

**The Committee Clerk:** They gave us a sense that the scheduling would not impact on the cost, because there would be impact on their rotas. That is in members' packs. They do not believe that regularising the hours would be of any benefit to them.

**The Chairperson (Mr Eastwood):** OK. I raised it, and I will pull back. We have two proposals. Is there a meeting of minds?

**Mr Agnew:** If there is more likely to be consensus around 52, I can —

**The Chairperson (Mr Eastwood):** I remind members that we all have the opportunity as MLAs to put in any additional amendments. That will probably happen, especially when the Committee is divided. Fra, do you want to make a proposal?

**Mr F McCann:** I propose 52 days and that we are flexible on the times.

**Mr McQuillan:** I second that.

*Question put.*

*The Committee divided: Ayes 6; Noes 0.*

#### **AYES**

*Mr Agnew, Mr Allen, Mr Eastwood, Ms Gildernew, Mr F McCann, Mr McQuillan.*

#### **NOES**

*No members voted no.*

*Question accordingly agreed to.*

**The Chairperson (Mr Eastwood):** Clause 4 relates to additional hours and police authorisation. What is that about? The paper states that it aligns small pubs with clubs.

**Mr Quinn:** Small pubs can currently open 20 late nights a year with authorisation from the local police commander. The Bill proposes to increase that to 85 late nights. These are small bars that are not structurally adapted to provide entertainment or food. So, they cannot apply under article 44 in the way that a larger pub would. The proposal in the Bill is to increase the number of late nights to 85, which brings them into line with registered clubs.

**The Chairperson (Mr Eastwood):** OK. I do not sense an urgency for any amendments to that, unless anyone wants to put their hand up now. We are comfortable enough with the clause as drafted.

Right. We will deal with clauses 5 and 17 on the extension of drinking-up time. There was a lot of discussion about the trial extension of drinking-up time and whether we should extend the trial from one to two years. Had anyone a view on that?

**Mr Agnew:** There is a potential alternative to extending it from one to two years. I know that there was concern that, after the end of the one year, there would be a gap by the time the review was done. What about changing the assumption in the Bill? The assumption could be that, unless there is an objection within the year, the provision continues. If, after one year, everybody is happy, we keep it going, and it is made permanent. I do not know whether the Department or other members have a view on that.

**The Chairperson (Mr Eastwood):** How would that work in practice, Liam?

**Mr Quinn:** Currently, we have a sunset clause, which means that, at the end of 12 months, the extension to one hour would fall, unless that was itself extended. The Bill has been drafted in such a way — Carol can keep me right — that, should the sunset clause be removed, the Department would have a regulation-making power allowing it to revert back to 30 minutes, should there be a problem.

We have not discussed this with the Minister because this is the first time it has come up. Yes, that is achievable by redrafting what we have.

**The Chairperson (Mr Eastwood):** I tend to be uncomfortable about leaving that kind of control to the Minister, but I think that it probably makes sense in this instance. It will be very difficult after 12 months to revisit this in the way it needs to be revisited. I am comfortable with that.

**Mr F McCann:** I just want to pick up on what Steven and Liam were saying. There is a built-in sunset clause that will deal with it in another way, so that it will fall. I think that it makes sense to have one the other way. I take it that, if that is not built in, we may have to go to legislation again to change it. Then you would have the whole drawn-out process again. I just think that it makes sense.

**The Chairperson (Mr Eastwood):** Is the Minister going to amend it?

**Mr Quinn:** I have not discussed this matter with the Minister, Chair, because it just came up in the last few minutes. So, it would be a matter of the Committee writing to the Minister setting out its view that the sunset clause should be removed but a regulation-making power should remain to allow for reversion to 30 minutes if that was required in the future.

**The Chairperson (Mr Eastwood):** OK. We will put Steven's proposal to the vote then.

*Question put.*

*The Committee divided: Ayes 5; Noes 0; Abstentions 1.*

#### **AYES**

*Mr Agnew, Mr Allen, Mr Eastwood, Ms Gildernew, Mr F McCann.*

#### **NOES**

*No members voted no.*

#### **ABSTENTIONS**

*Mr McQuillan.*

*Question accordingly agreed to.*

**The Chairperson (Mr Eastwood):** Clause 6 deals with the alignment of liquor, entertainment and refreshment provision. Are members content that we align these licenses?

*Members indicated assent.*

**The Chairperson (Mr Eastwood):** There are no views to the contrary.

Clauses 8 and 19 cover underage functions. We are calling this the "school formal" clause. The wedding amendment will be dealt with later as a new amendment if we go that way. Are members content with the clause as it is, including the fact that there is no lower age limit? There has also been discussion with stakeholders about the finishing time being rolled back to 12.00 midnight. Does the Committee have any particular view on that?

**Mr McQuillan:** What does the Bill say?

**Mr Quinn:** The Bill allows the functions to carry on until 1.00 am. The Minister is fairly content with that.

**The Chairperson (Mr Eastwood):** Does anybody have a different view or a proposal?

**Ms Gildernew:** Just confirm it for us. It means that you can go back to providing teenage discos or a school formal in licensed premises, providing certain conditions are met. It can stay open until 1.00 am. Are we putting a lower age limit in place?

**The Chairperson (Mr Eastwood):** There is no lower age limit.

**Ms Gildernew:** I am generally content with that.

**The Chairperson (Mr Eastwood):** I sense consensus.

I will move on to clause 12, "Restrictions on off-sales drinks promotions in supermarkets etc". We have received some clarification from the Department in correspondence. Do you have that in front of you, Kevin?

**The Committee Clerk:** I may have it.

**The Chairperson (Mr Eastwood):** Maybe Liam has it, do you?

**Mr Quinn:** One issue has come up, and we do not think that we have properly addressed that; it is the submission from Golf Holdings Limited. The issue was also raised by Nicola Carruthers. We did not discuss it in any detail when we were here on 24 November. The issue involves bars that have an off-licence attached and operate under the same licence. Nicola Carruthers's view, representing the drinks industry, and that of Golf Holdings Limited seems to be that it represents an opportunity for unfair competition. It would mean that these off-licences would be able to advertise whereas a stand-alone off-licence, convenience store or supermarket would not be able to. The Department would be content to look at that again, should the Committee bring it forward, and extend the clause so that it captures all off-sales.

**The Chairperson (Mr Eastwood):** I wonder whether that was Nicola Carruthers' view or whether she was saying that that would be a reason not to do it. I cannot remember, but you are doing well to take it as an argument for your side. Are members content with that clarification? Does anybody have a counterproposal for an amendment to any of this?

**Ms Gildernew:** Did NIIRTA not make the point that some of the smaller off-licences might be affected by this more than the big ones? Was it saying that, if your car park is of such a size, it can still be within your premises but outside the scope of the legislation and that there was an unfair advantage to big out-of-town centres compared with smaller retailers?

**Mr Quinn:** We provided the Committee with some clarification on that. In the case of large supermarkets, the premises would include the car park, which means that they would have to advertise 200 metres beyond the boundary of the entire premises. That means that they would not have an unfair advantage over smaller supermarkets or convenience stores. We also indicated that we would amend the explanatory and financial memorandum to reflect that that is the intention, although we have been advised that the clause is accurate as drafted.

**The Chairperson (Mr Eastwood):** Clearly, there is confusion, so it would be useful to do that.

**Mr F McCann:** That would probably be a good idea. Who came up with the 200-metre boundary? In itself, it seems a bit of a nonsense.

**Mr Quinn:** Like a lot of the early work on this Bill, it was based on the Alcohol etc. (Scotland) Act 2010, which adopted the 200-metre boundary. You are absolutely right, Fra; it is an arbitrary figure. There is provision in the Bill to amend the figure by regulation to 100 metres or 500 metres or whatever in future if it is required.

**Mr F McCann:** The big supermarkets have the wherewithal and the financial capital to be able to advertise 200 metres away, so that certainly gives them an advantage over the small off-licences.

**The Chairperson (Mr Eastwood):** There is also the question that Tesco, for example, can advertise on TV or on people's smartphones. The local Winemark or an even smaller version is probably not able to do that.

**Mr Quinn:** The policy intent behind the clause was about trying to cut down on spontaneous sales where somebody goes to a supermarket to buy bread and milk and sees a special offer outside for wine, beer or spirits or whatever it happens to be.

**Mr F McCann:** Will they not see it if they go into the supermarket anyway?

**Ms Gildernew:** I take a dander through the off-licence in case I have missed it outside. *[Laughter.]*

**Mr Bell:** At this point I should remind you that this is being recorded by Hansard. *[Laughter.]*

**The Chairperson (Mr Eastwood):** If the policy intent is to sweep up supermarkets in this, there might be a bit of an unintended consequence in that an inequality of arms may be reinforced.

**Mr Quinn:** I do not think that it is just supermarkets. It is off-sales.

**The Chairperson (Mr Eastwood):** I know that, but we have heard a number of times where the problem is. I just wonder whether we will create a situation in which small off-licences are put at an even greater disadvantage. Steven, did you want to come in?

**Mr Agnew:** My main thing was to clarify that the policy intent was about preventing impulse buys. Every night I drive home past my local Winemark, there is some ad on wine deals.

**Mr F McCann:** Is it like a magnet to you that draws you in? *[Laughter.]*

**Mr Agnew:** I keep driving, Fra. I am very strong-willed. *[Laughter.]*

**Mr Bell:** You do not have to answer that question. *[Laughter.]*

**Mrs Long:** Wait until the end of today. *[Laughter.]*

**Mr Agnew:** I wanted to clarify that that is what we are trying to capture. I take the point that it arguably places supermarkets at less of a disadvantage. It was probably sold to us as supermarkets being the target, but it will disadvantage smaller retailers. However, I think that there is merit in the policy of trying to prevent impulse buying. It is a catch-all and smaller operators will be hit, but, in theory, if we are trying to prevent people from harm from impulse buying, it will probably do that. I am probably content with it, but I see the concerns.

**The Chairperson (Mr Eastwood):** We will get some further clarification in writing from Liam, after the meeting; maybe for Thursday's meeting. We will come back to it. It is important that we have that clarity.

Clause 20 deals with young people in sporting club premises. Clubs are intentionally treated differently from hotels. Is the Committee content with that? Liam, do you want to talk to the intention behind the clause and the extension of hours?

**Mr Quinn:** Yes. Currently, young people are permitted on sporting club premises until 10.00 pm. The reason for the difference in the law is that clubs are a different type of premises from commercially licensed premises. They are about providing sporting activity, often for young people, and very often they operate into the evening. The current law recognises that.

The previous Minister was lobbied strongly by the Federation of Clubs, the GAA and the Golfing Union of Ireland. They pointed out that, during the summer months, with the very bright evenings, they have sporting events that go on to maybe 11.00 pm and, at that time, young people are not able to enter the sporting club premises to have a drink — a soft drink obviously — and a packet of crisps or a sandwich at the end of their sporting activity, as they are prohibited from doing so. In a lot of the small sporting clubs, in particular, the bar would not be open during the week — it would be more of a weekend issue — whereas the hall would be used for training and other types of functions associated with a sporting club.

That is the background. The three organisations lobbied strongly that, during the summer months, when it was bright in the evenings, they would still be playing golf up to maybe 11.00 pm and playing GAA matches up to 10.00 pm, and, after the kids had got changed in the changing rooms, they wanted to wait in the club to be collected. The Minister at the time accepted their arguments and proposed that it would move to 11.00 pm for June, July and August.



**The Chairperson (Mr Eastwood):** There was a proposal from the clubs that we extend that to include the months of May and September. I know that we have talked about that before, Liam, but where are you on that? Are you hard and fast?

**Mr Quinn:** If the Committee is minded to extend it, the Minister will consider the views of the Committee. In September, for example, it will be dark at 8.30 pm or 9.00 pm, so there is no real imperative unless floodlights are involved. The policy intention was for young people who were involved in sporting activities to be allowed to enter the club and wait to be collected. The amendment to the current law was proposed on that basis. By September, and certainly in May, you would not have enough daylight to be playing golf past 10.00 pm, for example. The Golfing Union, the GAA and the Federation of Clubs were lobbying strongly for this because of activities that will be taking place.

**Mr F McCann:** I think that having it for only June, July and August is very restrictive. I think that it makes sense to extend it. Some sporting organisations are at the height of their season at that time, and most championships are being played. It makes sense to have it from May through to September. It does not make any difference — obviously, to them, it does. Why would you just pick those three months? I think that the extension of two months makes sense.

**Ms Gildernew:** I agree. In fact, our under-16 girls played their final on Saturday past. For clubs that are heavily involved in the championship, it is very hard for them to get their games red up before Christmas sometimes because of the availability of players and stuff. I know that that will not affect you so much, Fra, but it definitely happens in Tyrone.

**Mr F McCann:** I have not seen you playing for the girls' team lately.

**Ms Gildernew:** I used to play back in my day.

**Mr Bell:** That is where angels fear to tread, Fra.

**Ms Gildernew:** I would still race you around the place.

I would be very relaxed and content with a bit of normality here, and I would rather my youngsters were inside and safe rather than wrecking about outside. I am very relaxed about this one.

**The Chairperson (Mr Eastwood):** Fra has made a proposal. Are there any other views around the table? We propose that the change be extended to May and September.

*Question put.*

*The Committee divided: Ayes 6; Noes 0; Abstentions 3.*

#### **AYES**

*Mr Agnew, Mr Allen, Mr Eastwood, Ms Gildernew, Mrs Long, Mr F McCann.*

#### **NOES**

*No members voted no.*

#### **ABSTENTIONS**

*Mr Bell, Mr McQuillan, Mr Stalford.*

*Question accordingly agreed to.*

**The Chairperson (Mr Eastwood):** We move to non-clause specific issues.

**Ms Gildernew:** Colum, on the next steps, there was talk about an amendment around people under 18 at family events.

**The Chairperson (Mr Eastwood):** I am getting to that right now. That is where we are going. On the wedding/family occasion issue, we want to pursue an amendment to allow people under 18 attending family events to remain after 9.30 pm. There is some concern around how we define family events.

**Ms Claire McCanny (NIA Bill Office):** That is correct. The Committee has discussed this at length. It would be good to get a bit of clarity about the type of events that the Committee would like underage persons to be covered for. Clause 8 in the Bill is quite distinct because it covers underage functions, and a number of restrictive conditions are put in place to allow children under the age of 18 to be on licensed premises. The Committee expressed a desire that children should be allowed on licensed premises when accompanied by adults and attending family functions. Again, some clarity is needed on what is meant by family functions and how you define them. It could be quite complicated for even a license owner to try to enforce this. What conditions would the Committee like to see in place, if any?

**The Chairperson (Mr Eastwood):** We do not have to have the amendment written today.

**Ms McCanny:** Absolutely not.

**The Chairperson (Mr Eastwood):** We can maybe take a view on where people are on this and the direction of travel.

**Ms Gildernew:** I think that a function relates to something that is planned and booked around some type of occasion. I do not think that you would have a function because it is a Tuesday but, to me, types of events such as a christening, a birthday or a wedding anniversary would be functions. I do not know that you would want to be overly restrictive on it, but we need to give clubs the same opportunity. Given that there are clubs that are deeply entrenched in their communities, this is often where a lot of family celebrations will take place in whatever club it happens to be.

**The Chairperson (Mr Eastwood):** It is about hotels mostly, is it not?

**The Committee Clerk:** Mostly. The Hotels Federation was certainly pursuing this. That is not to say that all family events happen in hotels, of course.

**The Chairperson (Mr Eastwood):** I do not see anyone gaming this. I do not see anyone creating events so that they can bring kids to them. I do not see how that would arise.

**Mr Agnew:** On a point of clarification, it came up that, essentially, the hotel is the whole licensed premises. If the law is being applied strictly, then a kid being in the bedroom after 9.30 pm is in breach of the law.

**Mrs Long:** If you are a resident, you are exempt. The point that I made was that this is very difficult to police. Take a family wedding in which some guests are staying in the hotel and are therefore residents. Their children would be allowed to be in the hotel, though maybe not in the function room; I am not sure about that. However, if you are not a resident, the children would have to leave the premises at 9.30 pm. You would end up with a situation in which you would have to go round and police which children belong to which parents and find out whether they are residents or non-residents before you would be able to do anything about it. When it gets to that stage, it will not be properly policed. One of two things will happen: kids will be there who should not be there and are breaking the law without knowing it or no kids will be at the reception at all, even though, technically, they are entitled to be there. I just think that it is really messy and I do not see how you will enforce it.

**Mr Quinn:** What Naomi said is a fair reflection of the current situation. It is up to the licence holder to determine that the people on their premises are there legitimately. There are different rules for residents and non-residents. That applies throughout the year, not just at functions.

**The Chairperson (Mr Eastwood):** How do we take this forward and draft something?

**Ms McCanny:** For article 58, do you want to limit it to the function room in which the event is taking place, so that a child under a certain age could be in that room and where a substantial meal is being served? You could put restrictions in place to that effect.

**The Chairperson (Mr Eastwood):** The only thing about that is that it would depend on the time at which the meal was being served. It is more about them hanging around after that, is it not?

**Ms McCanny:** At the minute, the meal has to be ordered before 9.30 pm and the child can be on the premises to 9.30 pm.

Article 58 of the Order states that the conditions apply to:

*"any part of any other licensed premises which—*

*(i) contains a bar; or*

*(ii) is used exclusively or mainly for the sale and consumption of intoxicating liquor."*

The Hotels Federation argued strongly in its submission that, on those occasions, a function room in which a wedding is being held is not used exclusively for the sale or consumption of intoxicating liquor. It is used for a family event where a substantial meal is served and where intoxicating liquor is also served.

**The Chairperson (Mr Eastwood):** That is the way it is written now, and there is still a problem.

**Ms McCanny:** There is still a problem, but we could look at removing restrictions on the function room and restricting the child to a certain part of the premises.

**The Chairperson (Mr Eastwood):** I think that we probably need a couple of options. Maybe it would be useful to get the Department's most up-to-date view on where it is at on it.

**Mr Quinn:** The Minister has not indicated that he will support such an amendment. He has said previously that licensed premises are an adult environment where children generally should not be past 9.00 pm or 9.30 pm, depending on the circumstances. So, I think that this one is really for the Committee, if it is minded to come forward with an amendment. If you come to a conclusion about the checks and balances that need to be in place to ensure that there is no abuse of the amendment, we will put that to the Minister and see what his view is. The Department has never consulted on the issue; it has come up during the Committee Stage.

**Mrs Long:** From a very practical point of view — we have all been at family weddings — the idea that 16-year-olds and 17-year-olds would be asked to leave a wedding at 9.30 pm because, effectively, they are underage and cannot be in the hotel at the wedding just seems bizarre, given that a lot of people invite the younger people not to the main dinner but to the evening reception; that is quite typical. A lot of families, particularly big families, will invite young people to the wedding disco or whatever afterwards. So, to say to kids who are 15, 16 or 17 and are being supervised by their parents, "You have to leave at 9.30 pm", I just do not think is —

**The Chairperson (Mr Eastwood):** They could be arriving at 9.30 pm.

**Mrs Long:** Exactly. Most of those receptions start about 8.00 pm or 8.30 pm; so, if you are sending them home at 9.30 pm it is hardly worth their while turning up. You will have people in the wedding party — bridesmaids and groomsmen and people like that — being sent away from the wedding before the evening is over and before the bride and groom have left. It just seems a bit bizarre. Weddings are not the only example, but they are just one that stands out. This just does not deal with the reality that these are family events and, often, you are talking about older children who are under more supervision at a family wedding than they are on an average Saturday night out.

**Ms Gildernew:** I agree with all that Naomi has said. We have seen the situation in the last couple of years in which hotels have been nervous about formals because of the legislation, and the business has moved across the border. If we are not careful, we will do the same thing with everything else, and I have a big border constituency. I know what the hotels in Fermanagh and South Tyrone are saying about this.

We have an opportunity here. Naomi is dead right; there are 11-year-olds and 12-year-olds roaming the streets drinking on a Saturday night with no supervision. To me, having your children in premises is not the worst evil in the world. On Saturday night, the Moy Inn is full of young people who go out not to drink but to dance. They are old enough to drink, but they want to dance. Sorry boys, we give in Tyrone. There is more to a family occasion than drink, and it is very narrow-minded to think that 15-

year-olds, 16-year-olds or 17 year-olds go to a family wedding to get off their heads. It is not happening, as they are supervised.

**The Chairperson (Mr Eastwood):** It is probably the one place you would not go to if you were 16.

**Ms Gildernew:** We will not get a chance to do this again for a long time. I am keen that we end up with legislation that is fit for purpose, and this is something we have to tackle.

**Ms McCanny:** There is legislation in the South of Ireland which does recognise children. It says:

*"It shall not be unlawful for such a holder to allow a child who is accompanied by his or her parent or guardian or a person who is aged at least 15 years but under the age of 18 years to be in the bar on the occasion of a private function at which a substantial meal is served to persons attending the function."*

If you want to do so, you could look at ideas like this, so that you do not have four-year-olds there but are recognising that sometimes older children want to be at weddings until later.

**The Chairperson (Mr Eastwood):** Time is the issue, and how we deal with this is the problem. I suggest, unless there is any objection, that we go away and come back with a couple of options on this. We will let the Minister know what we are doing. We will send the Minister whatever we decide to pursue. Have you enough to go on?

**Ms McCanny:** Can I clarify? Would you like children aged between 15 and 18 to be able to attend a family or private function? Do you want to define it as a private function or a family event? What would you classify as a family event?

**The Chairperson (Mr Eastwood):** This is where the problem comes in. I am wary of putting any age restriction on it.

**Ms McCanny:** OK, maybe you could have one option with an age restriction and one without?

**The Chairperson (Mr Eastwood):** We are talking about two or three kids in a family. It is difficult. I do not know how you would define a family event.

**Mrs Long:** The definition of a private function is a lot easier because that would be something that is booked in advance. People cannot walk in off the street and be part of it; they would have to be there by invitation only. It is already a regulated environment for the person who is organising it. Providing you say that someone has to be accompanied by a parent or guardian, that ties it down to effectively being a family event. It is not just random people turning up from nowhere. The definition of a private function probably limits it. Obviously, you do not want people being able to stroll into the bar on a Saturday night with a baby in their arms at 11.30 pm.

**Mr McQuillan:** The public will not want that either.

**The Chairperson (Mr Eastwood):** As long as parents or guardians are there, responsible licensees will have to manage this in the same way as they manage everything else.

**Ms McCanny:** Do you want something like a substantial meal included? That would be similar to GB legislation, where they have that caveat nearly, and the Southern legislation, where it is a private meal or where a substantial meal is served to persons attending the function. It is so that you cannot just put down a plate of cocktail sausages or a plate of chips and say that that is a meal; it would be a substantial meal to mark the fact that it is a function.

**The Chairperson (Mr Eastwood):** That is already used for restaurant licences. It is already a defined criterion and might be an easy way of doing it.

**Ms Gildernew:** Are we inadvertently discriminating against people who do not have the wherewithal to pay for a substantial meal at a christening or whatever? I am thinking about the unintended consequences of some of these things.

**The Chairperson (Mr Eastwood):** I do not know. Will we try two options, one with a substantial meal and one without? Let us see where we are then. Are members OK with that? Are you comfortable with that? We do not necessarily need to divide on the fact that we are going to check.

**Ms McCanny:** May I ask about another possible consideration, which is about conditions as to sale? In Scotland, there is greater relaxation of the law on younger children in premises. Do you want to put conditions as to sale in clause 10 — relating to article 51 — to specify the time that children would be on the premises? That was suggested by the Nicholson Committee, which reviewed the Scottish liquor licensing laws. Any premises allowing children on the premises would be required to specify in its notice that they would be on the premises between certain hours.

**The Chairperson (Mr Eastwood):** That would be done each time you are applying for a licence or just —

**Ms McCanny:** I am not too sure. Liam, would —

**The Chairperson (Mr Eastwood):** The licence would surely just exist, would it not?

**Mr Quinn:** You get your licence for five years.

**The Chairperson (Mr Eastwood):** It is not like an occasional licence where you go to court every time. I do not see what difference it would make, to be perfectly honest. Let us come back to that.

Right, turf cutters.

**Ms Gildernew:** Turf Guardians. *[Laughter.]* I keep doing that too. There is a slight difference.

**The Chairperson (Mr Eastwood):** I have been spending too much time in Donegal. Penalty points would be given. Talk about this.

**The Committee Clerk:** This amendment was suggested by the Northern Ireland Turf Guardians Association and it relates to illegal betting on licensed premises. The association has suggested that there are very few convictions for this. Correct me if I am wrong, Liam, but there are existing laws whereby a publican may, in effect, lose a licence if it is found that there is illegal gambling on the premises and that he or she has allowed it. What the association is proposing is a penalty system — in effect, a warning system — for licence holders. If illegal gambling is found on the premises and the licence holder seems to have allowed it, then the licensee would get, in effect, penalty points. The licence holder would therefore be inclined to prevent gambling on the premises and it would stop. They would have a warning, and they would stop it. It would still require the collection of evidence by the PSNI and a case to be built up. It does not negate that.

**The Chairperson (Mr Eastwood):** I have no problem with that, but the only thing that concerns me is that we do not have a penalty-points system for any of the other —

**Mrs Long:** We do.

**The Chairperson (Mr Eastwood):** OK. I am wrong. Go ahead.

**The Committee Clerk:** That is essentially it. Whether the PSNI would consider this as being a priority for policing is a matter for it, of course.

**Mrs Long:** Part of the issue is not about what has been happening up until now — occasional bets on licensed premises — which is very hard for the police to give any time and attention to. The issue is that this has now become a major operation: companies are coming in and selling terminals to bars, which show the latest odds. The person behind the bar is then, essentially, acting on behalf of the company that is selling the terminals. This is starting to emerge as a bigger issue. It obviously has more significant effects, but trying to prove that the person behind the bar is taking the bet and so on requires a specific resource. What was being suggested was that licence holders could also get penalty points for this under the penalty system that is used for breaches of licensing and so on; effectively, their licence could be suspended more quickly if they were caught doing this. Part of the

aim is to dissuade those who are actively selling the terminals into bars. They are telling people that it is legal to do all this. Actually, it requires the bar staff to phone though or place bets, which is illegal.

I think that the idea is that if this is included in the Bill that would also raise awareness that it is against the law to do it and would therefore dissuade other publicans from taking it on. It will probably not deal with the occasional stuff that goes on, where groups of people are gambling or where people are ringing up on their own mobile phones. You cannot do much about that. However, some bars are now kitted out with the works, including terminals and everything. It is a bit of an issue. In Australia, you are allowed to bet from pubs, but they are going through a process at the minute to change the law to stop you doing so because they are so concerned about the problem gambling that has emerged as a result of this. A lot of bookies co-locate with bars anyway, so it is often about staggering round the corner or down the street a couple of doors rather than anything more major. We should be aware of this because there are quite heavy restrictions on what gambling premises are allowed to display and show to the public whereas a bar is a public area in which people can walk in and see all this stuff being put into the bar.

**Mr McQuillan:** I agree with that.

**Mr Agnew:** There are a couple of issues. I am fairly sympathetic to where they are coming from but their intent presumably is that the penalty-points system has a lower threshold of evidence, therefore making it easier for the police. You will still need some evidence but maybe not to the same extent to go to a conviction and loss of licence. I would like clarity on that from wherever we can get it. The other thing is this: how will it interact with existing law? My assumption is that you will almost have almost two options: penalty points or the revocation of licence. Who is that a judgement for? How would the two interact or would we need to amend the existing provision? I am supportive of the idea; it is just about the "how".

**Ms Gildernew:** There is an industry growing around this and we need to nip it in the bud. I am quite surprised that the Minister did not bring this forward, because it makes absolute sense. Evidence could be a great big terminal on a wall that is set up for betting. We need to be mindful of the fact that there might be things that we want to do in terms of bookmaking or racetracks, but this is not one of them. I agree with the Turf Guardians Association on this and would like to see this amendment included.

**The Chairperson (Mr Eastwood):** That is what I was going to ask next. Would the Minister consider it or has he considered it?

**Mr Quinn:** I think that the Minister would consider this one. Obviously, he is very concerned about gambling on licensed premises, and it is clearly not something that anyone would be in favour of. Alcohol and gambling do not mix very well, as we know. The issue came up at a meeting with the Turf Guardians Association in the summer, and that is when it first brought this proposal to our attention.

Steven Agnew raised a couple of points. The evidence threshold would be the same for penalty points as it would be for the current legislation under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is not as if the policeman walks into the pub and issues a fixed penalty notice. People would have to go to court and be convicted; so, the evidence threshold would be the same. The other issue was about the interaction between the current law and the proposed amendment. We would need to work on that because you would not want to have two offences with different penalties in two different Orders trying to achieve the same aim. It is currently illegal, as Naomi pointed out, for a licence holder to accept bets or allow gambling on a licensed premises. The issue for the Turf Guardians Association — we have not heard its evidence here but I have spoken to it in the past about this issue — seems to be around enforcement in that it believes that the police do not give this sufficient priority in their policing plans. That is matter for the police.

**The Chairperson (Mr Eastwood):** Can you see if the Minister —

**Mr Quinn:** If the Committee will write to us as part of the correspondence and sets this out, the Minister will respond.

**Mr Agnew:** A word of caution. If it does not decrease the threshold of evidence required but decreases the penalties, could it not be counterproductive? The issue for the Turf Guardians

Association is one of enforcement. Does it want to highlight the issue? In which case, it has done so. We might end up effectively decreasing the penalties.

**The Chairperson (Mr Eastwood):** We all want the same result. How we get there is the question.

**Mrs Long:** One of the issues that I raised during the wider discussions — a number of members raised it — is that we are trying to simplify licensing so that it works well. However, one of the concerns that we have is that the penalty points system itself is quite light-touch. You need to get quite a lot of penalty points before you lose your licence, and, when it is suspended, it is often suspended for quite a short period — a week or something like that. Penalty points therefore do not necessarily have an enormous impact. One of the things that we said was that penalties needed to be a bit more significant but we should make the licensing simpler so that accidental crossing of the line is less likely. That means that good licensees will do the job well. They will not be caught by penalties. Those who break the law will be focused on and essentially closed down, because that is what you want. You want people who run a business well to be running it.

I do not know whether that would have an impact here. If there were more significant penalties attached, it might be a disincentive. It is one thing to run the risk of the police happening on you doing something but another for you to know that the penalty points, when they are stacked up, could lead to putting you out of business for six months. You just might not risk having the terminals there at all and creating the environment in which that could happen. That might be where the Turf Guardians Association is coming from: penalties would make it a bit more high-risk, or make it feel a bit more high-risk, than if the police just happened on your premises and saw something take place. Were this slightly more organised, licensees might be dissuaded from going down that road.

**Mr Quinn:** Chairman, I will just give the background to the penalty points system that came in in 2011. It was introduced at that time because there appeared to be a reluctance on the part of magistrates to suspend licences for a first or subsequent offence. Therefore, a system of penalty points was introduced, whereby a magistrate would be required to suspend a licence once a certain number of points had been accumulated over a period. Magistrates were reluctant to close premises, because they were putting people out of work and adversely impacting on a business. The penalty points system gave them a route whereby they were required to impose a suspension once a certain number of points had been accumulated.

**Mr Agnew:** Even though the level of evidence is the same, the response that you would get from the courts with penalty points is that you would almost be guaranteed some action —

**Mr Quinn:** Yes, eventually.

**Ms Carol Reid (Department for Communities):** It is the difference between "may" and "must".

**Mr Agnew:** — whereas, with current law, the court might just say, "We will give you a bye ball", if that makes sense.

**The Chairperson (Mr Eastwood):** Would this be a separate penalty points system or one that could be looped into the one —

**Mr Quinn:** It would be added to the current schedule of offences that attract penalty points, as I understand it.

**The Chairperson (Mr Eastwood):** We will write to you, and you can give us your view. It might be something that the Minister will take on to do.

What about the amendment requested by Drumbo Park? It is to allow it to sell alcohol 30 minutes before, during and 30 minutes after a Sunday event. It struck me that members were very supportive and understanding of the position that the company finds itself in. Where is the Minister on that, Liam?

**Mr Quinn:** The Minister has not expressed any public view on this, and, again, this is one of our —

**The Chairperson (Mr Eastwood):** Any private views? *[Laughter.]* That is why we have you here, Liam.

**Mr Quinn:** If the Committee wishes to write to the Minister, he will respond.

**The Chairperson (Mr Eastwood):** OK. Where are members on this?

**Ms Gildernew:** I am absolutely in favour.

**The Chairperson (Mr Eastwood):** That is the impression that I got the previous time. We should give people the chance to opt out. Does someone want to make a proposal that we will support an amendment of that type but will give the Minister the opportunity to come back and do it himself?

**Ms Gildernew:** I propose that.

**Mrs Long:** I second it.

*Question put.*

*The Committee divided: Ayes 4; Noes 0; Abstentions 4.*

#### **AYES**

*Mr Allen, Mr Eastwood, Ms Gildernew, Mrs Long.*

#### **NOES**

*No members voted no.*

#### **ABSTENTIONS**

*Mr Agnew, Mr Bell, Mr McQuillan, Mr Stalford.*

*Question accordingly agreed to.*

**The Chairperson (Mr Eastwood):** Where does the Minister stand on microbreweries, Liam?

**Mr Quinn:** The Minister has said publicly that he will consider an amendment, if he is requested to do so by the Committee. We would be looking at giving microbrewers, distillers and cider makers the opportunity to sell for consumption off the premises from their own premises, where they are producing. That would allow them to establish tours and visitors attractions. We would also wish to allow them to sell from licensed premises and unlicensed premises for consumption off the premises, which would address the issue that came up at the BBC Good Food Show at the Waterfront Hall, for example. It would also allow them to sell from country agricultural shows and that sort of event, where other local produce is on sale, such as local breads, cheeses and vegetables. There will be a requirement to hold a licence, obviously, and there will be restrictions in place to ensure that the process cannot be abused. That will be in the detail.

**Mrs Long:** The other obvious issue is the cost and bureaucracy attached to it. One of the big disincentives for people to avail themselves of the current licensing process for off-sales is that they are very small operators. Whatever system we come up with needs to be simple and relatively cheap. These are not necessarily big-money companies. We are often dealing with individuals, couples, co-ops and so on, who are not making huge amounts of money out of what they do at the moment but have the potential to grow their business. It is important that any amendment is not pitched at a level at which either the bureaucracy or the cost is prohibitive for small companies to do it. It is absolutely necessary, however. There is no question about that.

**The Chairperson (Mr Eastwood):** There are a lot of standards that microbrewers have to meet already. You could use those as some of the criteria so that it is not a case of boys making it in their bath.

**Mr Quinn:** We will not be creating a whole bureaucracy.

**The Chairperson (Mr Eastwood):** What the restrictions are will be interesting.



**Mr Quinn:** Registration with HMRC, for example, will be one of the key conditions. Somebody mentioned people making home brew in their bath and trying to sell it to the public. We clearly do not want to go down that road, so there needs to be bona fide, proper producers with proper standards applied.

**Mr Agnew:** That is you out, Michelle.

**The Chairperson (Mr Eastwood):** It will be interesting to see the detail of the restrictions around how and when it is sold.

**Ms Gildernew:** You would not want to be drinking my bathwater, Steven. *[Laughter.]* We need to ensure that they are people who are producing something. There is a risk attached, as there is for any agricultural or agri-food product. We need to differentiate between people who are making cider or whatever and those who are just getting somebody else to bottle it for them. The brand may be bottled elsewhere, so there needs to be some kind of differentiation between the two sectors.

**The Chairperson (Mr Eastwood):** That might be an issue.

We are requesting you to do that, Liam, if you are happy enough, and come back with some of the detail around that to see where we are.

The Committee should consider whether it agrees that the Bill should provide for special events that require a liquor licence but that fall outside normal trading hours or outside the scope of an existing licence type.

**The Committee Clerk:** The PSNI raised that issue, as did some others. It is to do with events such as the MTV awards.

**The Chairperson (Mr Eastwood):** Liam, where are you on that?

**Mr Quinn:** There are two aspects to this. Some of the councils and, I believe, Hospitality Ulster came forward with the proposal. The point made in the briefing paper is that it is for:

*"events that require a liquor licence but fall outside normal trading hours or outside the scope of an existing licence type."*

If the Bill goes through largely as drafted, normal trading hours will allow a bar or hotel to trade until 2.00 am selling alcohol, plus an hour's drinking-up time. You are looking at an event at which people would want to be selling or consuming alcohol past 3.00 am. The Minister would not support such a new licence.

The other issue is one that the police raised around large-scale events. It usually involves large groups of young people attending music events. The police currently use an occasional licence to license those events, which probably is not ideal, because it is difficult for them to put conditions on those licences. I have arranged to meet the police next week to go into more detail on what sort of amendment they want to address those issues and what conditions they may want to put in place. It may be that we can achieve what the police want from their point of view by way of an amendment that does not necessarily create another type of licence. It would simply allow them to put conditions on the licence involved at that event. That will come out in the next week or so when I meet the police.

**Ms Gildernew:** The MTV thing arose because it was on a Sunday night. We were a global laughing stock. I am pretty sure that Lady Gaga is not going to work on Monday at 9.00 am. There is not —

**Mr Stalford:** She is too busy protesting over the election result.

**Ms Gildernew:** Liam, I think that you are being a wee bit disingenuous when you say that you can drink until 3.00 am. You cannot on a Sunday, which is why that became such an embarrassment. Sunday licensing hours are different. We might never use it, or we might use it once in 10 years, but we need to have it in our back pocket. I would do it were I the tourism Minister, which our Minister is, and we had the opportunity to have a big event, and MTV said, "We are not coming back unless there is something a bit more sensible about how we run this event".

**The Chairperson (Mr Eastwood):** If a new licence were created for events, it would be used quite a lot. I wonder whether there is a way of doing what you say with the existing occasional licence. Rather than creating a new licence, the conversation could extend to putting additional hours on the existing occasional licence in a very restricted way and with certain criteria having to be met. If you created a new licence, there would be a lot of people applying for events licences, unless the new licence was tied to an existing licence or something. I do not know how you manage that, Liam, to be honest.

**Mrs Long:** Take the MTV awards, for example. The issue was not everybody who was in attendance wanting to continue to drink on-site; it was about the after-party for the guests. The main event finished, and everybody headed off home. There was then an after-party for the guests. That could not be hosted at the same venue because of our Sunday night licensing arrangements. People who were residents at a hotel ended up having to host something, and it was a fiasco. It is for things such as that. We are talking not about exceptional events but large-scale events — often international events — for which there is the desire or will for it to run on pretty late into the evening and through to the next day in a way that you would not routinely. It is not necessarily even about large crowds of people. It is for when you have a large number of international performers coming. They will often host a private party afterwards. It would therefore be a special kind of event licence. Obviously, having the option does not mean that you have to use it or that you have to grant the licence. If there is any risk of the licence being granted in circumstances in which it is felt that it is not appropriate, you do not grant it. You would still have that option. However, if it is on the table, that means that, if somebody comes along with the right kind of event, which is properly managed, you do not have to change legislation to allow it to happen. It is something that you want to have on the books so that it is there if you need it.

**The Chairperson (Mr Eastwood):** I wonder though whether there is an easier way of doing this with the occasional licence, with it written in that there are opportunities to apply for events that go on later or whatever. I have a slight concern about creating another licence category to which people could apply every week, because that is what people would do. You would have publicans saying, "What about us? We are here every week, and we are paying rates". There might be unintended consequences. However, we need to find a way of dealing with issues such as the one that arose with the MTV awards, because it was extremely embarrassing. If there is a way of dealing with it within the current licensing framework, that would strike me as being more sensible.

**Mr Quinn:** This is one on which the Committee will need to write to the Minister setting out its policy for such events. Presumably, we do not want to go to a free-for-all on permitted hours, where everybody could apply. That is not what the intention would be, so it is a matter of the Committee setting out its view.

**The Chairperson (Mr Eastwood):** Would somebody have to hold an existing licence in order to apply for a special licence? I am just trying to figure out what would be sensible.

**Mr Quinn:** The occasional licences operate like that. Somebody with an existing licence applies to the court for an occasional licence for an unlicensed venue.

**The Chairperson (Mr Eastwood):** This would be a different type of occasional licence.

**Mr Quinn:** Yes.

**The Chairperson (Mr Eastwood):** It has to be anchored somewhere.

**Mr Quinn:** Yes.

**The Chairperson (Mr Eastwood):** Can we write to the Minister with our concerns around the existing set-up, explaining the scenario with MTV and giving some other examples? We could then talk through some options on how we resolve the matter. Are members comfortable with that?

**Mr Quinn:** Fair enough.

**Mr McQuillan:** We need to explain that it would not be a free-for-all. I would be worried about, say, organisers of open-air concerts wanting to run until 3.00 am or 4.00 am, and it would not be just them applying. If you grant it for one event, you might end up having to grant it for them and annoying the residents. As long as we clearly set out what the aim is, I am happy enough to do it.

**Mr Bell:** The Bill Office will keep us right with the appropriate caveats.

**Ms Gildernew:** "Exceptional circumstances".

**Mr Bell:** Yes, and let us look at the how, because that is where the pressure points will be once the provision is in law.

**The Chairperson (Mr Eastwood):** I tend to trust the courts, as long as the licence is anchored somewhere. I do not like the idea of people just thinking, "We'll have an event tonight". You will end up with an event every night run by people who do not have the same background in running events.

**Mr McQuillan:** It is about the damage that you would do to the business as well.

**The Chairperson (Mr Eastwood):** Exactly. There may be a way of anchoring it to the normal licence.

**Mr Agnew:** We had an indication that the Minister is not overly sympathetic to this. Claire, have you looked at possibilities for this, or are you finding it as difficult as we are?

**Ms McCanny:** We discussed it initially with the Department. We looked at article 30 of the Licensing Order to see what amendments could be made to occasional licences, but it would be useful to get the read-out from the PSNI in that meeting to see what criteria it would like and see whether those could be built into article 30. It may be that a separate licence is required, because, although the PSNI addressed it slightly in evidence to the Committee, thrashing out what specific criteria it wants to see would be useful. If the Minister is not minded to take an amendment forward, the Committee can table its own amendments.

**Mr Quinn:** To be clear, I do not remember the PSNI saying that it wishes to have an events licence that goes beyond the normal permitted hours, which would address the issue that Michelle raised about the MTV awards and so on. The PSNI is concerned about events that currently operate within permitted hours that it wishes to put conditions on. That is separate from the type of special event that the Committee is talking about.

**Ms Gildernew:** Did we get any feedback during the consultation? Is there anything from the Tourist Board or the like on the issue?

**The Chairperson (Mr Eastwood):** I am not sure.

Let us imagine that it is an occasional licence that is used, and we allow the court the freedom to have that conversation so that the MTV-type problem does not arise. Yes, it is a Sunday, but this is an after-party at a global event — this is important. The court has the flexibility to go beyond the permitted hours at that point. I do not know how we write it into legislation, but I am trying to —

**Mr Quinn:** All these things are possible, Chairman, once the policy is agreed and the legislation drafted.

**The Committee Clerk:** We will write to Liam. Of course, we still want some feedback on the PSNI's position on events currently. We can do that and deal with this issue as well, Chair.

**The Chairperson (Mr Eastwood):** OK. The Northern Ireland Catholic Council on Social Affairs raised issues around pavement cafes. Some clarification was given by the Department. Are members happy with that clarification, which is in members' packs?

**The Committee Clerk:** The Committee for Social Development considered legislation on pavement cafes in the previous mandate. There were some concerns about drinking at pavement cafes, but local councils have powers to restrict them. That is set out in members' packs. The councils have to consult the PSNI on applications, so it is about whether the Committee feels that there are sufficient

powers and restrictions there concerning the issues that were raised. I do not know whether Liam wants to make a couple of points about that.

**Mr Quinn:** No. I am just surprised that, if there was an issue about pavement cafes, it was not raised when the Pavement Cafés Bill was going through the Committee, but the Department is content that the checks and balances are in place to ensure that there is no disorder.

**The Chairperson (Mr Eastwood):** Is the Act working well?

**Mr Quinn:** It came into effect only on 1 October, so it is early days. I am not aware of any significant issues so far.

**The Chairperson (Mr Eastwood):** OK. The issue again might be around enforcement, and we will have to see where it goes after it has been in place for a bit longer.

The last issue is minimum unit pricing. We talked about it a lot. While we were talking about it, we were fairly sure that we could not do much about it in this Bill. It is for the Department of Health, and there are ongoing cases. We are all concerned about it, but are members content to acknowledge that it would be difficult to manage in this Bill? It is important to say that all the points that we talk about always come back to the issue of cheap alcohol being sold in certain premises. Unless we deal with that, I do not think that we will deal with the societal problems that we have.

**Mr McQuillan:** Minimum unit pricing is up to the Department of Health. Can it table an amendment to the Bill?

**Mr Quinn:** It would be an Executive amendment. That is quite possible.

**The Committee Clerk:** This is something that the Committee can raise in its report and make recommendations as to how it feels the issue of minimum unit pricing can be taken forward by the Department of Health in conjunction with the Department for Communities. It is an issue that was not consulted on for this Bill. It would therefore probably be a major, unexpected change to the industry, but there are moves afoot in Scotland to deal with it and potentially in the Republic of Ireland as well.

**Mr McQuillan:** I heard something about that.

**Ms McCanny:** Scotland has its own Bill on minimum unit pricing. There were issues with it, and the courts were involved, because certain associations, such as the vintners' association and the Scotch Whisky Association, had concerns about how it detrimentally impacted on them, but the legislation has been cleared through the European Court and the Scottish courts. It is something that you could take forward in legislation but possibly as a separate piece of legislation on which you consult separately, so that you have all the evidence to hand and the Committee has not consulted on it specifically as part of this Bill. It is not closing the door on it.

**The Chairperson (Mr Eastwood):** We are probably all of a similar mind, but we are a bit restricted in what we can do. We might just include it in our report.

That covers us, Liam and Carol. Thank you very much.

**Mr Quinn:** Thank you.