



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

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

15 September 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:**

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

Ms Carál Ní Chuilín

Mr Christopher Stalford

**Witnesses:**

Mr Francis Connolly

Department for Communities

Mr Liam Quinn

Department for Communities

Ms Carol Reid

Department for Communities

**The Deputy Chairperson (Ms Gildernew):** I invite to the table officials from the Department's social policy unit: Mr Liam Quinn, head of social policy; Ms Carol Reid; and Mr Francis Connolly. Maidin mhaith; tá fáilte romhaibh. You are all very welcome. It is good to see you here this morning. I know that the Bill has been knocking about since the Pope was an altar boy so, please God, we will get it through this time and sort things out. Liam, I presume that you are kicking off.

**Mr Liam Quinn (Department for Communities):** Yes, I will kick off, Chair. Thanks very much. I am absolutely delighted to be here briefing the Committee prior to the introduction of the Bill because, as the Chair rightly said, it has been knocking around for a few years.

This is the pre-introductory briefing for the Licensing and Registration of Clubs (Amendment) Bill. It is scheduled to be introduced to the Assembly on Monday 19 September, subject to the agreement of the Speaker. We are looking at having Second Stage probably the week after that, and then it will be referred to the Committee. We do not intend to go into a huge amount of detail today. Of course, we will take any questions as they come up. We will go through the broad intentions behind the proposals in the Bill. The Committee will then have plenty of opportunity for clause-by-clause scrutiny of the Bill during the evidence sessions at Committee Stage.

As the Committee will be aware, the Bill is a result of a public consultation carried out in 2012 that received over 2,500 responses. The purpose of the Bill is to tackle some of the practices in the licensed trade that could contribute to alcohol misuse. We will build on measures in the current law, and the aim is to address concerns around alcohol consumption and to contribute to a reduction in

alcohol-related harm. The Bill also includes measures that will help support the hospitality sector, in response to lobbying from the hospitality sector over how restrictive our legislation can be. The aim of that is to help sustain jobs in the hospitality sector and make the sector in Northern Ireland more attractive for tourists. The Bill's proposals are fairly modest. We have tried to strike a balance between competing opinions around maintaining order, which can flow from alcohol misuse, and the health issues around alcohol and, at the same time, supporting legitimate businesses that provide employment and entertainment in local communities.

Given that the Committee is newly formed, it might be useful to provide a brief overview of the licensing regime in Northern Ireland. Alcoholic drinks can only be sold in Northern Ireland under the authority of a liquor licence. There are 13 types of premises that can apply to the court to be given a liquor licence. Each type or category of premises has a different set of conditions that it must comply with — for example, opening hours, children on licensed premises and provision of food. Private members' clubs, known as registered clubs in the legislation, are registered to supply alcoholic drinks to their members and guests. The Police Service of Northern Ireland enforces liquor licensing and the registered clubs law, and any breaches are dealt with by the courts.

I now pass over to my colleague Carol, who will provide an overview of the Bill's provisions. We will be happy to take any questions that members have at the end.

**Ms Carol Reid (Department for Communities):** Thanks, Liam. I will set out the general provisions of the Bill. As some of them apply to both licensed premises and registered clubs, I will begin with those first.

As regards Easter, the Bill will allow later opening on the Thursday before Good Friday. At the moment, premises and registered clubs with additional hours are allowed to stay open to midnight. This provision will mean that late opening on the Thursday before Good Friday will now mirror the duration of later opening available for any other weekday in the year, which is currently 1.00 am.

The period of drinking-up time at the end of premises and registered clubs' permitted hours will be extended by 30 minutes. This will be for a trial period of one year, which will mean that people will have one hour of drinking-up time. This will discourage the stockpiling of drinks and drinking too quickly at the end of the night, and it will allow for a more gradual dispersal of people onto the streets.

Licensed premises and registered clubs will no longer be required to obtain a children's certificate. However, they will have to comply with a number of conditions if children are to be permitted on the premises. All existing protections in relation to children will remain in place. Young people will be allowed to attend functions in certain licensed premises and registered clubs, provided a number of conditions are met. That will ensure that young people have a safe environment in which to hold events such as formals, where adequate safeguards are in place and no opportunity exists for young people to obtain alcoholic drinks.

To ensure that the sale and supply of alcoholic drinks is always supervised, the Bill will prohibit their sale and supply by self-service and vending machines. The Department will be able to approve a code of practice, provided it is produced by a person or group of persons who have a relevant interest in matters related to intoxicating liquor. The courts must then be satisfied, depending on whether a licence has been granted or renewed, that the licence holder is aware of their responsibilities under the code and has been complying with those responsibilities. This will put the current voluntary code for irresponsible drinks promotions on a statutory footing.

I will now move on to the provisions that will apply to licensed premises only. Premises that already have an order in place for additional permitted hours or an extension licence will be permitted to apply for an additional one hour on any day on which the order applies. The additional hour can be granted for a maximum of 12 days a year, but that will not include Christmas Day, Easter Day or Good Friday. This will allow certain premises to open later on nights such as New Year's Eve or, for example, during a music festival that has attracted people to the area. Liquor licences and entertainment licences will be aligned so that entertainment or refreshment provided during later opening or the new extended later opening is not allowed to continue after the end of drinking-up time. That will make it easier for the police to enforce the law.

The law in respect of children will be strengthened to ensure that young people can no longer accept delivery of alcoholic drinks at the home address of the purchaser. Delivery drivers will be required to record in a logbook the occasions when they requested identification and to detail the form of identification that was provided.

Licensed restaurants will be required to display a notice detailing the conditions under which alcoholic drinks may be sold on the premises. That will ensure that customers are aware that restaurants are only permitted to sell alcoholic drinks along with a meal.

Off-sales premises, including supermarkets, will only be permitted to advertise promotions on alcoholic drinks in the area where they are permitted to display them. That is intended to reduce the instances of impulse buys. Those premises will also be prohibited from advertising alcoholic drinks promotions within 200 metres of their premises.

Angostura bitters will no longer be exempt from the definition of "intoxicating liquor" and, as such, may only be sold on licensed premises. That will bring liquor licensing law into line with HMRC regulations.

Finally, I will cover the provisions that apply to registered clubs only. A sporting club will be able to apply on six occasions per year to extend the area of the premises' licence to supply alcoholic drinks, provided certain conditions are met. This would, for example, allow the club to erect a marquee in the car park for an event such as captain's day, which can attract a large number of members and their guests.

Young people will be allowed to remain in the bar area of a sporting club until 11.00 pm during the summer months — between 1 June and 31 August — and to attend an award ceremony on one occasion in a calendar year. That will allow young people to avail themselves of the sporting activities open to them during the summer months, which often extend into the evening, and to be rewarded and recognised for participating in sporting activities offered by the club throughout the year.

A registered club will be allowed to advertise any function outside the club premises where the advertisement clearly states that only members of the club and their guests may attend. Advertisements relating to functions where the proceeds are devoted to charitable or benevolent purposes will not be subject to such restrictions. That covers all the provisions in the Bill at it stands.

**The Deputy Chairperson (Ms Gildernew):** Thank you. I now invite questions from members.

**Mrs Long:** First of all, thank you very much. I apologise for being late; I have been having problems with my laptop, so I had some issues this morning.

I want to ask a few questions specifically about things that have been raised with us as issues around liquor licensing. First, I would like to put it on record that I am very supportive of the fact that this is now coming forward. It is hugely important, particularly for growing our hospitality industry but also for tourism and the benefits that flow from that.

People who work in the licensed trade have raised the complexity of licensing here. For example, over the Easter period, the issue is not just restricted hours. Even if you grant additional hours, unless they are clear and consistent with normal practice, it is difficult to communicate them to customers, and that can make the business difficult to run. One of the things I want to ask you about is streamlining. You have talked about additional hours, but what is important is the streamlining of hours over the Easter period, which is almost unique in being a kind of long bank holiday weekend and, therefore, particularly important for tourism.

The other question I have is to do with microbreweries, which affects my constituency. It is my understanding that the only microbrewery that actually has a licence to sell on the premises is Bushmills and others are not able to avail themselves of that. You can taste the product on site; you can tour the distillery or brewery; but you cannot purchase anything to take away. That seems completely counterintuitive to what happens everywhere else I have been. It is something I would do on holiday. I would go to a vineyard or something like that, try the wine and then buy a bottle. That is normal practice; it is what is meant to happen. It is good for the business, in that it is able to promote sales. It is good for tourism, in that people are able to take away a local product from where they have been staying. It has an overall benefit. It can make a nice small event: if you are here for a long weekend, you go and spend a couple of hours on a tour. I wonder why that has not been addressed as part of this, because it seems to me that it is one of the areas where we are not promoting additional drinking hours but promoting sale in a way that is conducive to tourism and has economic benefits.

**Mr Quinn:** I will take your first question on complexity. You are absolutely right: over the Easter period, different regulations apply over different days. The Bill will bring the Thursday before Easter

into line with a normal day, so it removes a level of complexity around that day. There will still be restrictions on Good Friday, the Saturday before Easter and Easter Sunday itself. Having said that, the Bill is a draft, and MLAs will take a view on what amendments they wish to put down, either in Committee or as individuals. The Bill has got the ball rolling, and there will be debates on those issues.

Microbreweries are a phenomenon that has really exploded in the last four or five years. We have been trying to track the number: I think there are something like 30 or 40 across Northern Ireland now. Some of them are very small, with one or two people working together out of a garage or something, producing high-quality premium beers. Then there is the larger scale, where you have large distilleries being developed. In answer to your question, this was not included in the consultation in 2012 because it was not an issue that had been brought to our attention at that time. During the passage of the Bill, there will be an opportunity for amendments to be considered around these issues. Currently, under the existing law, a brewery could obtain a licence for an off-licence and sell to the public not just their own products but others, but because some of the breweries are so small there is a cost involved in that and they do not really want to sell anything other than their own product. So there are things we can look at around amending —

**Mrs Long:** We do not really want to encourage them to do that either.

**Mr Quinn:** No. It is fair to say that these breweries serve a niche market with high-quality, expensive products that are not going to contribute to alcohol misuse or disorder on the streets. People are not going to buy very expensive bottles of gin in order to cause problems on the streets. It is something that we will look at. If amendments come forward from Members or from the Committee, we will work with Members to come up with solutions to those problems. It was not really an issue when we first started working on the Bill a number of years ago.

**The Deputy Chairperson (Ms Gildernew):** Thanks, Liam and Naomi. Steven or Adrian, do you still want in?

**Mr McQuillan:** Liam has answered my question.

**Mr Agnew:** Thank you for the information so far. You talk about disorder, and I assume that part of the purpose of the many restrictions we have around alcohol is to reduce disorder. There is a lot of perception in that. Someone who enjoys a drink will have a different view to someone who does not frequent licensed establishments. I will not say which category I fall into.

**Mr Stalford:** I think we know.

**Mr Agnew:** You certainly know.

What evidence base do you take when you decide where the restrictions are needed to prevent disorder?

**Mr Quinn:** We are starting from where we are now, with the current law and the restrictions on opening times. With an extension, the latest you could sell alcohol would be 1.00 am. We have looked at the experience in Great Britain — England, Scotland and Wales — where they relaxed their licensing law quite considerably in 2003. We looked at some of the research around the problems and difficulties that they had, as well as the perceived benefits. The Minister's view was that he was prepared to relax the opening hours to a small extent to see how it would work out in practice. In the Bill, we propose an additional 12 late nights over the course of a year. I imagine that most licensed premises, for example, will apply for a late extension on New Year's Eve but there will be other local events and festivals where they will want to have a bit more flexibility around staying open a bit later. It says 12 in the Bill, but we have also built in the ability to change that number by way of regulation, so that, if it turns out that there is disorder associated with the late evenings, the Assembly can vote on regulations to reduce the figure of 12 to maybe just one for New Year's Eve. On the other hand, if it turns out that there is no disorder and the police and local residents are content that the additional hour has made little or no difference, then it can be extended without going through the whole process of primary legislation. We were not prepared and the Minister was not prepared to make wide-ranging changes to opening hours without trying it on a trial basis to see how things worked out in practice in Northern Ireland. The experience in GB was mixed, and I think that a lot of the police forces in England and the local authorities feel that what they did in 2003 went too far, too quickly.

**Mr Agnew:** There have been calls for the definition of entertainment to be widened. What consideration was given to that?

**Mr Quinn:** At the moment, the requirement is that someone be present on the premises to provide entertainment. Showing videos from MTV or something of that nature does not constitute entertainment. The reason for that goes back to the early part of the Licensing (Northern Ireland) Order 1996, in that you are not inviting people out on a late night just to drink. They are there to listen to music, enjoy food and do other things, as well as having a drink. During the consultation, I was contacted by the Musicians' Union, who said that, if you were to change the definition of entertainment to allow someone just to broadcast music from a television channel, for example, a lot of young musicians would not get the opportunity to develop their skills playing in front of a live audience and we would miss out on the next Van Morrison, Snow Patrol or whoever. For balance, that has to be taken into account as well.

**Mr Agnew:** I accept that. However, if I am right in my understanding, a DJ is not counted as entertainment, despite the fact that is an entertaining —

**Mr Quinn:** I do not think that that is the case now.

**Mr Agnew:** Maybe I have been misinformed.

**Mr Bell:** You will have to declare an interest here.

**Mr Agnew:** Well, I am not a DJ. A party colleague, Ross Brown, is a DJ in his spare time, but I am not.

**Mr Stalford:** Ross Brown and the Green Party massive. *[Laughter.]*

**Mr Agnew:** OK, maybe I misunderstood that one.

You mentioned that the rationale was to ensure that people are not just coming to drink as much alcohol as possible. If there is entertainment, you may be distracted and not drink quite as much. I will declare an interest from my personal experience that, if live music comes in and you are beside a speaker, you just move away from the entertainment. I love music, and, if somebody is good enough that they are being brought in to provide entertainment that people want to see, that is great. However, the experience for a lot of people is, "I am just going to move to the back of the bar. I come out to speak to my friends, and I cannot speak to my friends because somebody is blasting music".

**Mr Quinn:** That is fair enough. People have different preferences. You will probably find that most licensed premises can accommodate both. Anyone who wants to listen to music can do so, and others can move to the back of the hall and chat with their friends. However, the law as it stands requires that, to get a late licence, you have to provide entertainment or substantial food for customers. The Minister took the view that he did not want to change that, otherwise you could develop more of a simple drinking culture where no entertainment or food is provided and people just go to the bar to stand around and drink.

**The Deputy Chairperson (Ms Gildernew):** Liam, the fact is that about 70% of alcohol that is consumed here is bought in supermarkets or off-licences. The drink culture is not necessarily around licensed premises. As Naomi said at the beginning of her contribution, that is part of our tourism industry, our cultural heritage or whatever. Drinking in pubs is not our biggest problem. It is part of our culture; it is part of who we are. People come to Ireland to experience the pub culture. We want to be pragmatic and sensible about the amendments that the Committee proposes to enhance the current Bill, but I should point out that most of the drinking is done at home. There are people who go out and do not purchase a drink at all. They go out for a couple of hours at night and maybe do not even bring any money with them because they do not intend to purchase any more alcohol. The licensed trade definitely seems to be struggling to cope with that culture and the shift in it.

**Ms Mallon:** I will follow on from that comment, Chair. First, on the tourism offering, I will say that there is considerable frustration at the restricted opening hours. I welcome the fact that, through regulation, there is a degree of flexibility either way there. However, my issue is around the drinking-at-home culture, particularly among young people. I very much welcome the Bill's focus on penalties for the delivery of intoxicating liquor to an underage person in their home. That is OK if you are trying to

focus on the supermarket deliveries, but the big problem is the damage being done by people under the radar — the dial-a-drink culture. That is not really reflected in the Bill. I do not expect everything to be touched on in the legislation, but is a partnership approach being shaped to engage with key partners like the PSNI to have a crackdown on that kind of illegal activity?

**Mr Quinn:** Enforcement of liquor licensing legislation is a matter for the police. I am sure that they are well aware of the activity that you are talking about. That is currently illegal, so there would be no need to amend current legislation. If somebody is supplying alcohol to young people without a licence, they are clearly breaking the law on a number of fronts. One is procuring alcohol for a young person, and another is selling or supplying alcohol without a liquor licence. That is a matter for the police. If anything of that nature is brought to our attention, we pass it on to the police, who are required to enforce the law.

**The Deputy Chairperson (Ms Gildernew):** Good luck with that. I passed it on to the police recently in my constituency, and nothing was done about it.

**Ms Mallon:** It is a huge problem.

**The Deputy Chairperson (Ms Gildernew):** It is massive. Part of the problem, if I may say so, is that the implementation of the law in closing down teenage discos in licensed premises with the drinks shuttered off and locked away has led to a massive spike in underage teenage drinking. They now go out to places where it is unregulated and where not only drink but drugs are freely available.

**Mr Quinn:** One of the proposals in the Bill will address the issue of young people being present on licensed premises, providing drink is not available. We will propose an amendment to the current law that will address that issue.

**The Deputy Chairperson (Ms Gildernew):** Very good; it is badly needed.

**Mr F McCann:** I will be brief. A lot of my questions have already been answered, perhaps not to my satisfaction. I have been on the Committee since this thing started to roll out, and, to be honest, I thought the Bill we have in front of us would have been more advanced. I see more of the Minister's hand in it than the Department's hand. I know that you have done the rounds on the thing. I am still a bit confused that, at a time when we are increasingly told about the impact that tourism has on the economy, that is not really recognised. Especially over the Easter period, it is not recognised in the Bill that is coming forward. I know you say that we have an opportunity, but, at the end of the day, it will be a ministerial decision. That has been part of the problem in the past.

Nichola touched on the issue of delivery of alcohol. A lot of it is done not only under the radar but by dial-a-taxis or by people who sell from their house. The big problem that we have, which has been raised, is the over 75% of people who drink in their own house. Have you spoken to the police to get a reading on the illegal sale of alcohol? Have you spoken to the Department of Health to find out about the real difficulties that house drinking and the sale of drink from houses presents? There are three categories there, and it would be good to hear a reading from you. I do not know whether the Department has developed that.

**Mr Quinn:** I will start off with tourism, which you mentioned. You are absolutely right: what we are putting forward are modest proposals, as I said at the very beginning. It is not going to change the tourism offer to any large degree, but there is an opportunity for members to propose amendments if they feel that the 12 late nights that are proposed in the Bill are not sufficient. On the other hand, if you think there are too many, they can be rolled back. At Easter, there are four days of restrictions, and the Bill removes the restrictions on one day. Again, the other three are up for debate in the Assembly. While the Minister may have a view and the Department puts forward the Bill and the Minister introduces it, it will ultimately be a matter for the MLAs who vote on each clause as it goes through how the Act emerges at the end of the process. The police —

**Mr F McCann:** I am sorry, Liam. I hate cutting across you, but would you not accept that Easter is one of the most crucial times of the year for the licensed business?

**Mr Quinn:** The licensed trade would say that, certainly, and they have put a figure on it. I cannot remember what it is now, but they put a large figure on how much they felt they were losing because of the restrictions around Easter. The Bill will go some way towards changing that, in that the

Thursday will be a normal day. At the end of the process, however, it will be for MLAs to decide whether they want to change the restrictions on the other three days.

**Mr F McCann:** You mentioned the change in the laws in Britain and the impact that that had. I thought that a lot of that was confined to towns or cities that were raising the ante in terms of stag parties, hen parties, cheap drinks parties and things like that. It is only a small part of what is on offer from the wider trade. Would it not be better to concentrate on legislation that deals with them rather than punishing everybody else?

**Mr Quinn:** The research in Britain shows that, when they moved late opening so that you could serve and supply alcohol to 3.00 am, people went out later. They drank more at home before they went out, and all of the premises in particular areas moved their closing time to the latest possible. Rather than having a staggered closing time across a city centre or a town, as had been intended, everybody went to the latest time. People simply went out later. It meant that there was additional pressure on the police because they had to change their shift patterns to deal with a much later closing time. Taxis, hospitals and all of these people had to deal with things at a much later time. That is what the research told us happened in Britain when they moved generally to much later opening.

Fra, on your point about deliveries, we are in touch with the police regularly, not quite weekly but certainly monthly, talking about issues that have been brought to our attention and how the law has been enforced. Ultimately, it is an operational matter for the police. It is for them to decide how they deal with information that is handed to them or that they become aware of. The police will probably be invited along here to give evidence, and those are questions that should rightly be put to the police rather than us.

We work very closely with the Department of Health, and a lot of the proposals in this Bill are aimed at attempting to reduce the alcohol-related harm that flows from home drinking. It is not possible to police how people behave in their homes when they are drinking at home, but the proposals allow, for example, restrictions on advertising in supermarkets. That proposal has the support of the health lobby, and it is about trying to reduce the instances of spontaneous purchases of alcohol, where somebody goes into a supermarket to buy food and, as they are walking through the door, there is a sign saying, "Three bottles of wine for £6" or whatever it happens to be. They then decide to go round to the licensed part of the supermarket and buy some alcohol even though they had not intended to do that. It is very difficult to police how people drink at home. According to the surveys carried out by the Department of Health, harmful drinking in Northern Ireland has been going down over the last few years. That is down to a number of factors, mainly around educating people about the harm that alcohol can cause.

**Mr F McCann:** I have a couple of quick points. First, microbreweries might be micro today, but they could be the big industry of the future if people buy into them, and they would then create employment. I think that that needs to be looked at.

You talk about shopping centres being prohibited from advertising alcohol promotions within a 200-yard radius of their premises, but, if I put on the computer and go onto the internet, I can see the same offers as the ones that are blocked from being advertised on the road. They are in other advertisements, such as in papers, so it makes a bit of a nonsense out of it. The vast majority of people who are going to shopping centres are doing so not only to buy food but to stock up on drink, so that would have a limited success in dealing with the problem. Most people go out with the intent of buying alcohol in the supermarket, and that also leads to the difficulty that has been raised here about drinking in the home.

**Mr Quinn:** I think that you are absolutely right. It will have a limited impact, but, as well as advertising, it is about spontaneous buys. There is competition between supermarkets, which have started advertising outside their premises that their drink is cheaper than the guy's down the road. It will have limited impact. There is no doubt about that, but the evidence shows us that the number of people who are drinking to a harmful extent has reduced and is continuing to reduce. A big part of it is down to education and getting the health message out there, and these measures will go some way to reinforcing that. Alcohol is a different product from anything else that you are selling in your supermarket. It needs to be treated with care and respect, and that is why it is sold in licensed premises and in a particular part of the supermarket, not widely available throughout the supermarket.

**Mr F McCann:** If possible, can we get a report on how many unlicensed premises, such as dial-a-drink services, have been closed down by the PSNI over the past year or so? That would certainly be interesting.

**The Deputy Chairperson (Ms Gildernew):** We can find out.

**Mr Bell:** First, I want to pay tribute to the people in the hospitality industry because I think they solely in this debate have distinguished themselves through their efforts to be reasonable, responsible and proportionate in the sale of alcohol. I do not think that anybody on the Committee would deny that Northern Ireland, in common with other parts of the world, has an issue with alcohol. We only have to look at the impact on the health service that is directly related to alcohol to realise the significance of the issue.

It seems that the most responsible people in the hospitality industry who are leading on this are often undermined by the fact that supermarkets can sell alcohol cheaper — in certain cases cheaper than water. They will use it as a loss-leader, to a certain extent, to get people into the supermarket to buy other things. We are storing up an epidemic of problems. From what you said, Chair, and from what Nichola said, the consensus of the Committee, and our understanding as representatives, is that most of the highly dangerous alcohol abuse is taking place inside people's homes, where responsible personnel are not there to advise, and, if somebody takes ill, often there are no measures in place.

I look in particular at Hospitality Ulster and what it has done in its responsible retailing code. Can the Bill give recognition to that type of code and, more than that, give real teeth to its work? We have people in the hospitality industry who are doing a wonderful job for the Northern Ireland economy. Tourism figures are up because of the excellence of the hospitality offering; it is critical in that. We have a body that has a responsible retailing code. How can we make sure that we give teeth to that code and not unnecessarily disadvantage the sector? Psychologist B. F. Skinner's theory is that classical conditioning and good behaviour get good rewards. It seems that good behaviour, in many cases, is coming from the hospitality retail sector, but where are the rewards going? Are they going to the people who are setting codes and putting in place measures to protect young people, and for health and safety, or are the rewards going to the supermarket sector and those selling directly into private homes, where, as we know, all the damage actually is?

**Mr Quinn:** I think the Minister would agree with what you say around home drinking. It is clear that if you are drinking in a responsible licensed premises, you will be served a certain measure of alcoholic drink, and you know what you are drinking. At home, people tend to serve themselves much larger measures, and there is no real control on how much they can drink. A responsible retailer will say to somebody, "You've had enough; time to go home" or "I'm not serving you any more" but there is nobody to do that at home. The Minister recognises that, so you are absolutely right.

Around the responsible retail code, there is a joint industry code in operation at the minute. It is a voluntary code. The whole of the industry has signed up to it. The manufacturers, suppliers and even the supermarkets and off-sales are involved, as well as Hospitality Ulster and the registered clubs. It is a voluntary code at the moment, but the draft Bill, which, hopefully, will be introduced on Monday, can put it on a statutory basis. It will give the power to the Department to nominate a code of practice that would place an obligation on anybody applying for a licence or the renewal of a licence to make themselves familiar with the provisions of the code and to confirm to the magistrate, at the time of application for a licence, that they know their responsibilities under that code.

If it turns out, when they come to renew their licence, that they have not been complying with the code, a magistrate will be required to take that into account when deciding whether they are a fit person to hold a liquor licence. There will be statutory teeth added to the current voluntary arrangements.

**Ms Ní Chuilín:** Thanks very much for the presentation. At the end of the day, this is all about responsibility. I admit that I have not gone into the detail of the Bill yet, because we are going to go through it. But one thing that struck me was off-sales. Supermarkets were mentioned, and I understand that they have a particular licence. One thing that increasingly comes up at multi-agency meetings is the selling of alcohol to underage children and young people. There was a scheme in the past called the community off-sales initiative (COSI) scheme, which encouraged off-sales retailers to print their names on bags, instead of the bags being blue or pink. Is there any potential for that to be included in the Bill, even under a miscellaneous function?

The other question is around pricing. I am sure that Nichola has seen this in North Belfast, and we have seen this in some of the bigger supermarkets: it is cheaper to buy cider than to buy a packet of nappies or a loaf of bread at times. While I appreciate that this Bill has absolutely nothing to do with that as such, there was a call at one stage for price limits on licensed premises, particularly around the sale of alcopops.

**Mr Quinn:** Minimum unit pricing.

**Ms Ní Chuilín:** Yes, I could not remember the title. Maybe that is something that we can explore. As you said, it is our responsibility to amend certain legislation when it goes through, but if we could get any additional information, it would be helpful for us so that we can leave the Bill as it is or make those amendments. People need to do it on the basis of fact.

I will finish on this point. The other thing that struck me about the Bill is that a lot of us have met Hospitality Ulster and many of the chambers of commerce that work in our towns, cities and villages, and even the local pub that happens to be a restaurant, and the feedback is that most people are not looking for deregulation. They are looking for the legislation to be modernised to include even some of the points that Steven raised. DJs are performers now and so are musicians, and, because the legislation is as it is and has not been modernised, in order to get the licence, you are bringing entertainers in that you cannot really afford because it is about covering the door. So, I have seen an openness from a lot of traders who want to modernise. Some are calling for more flexibility than others, but that is not right across the board. However, one thing that they have all been very consistent in saying is that the licensing laws, albeit coming at this very late stage, will have an impact on the economy. I do not think that a real value has been placed on the economic benefits that they bring to each of our communities. Maybe that is not for you; maybe that is for research or for them to bring it forward themselves, but I would like to see that factored in where possible. However, the big thing for me is around responsibility, particularly around off-sales and what, if any, amendments or modernisations we can make around those.

**Mr Quinn:** MLAs on the Committee can table amendments.

**Ms Ní Chuilín:** I understand that.

**Mr Quinn:** It is up to the Speaker to determine whether it is within the scope of the Bill. The scope of the Bill is quite wide, so, whatever comes forward, the Speaker will make decisions on it. Around the COSI scheme —

**Ms Ní Chuilín:** Liam, to be honest, I am not trying to trip you up, but we know that. We are asking for your opinion on the Bill. You are right: it is wide, but is it possible for us to bring something forward? You are right to say that the Speaker will make a decision. That is why you are here and we are asking questions.

**Mr Quinn:** I think that it is, and, as you say, the Speaker will make a decision. We will need to talk to the PSNI about the COSI scheme and what evidential value there is in some young person being caught with a particular bag containing alcohol from a particular supermarket or off-sales. Is that sufficient evidence to secure prosecution? I do not know. The police can probably advise you on that when you hear evidence from them.

**Ms Ní Chuilín:** Part of the Bill talks about codes of conduct. I imagine that, under that aspect of the Bill, it would be something that retailers would be happy to sign up to and to demonstrate, because most of them are responsible.

**Mr Quinn:** Exactly — they are, and that could be included in the code of practice rather than in the legislation. A code of practice with a statutory footing is much more flexible, because it can be adapted as times change, without having to go through regulations or primary legislation.

You also mentioned the minimum unit pricing. The Department of Health is leading on the minimum unit pricing policy. It had a well-developed policy a couple of years ago, but it is awaiting the final decision on a European case concerning minimum unit pricing in Scotland before deciding whether to proceed in Northern Ireland. If the Department were to proceed, it would probably end up amending the Licensing (Northern Ireland) Order 1996. However, the Department of Health is leading, because

the primary objective of that policy would be to improve public health in general rather than control the licensed trade.

**Ms Ní Chuilín:** That is clear.

**Mr Quinn:** You are absolutely right about modernising. Our discussions with the licensed trade and Tourism Northern Ireland have been about modernising the legislation. You are right: very few people want total deregulation. That is not on the agenda.

**Ms Ní Chuilín:** That is good. Thank you.

**Mr Stalford:** I served on the licensing committee in the City Hall from when it was established.

**Mr F McCann:** Was that not last century?

**Mr Stalford:** It just felt like a century. We are talking about getting advice from the PSNI. Of course, the police have a very important role to play; but I have to say that the quality of the evidence they contributed to the licensing committee in City Hall was touch-and-go at times. Nonetheless, I look forward to hearing from them.

My constituency will certainly be one of the three most impacted by any changes to licensing. The experience of residents, particularly in Wellington Park and that part of town, of extending licences was precisely as you described it. The intention was that this would promote a more responsible drinking culture and that people would stagger their departure and so on. That did not happen. Well, they did stagger — *[Laughter.]* — boked in people's gardens and made life a misery for those living in that part of town. Your description of what has happened on the mainland is borne out even by the modest changes brought about in Belfast, certainly in that part of south Belfast.

I agree with Naomi's point about microbreweries. Are you suggesting that the Department would be amenable to a Committee amendment in that regard?

**Mr Quinn:** I need to talk to the Minister, but he has already indicated that he is prepared to listen to whatever amendments come forward and deal with them at the appropriate time.

**Mr Stalford:** I think that we should take that forward; it is a good idea.

Is experience of restrictions on tobacco advertising directing your approach toward restrictions on advertising?

**Mr Quinn:** No; we are following a lead from Scotland, which has quite a serious problem with alcohol abuse. Restrictions of this nature were introduced in Scotland around 2010. This was an attempt by the Scottish Government to tackle the big home-drinking culture there and highlight that alcohol should not be an ordinary product that you buy in the supermarket in the same way as a loaf of bread, for instance. An evaluation was carried out of the impact of that Act. It seemed to have had an impact, certainly in reducing sales in the off-sales market, but it was difficult to determine what elements of the Act caused that. The overall view was that it was worth doing, and, if it reduced spontaneous sales, that would be a good thing.

**Mr Stalford:** Has the effectiveness of that been measured?

**Mr Quinn:** It was part of a range of measures, so it was difficult to identify which of the measures had the biggest impact because they all came in at the same time.

**Mr Stalford:** Right. The other thing was the point that — I keep going to call him "Councillor McCann", through force of habit.

**Ms Ní Chuilín:** That is very polite.

**Mr F McCann:** It is an age thing, Christopher.

**Mr Stalford:** It is. My uncle went like that. Let me take on the point that Fra McCann made with regard to hen nights, stag dos and all that stuff. Belfast is increasingly becoming a venue for that type of holiday. I am concerned about that. I would not want Belfast to become like Blackpool or some other place like that. It is just awful.

**Mr Quinn:** Some destinations had that reputation, and they tried to move away from it very quickly. There are certain problems and difficulties with that type of destination. When a town or city gets that reputation, it attracts more and more hen and stag parties. At the same time, everybody else is turned off.

**Mr Stalford:** Yes. Everyone is for tourism, but there is good tourism and bad.

**Mr Quinn:** You want tourists to come and enjoy their time in Belfast and maybe have a drink along with a meal and visit the Irish or Northern Ireland pub, and that is fine. You probably do not want to attract tourists who simply come here to drink as much as they can in as short a period as possible. They bring more problems than they are worth.

**The Deputy Chairperson (Ms Gildernew):** I have a few questions, and I will run through them. There are a number of differences between the draft Bill that was planned in 2012-13, and this one. One of them relates to Easter Saturday. Can you talk us through that? Nobody has mentioned Drumbo Park. It is important that that is included in this Bill. If there is a race meeting at Drumbo Park, they should be able to have a bar at that as well. I am not sure whether you are aware of the stand-off that happened this year at the Balmoral show. The irony is that this is the Year of Food and Drink. A cider company had a stand at the show. It had cider for tasting, and there was a bit of a stand-off around that. Will you take a look at those kinds of events where people may wish to purchase a drink? I have been a regular attendee at the ploughing match. There is a bar at that, and it is run in the same way as any other bar, but there was a difference in the Balmoral show. Finally, a few members have mentioned Hospitality Ulster. What does it think of these draft proposals and what is its opinion on them? Can you tell us?

**Mr Quinn:** First, on the issue of the Saturday before Easter, the Minister removed that clause from the Bill. That was the only change that was made from when the Bill was first drafted in about 2014. The Minister felt that he was not prepared to increase opportunities for drinking on Easter Sunday, which that provision would have enabled.

As to Drumbo Park, that issue flows from changes made to the law a number of years ago. When Sunday drinking was introduced to Northern Ireland, race tracks did not operate on Sundays; they were prohibited from doing so. When they changed the law to allow race tracks to operate on a Sunday, they did not change the liquor order to permit them to serve alcohol at the race meeting.

**The Deputy Chairperson (Ms Gildernew):** Down Royal can serve alcohol.

**Mr Quinn:** It can do so on the authority of an occasional licence but not under its own licence. Drumbo has been lobbying to do that, but Down Royal has not had a Sunday meeting for quite a while. Downpatrick would meet on Sunday, maybe once a year.

**Mrs Long:** Deputy Chair, I think that that is the significant difference. With Drumbo Park, Sunday meetings are a regular occurrence, whereas in horse racing, it is less frequent.

**Mr Quinn:** Yes, that is the plan. Drumbo currently does not hold races on a Sunday because it cannot serve alcohol, but its representatives have talked to us and to previous Ministers and, should the legislation be amended, they would wish to operate on a Sunday afternoon. They think that it would be profitable and create more employment.

**Mr McQuillan:** Could they not apply for the temporary licence to have races now on a Sunday?

**Mr Quinn:** They could if they wanted to, but it would be only on a very occasional basis. Their plan is to race more regularly than an occasional licence would allow.

**Mr McQuillan:** I am surprised that they did not try it, to see how they got on.

**Mr Quinn:** They did try it, until it was pointed out to them that it was illegal. They were not aware that their own licence was restricted in that regard.

I will move on to the other point that you raised, Chair, about the Balmoral show. Some of the issue there was that the Balmoral show can operate under an occasional licence, as with the ploughing championships that you mentioned; but, under an occasional licence, you are not permitted to sell for consumption off the premises. If someone brings along samples of their locally produced cider, you can sample it under the authority of that licence and drink it on the premises, but you cannot take bottles home, which is what microbreweries wish to happen. We have done some research and a bit of work on how the law could be amended. If the Committee were minded to look at microbreweries, that would come in under those types of events: country fairs, the Balmoral show and others of that nature, where people sell local produce such as local cheeses, local breads, fruit and vegetables and locally produced lager or cider.

The last point was about Hospitality Ulster. I have no doubt that representatives of Hospitality Ulster will attend the hearings here and speak for themselves, but as I understand it, that body is largely supportive of what we are doing. I think that it will be delighted that the Bill is finally moving forward. It may feel that it does not go as far as it would wish, but the fact that it is moving forward will be welcomed by, I think, everybody in the hospitality industry.

**The Deputy Chairperson (Ms Gildernew):** I think there is consensus around the table that we are not looking, and nobody has asked, for 24-hour licensing. I am sure that we have all been places where that is available. We are not looking for deregulation. We need to see the modernisation of licensing laws to ensure that pubs, restaurants etc can compete on a world stage and allow people to come here and enjoy themselves. If there are no further questions, I will leave it at that for now.

**Mr Agnew:** Sorry, Chair. May I ask one further question? You mentioned that there was a suite of changes in Scotland, and we talked about one change made to advertising. What other changes were made? If those were not included, why not?

**Mr Quinn:** Some of the changes they made included banning happy hours and restricting how often you could change the price of alcoholic drinks being sold in off-sales or supermarkets, so that once you had changed the price, you could not change it again for another 72 hours. That was to try to reduce discount sales over weekends; we did not appear to have a huge problem with that. In Scotland, they found that one of the unintended consequences was that there would be a race to the bottom on a Friday afternoon, with different supermarkets trying to make sure that they sold bottles of vodka slightly cheaper than the supermarket down the street in order to attract people in. We did not feel that that change was worth pursuing.

**The Deputy Chairperson (Ms Gildernew):** I am sure that we will see plenty of you, Liam, and your team over the next few weeks. We are keen to get to the Bill's Committee Stage. We look forward to the Minister's contribution on Monday and to getting this one done and dusted to get modernisation at last. Thanks a million, all of you.