



Northern Ireland
Assembly

**COMMITTEE FOR THE
ENVIRONMENT**

**OFFICIAL REPORT
(Hansard)**

**Clean Neighbourhoods and Environment
Bill**

7 October 2010

NORTHERN IRELAND ASSEMBLY

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ENVIRONMENT**

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Members present for all or part of the proceedings:

Mr Cathal Boylan (Chairperson)
Mr Patsy McGlone (Deputy Chairperson)
Mr Roy Beggs
Mr Thomas Buchanan
Mr Willie Clarke
Mr John Dallat
Mr Peter Weir
Mr Brian Wilson

Witnesses:

Mr Colin Neill) Pubs of Ulster

The Chairperson:

We will now receive a briefing on the Clean Neighbourhoods and Environment Bill from Pubs of Ulster. I welcome Colin Neill, the chief executive of Pubs of Ulster. Colin will make his presentation before I open it up to members for questions.

Mr Colin Neill (Pubs of Ulster):

Thank you very much, Chairperson. I thank the Committee for the opportunity to speak about the

Bill. We recently rebranded from the Federation of the Retail Licensed Trade Northern Ireland, and that is one reason why we changed our name to Pubs of Ulster. For those members who do not know who we are, we have been in existence since 1872 and represent the pub industry in the Province. The industry employs 35,000 people and contributes £1 billion to the Northern Ireland economy each year. Although not many people know it, ours is the biggest grossing sector for tourism, with 80% of tourists visiting a pub and 70% of tourists eating in pubs. Our sector puts in around 33% of the lift in tourism, which is more than from bed nights.

The pub industry is not the major retailer of alcohol, as some may think. We sell around 25% of the alcohol in the Province, and our industry is now based on a very diverse product. For example, the third largest coffee chain in the UK is a pub group. Our industry has diversified greatly. Live entertainment is a big element of what we have to offer, particularly in a Northern Ireland context, where live entertainment is very much part of our culture. In the industry, we are not only the only alcohol retailer that pays rates with a built-in social levy but the only commercial operation to do so. Historically, we have a 30% higher property rate based on our turnover, because of the social impact of alcohol.

We fully support the Clean Neighbourhoods and Environment Bill, and are keen to see it rolled out without any delay. We have concerns about two elements that will have an economic impact on small businesses, not just our sector. I apologise: Andrew Irvine from the Belfast City Centre Management Company had planned to be here with me today. It supports our view on fly-posting, as it is referred to in the Bill, or the distribution of printed material, which is the formal term. Having talked to other trade bodies, there appears to have been a lack of consultation around the economic impact that that could have on small businesses. I do not speak for them, but other industry bodies tend to have the same opinion as us that there needs to be a closer look at the impact that the introduction of those penalties could have. That is not to take away from the fact that we agree that fly-posting is unsightly and a real problem, as is the uncontrolled or irresponsible distribution of printed material. Certain elements of our industry are guilty of fly-posting, with which we disagree totally. We try to take them to task in that regard. It is not the case that we want a free-for-all in those two areas.

The real impact will not hit only our sector. The ability to hand out flyers can impact on

everyone from the hairdresser to the small butcher. The coach tours of Belfast use flyers to market their offers. Small businesses cannot afford to advertise in the 'Belfast Telegraph' or buy a billboard. It is about finding an avenue by which they can market their product and react very quickly, because if there is a lull in the middle of the day, many small businesses, whether it be a hairdresser, a pub or whatever, will tell some of their staff to go out and drum up some business. It is about having that flexibility and keeping it at a realistic cost for a small business. That is why, as an industry body, we are keen to see the opportunity for councils to provide legalised posting sites, which has happened in a number of different areas in England. That is not just to create a free-for-all; there should be a not-for-profit fee to post there. That should be supported by terms and conditions, supported by legislation to outlaw fly-posting elsewhere.

The same applies to handing out flyers. That could involve a registration fee or licence fee — call it what you like — again at a low level from councils to allow businesses to do that. There could be heavy penalties for those who breach the rules, who do not clean up after them or who do not go through the proper procedures. A very weighty fine would discourage anyone from abusing the system. I reiterate strongly that we fully support the Bill and its measures. Fly-posting is a pest. In a previous life, I was involved in town centre management in Ballymena and Belfast for more than eight years, and fly-posting was the bane of my life. The issue of the irresponsible use of flyers remains in our industry.

The Chairperson:

Thank you very much for your presentation. You talked about the lack of consultation. Will you expand a wee bit on that? I agree with you about flyers and the fly-posting issue. It seems sensible to consider using only one billboard, but there could be problems with that approach, because everybody could post there and it would be difficult to enforce. Do you have any thoughts on that?

Mr Neill:

Companies can post on a number of different things. Across GB and Europe, boxes that are similar to huge postboxes are provided for fly-posting. Some local authorities use them to store some of their equipment. My understanding is that, when they apply for a registration or licence, people get a number, which appears on all their material. Anybody who fly-posts on those boxes

without a number is treated as if they have fly-posted on a building or elsewhere, and is subject to all the illegal fly-posting penalties.

The Chairperson:

Were you not happy with the consultation?

Mr Neill:

It would appear that, because the Bill seems to be about clean neighbourhoods, economic and business issues were not recognised, and we and number of other industry bodies were not approached as part of the consultation. Indeed, we just caught the Bill, as it had slipped under our radar. I do not want to speak for other bodies, but having spoken to a number of them, I know that they felt the same. They were not made aware of the consultation, given the opportunity to come up with economic data, or consider the elements that affect them. However, we do not want to say anything that will delay the Bill, because it is important.

The Chairperson:

Many small businesses rely on advertising through flyers, and so on. You have proposed the introduction of a licence for that type of advertising. Do you see that as being a licence that would require a fee, or more of a permit?

Mr Neill:

We want to see the creation of a licensing or registration system. Sometimes, when a licensing system is created and fees are charged, it costs more to collect the money than the licence generates. Therefore, it would be a system of registration that could follow registered parties whose registration number would be on everything that they distributed.

As I said, some businesses, such as small bars or a hairdresser, may send their employees out when business is quiet to give out flyers. It would be very difficult for them to apply four weeks in advance to do that, because they would want to be able to react to the economic situation in which they find themselves on the day, never mind in the month. Therefore, the system created could be one in which businesses pre-register and submit something electronically when they are going out to advertise. That information would then at least be on file, and if something went

wrong and they did not clean up after themselves, procedures would be in place to trace the business.

Mr McGlone:

Thank you, Mr Neill. It would be useful if the Committee could get a list of consultees to see who the Department consulted on the Bill. I am trying to visualise your suggestion. In your submission you state:

“Pubs of Ulster fully support the control of ... illegal fly-posting and the irresponsible distribution of printed material.”

I hope that it is just sleight of hand when you go on to say:

“both these methods often provide the only way a small business can afford to advertise”.

You have clearly stated that you do not advocate either of those two methods.

Mr Neill:

No; we do not.

Mr McGlone:

I am trying to understand the practical outworkings of your suggestion. You dealt with local councils, and it would cost a considerable amount for them to start to provide advertising sites. You know as well as I do that the real prime sites have already been taken, and for councils to pitch for those sites would be very costly.

I am also trying to understand what volume of businesses would want to advertise. It would not just be pubs and clubs, and I know what those businesses are about at the minute. The volume of businesses that would want to participate would mean that either none or 1,000 businesses wanted to advertise on the site. Your suggestion would become impracticable in the cost to the councils because of the prime locations required to be of any use for advertising and in the volume of business that would want to advertise on the site, and the problems that that could create in adjudicating what businesses were permitted to do so. You may be aware of the huge issues with businesses advertising on telegraph poles and lamp posts, and of the problems that those businesses have with Roads Service or Roads Service has with them, depending on what way you look at it. I am therefore unsure about the practicalities of your suggestion. On reflection, do you have any further ideas about that?

Mr Neill:

I agree with you that it is a complex issue. I am not suggesting that councils should go and purchase prime 48-sheet advertising sites, because the cost of those sites is prohibitive. The issue has been dealt with by councils in a number of European countries, including GB, installing what look like huge 12-foot-tall postboxes with a small storage room inside in pedestrian areas.

Again, I would look at control measures that have been introduced in others areas, in councils in England and in councils further afield to manage fly-posting. It is a complex issue. I appreciate that it is difficult to determine how to control the volume of advertising. My understanding is that other areas have measured the economics of applications to install those sites.

That may also involve looking at the cost to councils. It is not so much about allowing fly-posting as it is an economic measure. Economic development units are forever spending money to try to help business in the community. That is a wide element. Between the two, to take away fly-posting would have less economic impact than the flyer itself. Only certain types of industries and people fly-post. Usually, it is event-based rather than used to drum up business on a quiet day.

The Chairperson:

If a council were to undertake that, what are the cost implications?

Mr Neill:

To be honest, I am not sure. I am aware — digging into my previous life — that there are some models in which a commercial operation has installed advertising pillars. It uses part of them to advertise on and gives the other part to the council for use for fly-posting. Therefore, they can be cost-neutral.

Mr W Clarke:

Thank you for your presentation, Colin. Have your members made you aware of difficulties that they have had with councils' provision of neutral advertising sites? Some councils, for example, oppose alcohol advertising. Therefore, they would not allow certain posters to be put up on their

sites. Have any such difficulties occurred?

Mr Neill:

That issue has not arisen. I am aware that councils take different views on alcohol advertising. When we look at our product base, we tend to find that no one goes to the pub for a drink any more. People may go for another reason and have a drink while they are there. The price differential between off-trade and on-trade is so great that if someone wants alcohol, he or she will not pay four or five times the price. Obviously, there would have to be a degree of flexibility in a council's position, because it is an elected body and must represent the views of the community.

Mr W Clarke:

Can you understand businesses' frustration? If a business, such as a nightclub, wants to put up advertising on a legal site but is refused by the council, that causes it an awful lot of difficulties.

Mr Neill:

Again, if the business is promoting, say, a DJ or an event, that is different from putting up a poster that says, "All you can drink for 20 quid", which we are totally against. As an industry body, we fully support the ban on any alcohol price promotion.

Mr Dallat:

First, I am not entirely opposed to councils providing sites for advertising. It has been done successfully in Coleraine. Its French twin town presented it with an advertising pillar, which has worked extremely well. It also sends out a message that the council is environmentally friendly. Therefore, I would not dismiss that suggestion at all.

I am sure that you agree that the business in which you are involved has failed miserably to tackle fly-posting voluntarily. My small town, which is extremely attractive and has almost won tidy town competitions, is plastered with fly-posters on phone boxes, bus shelters and telephone junction boxes. Many of those posters have been put there by third parties — people who have booked a pub and organised the entertainment. What happens in a case such as that when the fly-by-night boy who has organised an event and fly-posted in the area is gone?

Mr Neill:

I agree fully that the industry is has failed totally to deal with fly-posting. Our position, as an industry body, is that that needs to be regulated because agreement cannot be reached. A large element of fly-posting is done by promoters who run events in venues.

It is a bit like the proposals on fly-posting and the feedback that I saw from the consultation. That basically says that we will probably have to pin responsibility on the venue, because, at the end of the day, that is the only body that one can get hold of. The onus will have to fall on venues to police whoever is running events in their properties.

Mr Dallat:

I do not think that leaflets that are handed out are as big a problem as fly-posting. They are a feature of life in other countries. They can be found anywhere, and they are a useful aid to tourists who may be attracted to a particular venue or event. Therefore, I am certainly not totally anti-handouts. However, a great deal more could be done to make that element of advertising more attractive.

It is interesting that, when people go to countries that have only recently entered the tourist industry, they will see that people in those places go to enormous efforts to attract tourists. They may dress people up in traditional costumes and so forth, and they give out little perks and all sorts of things. They do that rather than use a bucket and paste to plaster the whole countryside with posters. There are some areas where people are not safe walking, because they might end up with one of those posters on their back.

Mr Neill:

I totally agree with you. Although my sector fails miserably on fly-posting — and I say that with some shame — we are probably much better in the world of flyers. The cost of flyers to professional venues is quite expensive, so if promoters are worth their salt, they will train their people to hand the flyers to the target market. I was at a Belsonic event in Belfast, and I was almost offended when I was not handed a flyer on my way out because I was not young enough. I was not the target market.

Mr Dallat:

I have been there.

The Chairperson:

Is that the end of the “lordy, lordy, look who’s 40” scene?

Mr Beggs:

Do you agree that the artist or the venue should pay a penalty for fly-posting? The issue has to be incentivised to make sure that no one benefits from putting those adverts up on walls.

Mr Neill:

I totally agree. We are keen for legislation and heavy penalties to be introduced to deal with anyone who fly-posts where they should not. If I go back to my town centre management days, I remember that we thought up a scheme whereby we would print cancel leaflets and stick them on to the original poster. However, that would have meant that we were fly-posting.

Mr Beggs:

Fly-posting to attract tourists has just started to happen in a conservation area not far from here, adjacent to the historic town wall. That area just gets messy as a result of the fly-posting. Therefore, it is important to address such issues. Mr Dallat indicated that Coleraine Borough Council successfully provided a surface on which small businesses could advertise and that it has provided a method to allow them to do so. It would be useful to follow that up and get more information either through him or the council.

The Chairperson:

That is something positive about Coleraine. That is excellent.

Mr Beggs:

From your Province-wide experience, are you aware of any other councils or organisations that provide facilities for placing small adverts in town centres?

Mr Neill:

That is quite limited here. I think that there is some such facility in Derry/Londonderry, but I am not aware of anything else. I knew the Newcastle town centre manager, so I know that attempts were made to introduce similar facilities there. However, there has always been an obstacle to putting small adverts in the public realm, because doing so would get into the world of the Department for Regional Development and a discussion of what can and cannot be in the public realm. Permission has always been an issue. I understand that Newcastle was offered some kind of a free deal but could not get permission for it.

Mr Beggs:

Are there issues with the Planning Service? Perhaps there needs to be greater understanding of how such adverts form part of an overall package.

Mr Neill:

I think that the issue falls into the Planning Service's remit.

Mr Beggs:

Flyers are frequently all over windscreens in the car park in the harbour area next to the castle, where I suspect most of us parked. How will a good distributor of flyers operate compared with a bad distributor? People frequently have flyers posted on their windscreen, but they do not want them, so they may blow away. I am trying to understand what happens in that situation. Would the responsible distributor be required to go around and tidy up? I do not understand how that would work. Will you elaborate on that?

Mr Neill:

Someone who is distributing those flyers properly gives them to someone else; they do not put them on a property. To be honest, anyone who places a flyer on a car might as well be fly-posting, because it is just a smaller poster stuck to a windscreen on a car, which becomes a mobile object. The people who distribute the flyers would normally target their market, because there is no point handing them out to the wrong people. They hand them out person to person, as opposed to sticking them in phone boxes or on cars. Distributors pick a geographical area in which to work, and after they have distributed the flyers, they stop and clean the area behind

them.

The Chairperson:

Mr Neill, thank you for your presentation. We look forward to adding your contribution and the issues that you raised to our deliberations on the Bill. In rural areas, Masses are used to advertise, which is something that we must take a serious look at, given the nature of rural and small businesses.

Thank you very much.