



Committee for Communities

Minutes of Proceedings

Thursday 29 April 2021

Meeting Location: Room 29, Parliament Buildings, Belfast

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

Present by Video or Teleconference:

Ms Kellie Armstrong MLA (Deputy Chairperson)
Mr Mark Durkan MLA
Ms Karen Mullan MLA
Mr Fra McCann MLA
Ms Sinéad Ennis MLA
Mr Alex Easton MLA

In Attendance: Dr Janice Thompson (Assembly Clerk)
Mr Sean McCann (Assistant Assembly Clerk)



In Attendance by Video or Teleconference:

Mr Neal Flanagan (Assistant Assembly Clerk)

Ms Antoinette Bowen (Clerical Supervisor)

Mr Oliver Bellew (Clerical Officer)

Ms Claire McCanny (Assembly Clerk, Bill Office)

The meeting commenced at 9.20 am in open session.

1. Apologies

There were no apologies.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 22 April 2021.

3. Chairperson's Business

The Chairperson informed Members that, on a number of occasions over the past few months, when the Committee had written to The Executive Office (TEO) for information, TEO officials had requested that the Clerk redirect the queries to other Departments.

The Chairperson informed the Committee that Committee staff had sought clarification in relation to correspondence with TEO.



The Chairperson proposed to Members that, in future, if the Committee requests that a letter is sent to TEO or another Department, Committee staff will make some initial checks to ensure that the correspondence is sent to the correct Department.

Agreed: The Committee was content for Committee staff to carry out initial checks to ensure correspondence is being sent to the appropriate Department, and that Committee staff will inform Members of any change in the recipient Department.

The Chairperson informed Members that an issue had arisen, largely in other Committees, in relation to Starleaf and clarity on Members being present when decisions are taken by the Committee. The Chairperson added that, in respect of Members attending via Starleaf, if their camera is active but they have not messaged the Committee team to alert them that they will be away from their devices, it will be assumed that they were present for any decision made.

The Chairperson reminded Members that, as the Committee proceeds to formal clause by clause consideration of the Licensing and Registration of Clubs (Amendment) Bill, it is vital that Committee staff know which Members were present for decisions via Starleaf.

Agreed: The Committee agreed that Members will alert the Committee team as soon as possible if they have problems with Starleaf, or if they are planning to be away from their devices during proceedings.

The Chairperson advised Members that she will be in the Chamber on Tuesday 4 May for the Consideration Stage of the Pensions Schemes Bill. The Chairperson reminded Members that all amendments are to Schedule 3 and consist of technical drafting and consequential amendments required as a result of the Westminster Pension Schemes Act 2021.

4. SR 2021/105 - The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (NI) 2021

The Committee considered SR 2021/105: The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (NI) 2021 which further extend the expiry date in the regulations to 12th November 2021, and will allow the continuation of



support and give certainty to those affected by the Covid-19 pandemic, as part of the Government's strategy.

Agreed: The Committee considered SR 2021/105: The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (NI) 2021 and, subject to the Examiner of Statutory Rules Report, had no objection to the Rule.

5. Committee Deliberations on the Clauses of the Licensing and Registration of Clubs (Amendment) Bill – Closed Session

The meeting moved into closed session at 9.25 am to allow the Committee to be briefed by an Official from the Northern Ireland Assembly Bill Office.

The Chairperson informed Members that the Assembly Bill Office had produced revised proposed amendments in relation to taprooms following the Committee's discussions during its meeting on 22 April 2021.

The Assembly Bill Office Official briefed the Committee on revised proposals regarding taprooms and answered questions from Members.

Mark Durkan joined the meeting at 9.37 am

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

Members discussed a range of issues and agreed for the Bill Office Official to seek further clarification from Departmental Officials, and to provide an update later in the meeting in closed session.

The Chairperson informed Members that they had been provided with a tabled paper on potential Committee recommendations, including areas which are not currently covered by the Bill and areas that are closely connected with the clauses of the Bill and relevant Committee amendments.

The Committee discussed a range of potential recommendations for inclusion in its report on the Bill.



Public Health

The Chairperson reminded Members that, throughout its evidence and research, the Committee heard, on a significant number of occasions, of concerns around the public health impacts of alcohol and the potential for any increased availability of alcohol to increase overall alcohol-related harm in society.

The Committee discussed a range of recommendations, including raising young people's awareness of the dangers associated with alcohol in an educational setting.

Members also recommended that all sporting bodies consider the removal of alcohol advertising, similar to practices introduced by the GAA.

Robin Newton left the meeting at 10.17 am.

The Committee agreed to include a number of recommendations around public health and the health and wellbeing of the local population.

Surrender Principle

The Chairperson reminded Members that, although outside the scope of the Bill, the Surrender Principle in alcohol licensing had been discussed on numerous occasions throughout the Committee's evidence gathering.

The Committee discussed concerns regarding the loss of licences from rural areas.

The Committee agreed to recommend a balanced review of the Surrender Principle that takes into account public health needs and the economy.

Alcohol Advertising

The Chairperson reminded Members that the Bill offered limited scope to deal with the issue of alcohol advertising, much of which is outside the scope of the Bill and outside the remit of the Department for Communities.

The Committee discussed a range of recommendations including the banning of alcohol advertising close to schools.

Robin Newton re-joined the meeting at 10.28 am



The Committee agreed to take forward recommendations that fall within the Department's remit.

Late Night Levy

The Chairperson reminded Members that the Committee had previously recognised that, owing to Covid-19's impact on the hospitality sector, the time was potentially not right for such a levy at this point.

The Committee agreed to a recommendation that that the Department take forward research into, and a consultation on, such a levy as soon as is practicable.

Renewal of Licences

The Chairperson reminded Members that The Law Society had requested that grace periods around the renewal of a licence should be extended, with suitable fines attached.

The Committee agreed to consider a recommendation in this area and requested that the Clerk review the evidence provided in this area and draft a recommendation for the Committee's consideration.

Rural Issues

The Chairperson reminded Members that evidence gathered suggested that the Bill had not addressed a fundamental flaw of current licensing, which creates migration of licensed premises from rural areas to "honey pot" sites.

The Chairperson also raised the "Pub is the Hub" model as a means to creating an environment in which rural and community pubs can be commercially sustainable.

The Committee discussed the lack of accessible data on the current geographical spread of licences.

Robin Newton left the meeting at 10.38 am

The Committee agreed to recommend that future consideration be given to the spread of licences and models to support rural pubs.



Review of the Impact of the Bill

The Chairperson reminded Members that the Committee had requested a Departmental amendment that provides for a review of the impact of the Bill.

The Chairperson advised Members that the Minister had accepted the Committee's request and that the review clause would now be taken forward as a Departmental amendment.

The Committee agreed to take forward the recommendations as outlined in the Clerk's briefing paper around the type of issues that the Committee would expect the review to cover.

Evaluation Plan

The Chairperson reminded Members that the Department had advised that Officials are liaising with the Professional Services Unit (PSU) within the Department to develop an evaluation plan.

The Committee agreed to recommend that it be provided, at the earliest opportunity, with the Department's development of the evaluation plan and to seek assurance that the Committee can feed into that plan.

The Committee agreed to recommend the creation of a central cross-departmental database around licensing and alcohol-related issues.

Occasional Licences

The Chairperson reminded Members that the Committee had heard evidence on the use of occasional licences and may wish to consider the need for effective oversight of refusals, and reasons for refusals in particular.

The Committee agreed to take forward a recommendation that this information is published on a regular basis and that research be conducted on issues such as demand, uptake, reasons for refusal etc.



Major Events

The Committee agreed to take forward a recommendation that a framework for applying for and determining major events be consulted on as soon as possible.

Communication

The Chairperson reminded Members that the Committee had already agreed an amendment with the Minister on the duty to include guidance on the new Act.

The Committee agreed to take forward a recommendation around the communication of key aspects of the Act.

Minimum Unit Pricing (MUP)

The Chairperson reminded Members that the Committee had agreed that it was content with its proposed amendment on MUP.

Taprooms

The Chairperson advised Members that if the Committee does not come to an agreement in relation to taprooms, they may wish to consider a recommendation on this issue.

The meeting was suspended at 10.55 am and restarted at 11.05 am

The Assembly Bill Office Official provided the Committee with an overview of her discussions with Departmental Officials on the revised proposals regarding taprooms.

The meeting moved into open session at 11.24 am

The Committee agreed to suspend the Committee's deliberations on the Clauses of the Licensing and Registration of Clubs (Amendment) Bill and move to Matters Arising.



6. Matters Arising

Examiner of Statutory Rules Report

The Committee noted the Thirty-fourth Report of the Examiner of Statutory Rules 2020 – 2021, which includes a Departmental acknowledgement that a statutory rule had been laid in breach of the 21-day rule. The Examiner was content, however, that the Department had provided a satisfactory explanation for the breach.

Ministerial response in relation to the Public Petition for a Review of the Burial Grounds Regulations (NI) 1992

The Committee expressed disappointment at the response regarding the Minister not planning for a review of the regulations.

Agreed: The Committee agreed to write to all councils to ask for details on their current policies regarding burials.

Agreed: The Committee agreed to write to SOLACE and NILGA to ask if they have considered a joint approach or cross-council policy regarding burials.

Ministerial response in relation to Capacity Building in Sporting Organisations and Clubs

The Committee noted the response on the capacity building elements of Sport NI's 'Supporting Sports to Build Back Better' programme, which will run throughout 2021-22.

Departmental response in relation to the Sub Regional Stadia Programme

The Committee noted the response on the Sub Regional Stadia Programme, including that an advisory working group on the issue is due to meet on 28 April 2021 to inform and further develop proposals.



Departmental response in relation to SL1 - Domestic Energy Efficiency Grants (Amendment) Regulations (NI) 2021

The Committee noted the response, including that, pending work on alignment with the Department for the Economy, the Department for Communities will continue with the current Affordable Warmth and Boiler Replacement Schemes

Departmental response in relation to Draft Local Government (Coronavirus) (Flexibility of Council Meetings) Regulations (NI) 2020

The Chairperson advised Members that the Department had received legal advice indicating that the necessary changes can only be made by way of primary legislation, and that the Minister intends to include provision in a Local Government (Amendment) Bill to extend the provisions on remote council meetings.

The Committee raised concerns that current provisions end on 7 May 2021, and that there was no indication when the primary legislation would be brought forward by the Minister.

Agreed: The Committee agreed to write to the Department to write to the Department to ask what financial help, if any, is being provided to Councils to support them meeting in person after 7 May.

Agreed: The Committee agreed to write to the Department to ask to ask the Minister when legislation will be brought forward, given concerns raised that there is nothing as yet in the Business Office Forward Work Plan.

Response from the Department of Finance in relation to Covid-19 funding for the Voluntary and Community Sector

The Committee noted the response, including that there are no criteria that exclude voluntary or community-based businesses from any of the grant schemes operated by the Department of Finance.



7. Correspondence

- i. The Committee considered correspondence from the Clerking and Member Support Office regarding engagement with marginalised groups.

Members discussed their recent engagement with a range of marginalised groups, including its recent briefing from the deaf community, under-18s on the Bill through the Assembly Engagement Team and its informal stakeholder event on welfare mitigations.

Agreed: The Committee agreed to forward details of their engagement with marginalised groups to the Clerking and Member Support Office.

The Committee noted the following items of correspondence:

- i. Response from the Minister for Health to Committee queries on the safe return to sport for young people.
- ii. Memo from the Public Accounts Committee regarding primacy over the reports of the Northern Ireland Audit Office.
- iii. Arts Council of Northern Ireland Annual Report and Accounts for year ended 31 March 2020.
- iv. Copy of Department's Annual Report on Decision Making and Financial Accuracy 2019.
- v. Investing Activity Report for Department for Communities dated 25 April 2021.



8. Forward Work Programme

Members noted that, at its meeting on 6 May 2021, the Committee will be briefed by Departmental Officials on the Charity Commission NI, and that the Committee will carry out its formal clause by clause consideration of the Licensing and Registration of Clubs (Amendment) Bill.

9. Any Other Business

A Member raised an issue regarding the re-opening of Libraries. The Member advised the Committee that although Libraries are due to reopen as lockdown restrictions ease, access to their microfilms will remain closed due to the current inability to sanitise microfilm.

The Member expressed concern as a group within their constituency had received funding to produce a short historical film, and that access to Libraries' microfilm was essential to the completion of this project.

Agreed: The Committee agreed to write to Libraries NI to ask if they are currently working on a process that will allow safe access to their microfilms.

10. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 6 May 2021 at 9.15 am in Room 29, Parliament Buildings.

The Committee agreed to return to the Committee Deliberations on the Clauses of the Licensing and Registration of Clubs (Amendment) Bill.



11. Committee deliberations on the clauses of the Licensing and Registration of Clubs (Amendment) Bill

The Chairperson informed Members that the Committee had been provided with 2 tabled papers: a Departmental response to Committee queries raised at the meeting on 22 April 2021, and a copy of amendments to be taken forward by the Department.

The following Departmental Officials joined the meeting:

Mr Liam Quinn

Ms Carol Reid

The Chairperson informed Members that they would first discuss the Department's response to Committee queries raised at the meeting on 22 April 2021.

Clause 29: Young People Prohibited from Bars

The Chairperson informed Members that Departmental amendments would extend the time period from 1st May to 30th September that a young person can remain in a sporting club until 11pm and the number of nights in clause 29(3) to "not more than three".

The Chairperson further informed Members that the Office of the Legislative Counsel had been asked to draft a further amendment to Clause 29 to provide a regulatory making power to amend both references in the future if required.

Members indicated that they were content with the proposed amendments.

Cinemas

The Chairperson informed Members that the Department had confirmed that preparatory work had commenced to carry out a consultation over the summer months.

Members indicated that they were content with this plan for a consultation.



Review Clause

The Chairperson informed Members that the Minister had accepted the Committee's request for subsequent reviews to take place no later than five years after the last report and that a sunset subsection be included.

The Chairperson further informed Members that these requests will be taken forward as a Departmental amendment.

Members indicated that they were content and that no Committee amendment would be required.

Police Authorisations for Additional Hours

The Chairperson informed Members that the Departmental amendments would increase the number of times provided for in the Bill that small pubs can apply to the police for late opening from 85 to 104.

The Chairperson further informed Members that it would also increase the number of times provided for in the Registration of Clubs (NI) Order 1996 that registered clubs can apply to the police for late opening for special occasions from 85 to 104.

Members indicated that they were content with the proposed amendments.

Underage Functions

The Chairperson informed Members that the Departmental amendments allowed a young person to remain on the premises while in the process of leaving/waiting to be collected.

Members indicated that they were content with the proposed amendments.

Private Functions

The Chairperson informed Members that the Departmental amendments allowed a young person to be in the company of a parent of another child attending the function.

A Member sought clarification from the Departmental Officials in relation to Section 75 and the definition of "parent" within the proposed amendments.



The Member was content with the clarification provided by the Departmental Officials.

Members indicated that they were content with the proposed amendments.

The meeting moved into closed session at 11.55 am.

12. Committee Deliberations on the Clauses of the Licensing and Registration of Clubs (Amendment) Bill – Closed Session

The following Departmental Officials re-joined the meeting in closed session to provide clarification on a range of issues discussed during the earlier closed session:

Mr Liam Quinn

Ms Carol Reid

The Committee was content with the clarification provided by the Departmental Officials.

The Chairperson thanked the Officials for their attendance.

The Chairperson informed Members that the Committee needed to make a decision with regard to amendments concerning taprooms.

New Clause – Proposed New Article 48C to the Licensing (NI) Order 1996

The Committee considered a proposed new Clause drafted by the Bill Office, which provides that local producers can apply to the court for an order specifying any part of the production premises as being suitable for the sale and consumption of intoxicating liquor.

The question was put that the Committee is content with the new Clause.

The Committee divided: Ayes 5; Noes 3; Abstain 0



AYES: Ms Paula Bradley, Ms Kellie Armstrong, Mr Mark Durkan, Mr Andy Allen, Mr Alex Easton.

NOES: Mr Fra McCann, Ms Karen Mullan, Sinéad Ennis.

Agreed: The Committee agreed that it was content with the new Clause.

New Clause – Proposed new Article 48D to the Licensing Order 1996

The Committee considered a proposed new Clause drafted by the Bill Office, which provides that those premises that hold an Article 48C order can apply to the court for an extension licence to allow them to sell intoxicating liquor produced in the premises for consumption in the premises from 4.00 pm to 10.00 pm.

The question was put that the Committee is content with the new Clause.

The Committee divided: Ayes 8; Noes 0; Abstain 0

AYES: Ms Paula Bradley, Ms Kellie Armstrong, Mr Mark Durkan, Mr Andy Allen, Mr Alex Easton, Mr Fra McCann, Ms Karen Mullan, Sinéad Ennis.

Agreed: The Committee agreed that it was content with the new Clause, pending some further checks on the drafting by the Bill Office.

Proposed Amended Clause 8 – Provision of samples/measures on tours of the production premises

The Committee also considered proposed amendments drafted by the Bill Office, which would amend Clause 8 of the Bill to replace lines 27 – 33 in the current draft of the Bill to provide enhancements to the provisions of samples on tours of the production premises.

Agreed: The eight Committee Members present were in unanimous agreement with the amended Clause 8, pending some further checks on the drafting by the Bill Office.

Agreed: Members agreed to return to these amendments at the meeting on 6 May 2021 once final drafting checks have been completed by the Bill Office.



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The meeting was adjourned at 12.51 pm.

Paula Bradley MLA
Chairperson, Committee for Communities