



Northern Ireland
Assembly

**COMMITTEE FOR
SOCIAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

Licensing of Clubs (Amendment) Bill

4 November 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Simon Hamilton (Chairperson)
Ms Carál Ní Chuilín (Deputy Chairperson)
Mr Sydney Anderson
Mrs Mary Bradley
Mr Mickey Brady
Mr Jonathan Craig
Mr Alex Easton
Mr Tommy Gallagher
Ms Anna Lo
Mr Fra McCann

Witnesses:

Mr Tom Bowler) Department for Social Development
Mr Liam Quinn)

The Chairperson (Mr Hamilton):

Tom Bowler and Liam Quinn from the Department's social policy unit are with us to advise on the Bill as we go through it. You are both welcome. Proceedings will be reported by Hansard, and mobile phones must be turned off.

Members, we will start with Part 1 of the Bill, which deals with licensing. Clause 1 introduces

additional closure powers relating to all licensed premises. It allows a Magistrate's Court in a district that is experiencing disorder, or is likely to do so, to make a closure order in respect of licensed premises. It allows a police officer of the rank of inspector or above to make a closure order of up to 24 hours if it is believed that there is public disorder on or near and related to the premises.

The clause requires the police officer to apply to the relevant Magistrate's Court to consider the closure order and any extension of it as soon as possible. There is a new offence of keeping premises open in contravention of a court order, which will attract a fine not exceeding £5,000 and/or up to six months imprisonment. The clause also sets out the circumstances in which premises are deemed to be open by listing who may legitimately enter the premises so as to help the police determine whether premises that should be closed are in fact trading illegally.

A number of amendments have been proposed to clause 1. Amendment A will increase fines and includes a possibility of three months' imprisonment associated with disorder leading to closure.

Mr Tom Bowler (Department for Social Development):

Northern Ireland has a different structure of fines and penalties. The proposed amendment seeks to bring the fines and penalties into line with those in England and Wales. In licensing law, our fines do not normally exceed £5,000. The issue was raised a few years ago with the Office of the Legislative Counsel, which reiterated the fact that, under licensing law, we have a quite different structure.

Ms Lo:

The amendment will increase the fine to £20,000. The average fine in England and Wales is around £5,000. Imprisonment can be only for three months while, in England and Wales, it can be for up to six months.

Mr Bowler:

It is the other way around. It is currently three months there and six months here.

The Chairperson:

The fines are the other way around. They are £5,000 here and £20,000 there. We are harder on time in the clink and less hard on fines.

Ms Lo:

I am sorry; I read it the other way around. Our fines are lower, but imprisonment is longer. What is the rationale for that? Why are we so different?

Mr Bowler:

I do not know. That is the way it has been for quite a long time. We have different legislation from England and Wales, and we certainly have different licensing legislation. That is just the way that it has evolved in Northern Ireland. I do not know any more of the history of it than that.

The Chairperson:

Is there a strong view that we should support the amendment, or are we content with the clause? Jonathan made the point that there is probably very little enforcement up to that level anyway. OK, so there are no strong views. That is fine.

Amendments B and C will allow the police and courts to have the powers to require closure on the grounds of imminent disorder, or public or noise nuisance.

Mr S Anderson:

How is that to be defined? That is an area of difficulty. If a club is having a function on a Friday night, and there is massive noise and disorder, it would be down to a police inspector to say that the club has gone too far over the line. Can he or she define that, or do they need to contact noise officers from the local council?

Mr Bowler:

The draft Bill contained a power to allow the police to close premises because of noise levels. That provision was withdrawn. If it were to go back in, our guidance would probably state that the noise would have to come from within a premise and not from people outside. As the member rightly says, there would have to be specific guidance on the rights of the police, because

noise nuisance would probably be a subjective opinion. We have not taken the issue as far as we would have taken it, because the provision is no longer included in the Bill.

Mr Easton:

The Chief Constable was in Bangor on Monday night for a consultation with residents. He said that he wants the power to be able to close premises.

The Chairperson:

The oral and written evidence from the police was similar.

Ms Lo:

Can the Committee put in amendments about wanting to bring back the two other reasons for closure, namely, imminent disorder and noise?

The Chairperson:

If it is the Committee's view, we can propose an amendment on imminent disorder or noise. How that would look is a matter for drafting. However, the Committee can propose anything if it supports it.

The Committee Clerk:

If the Committee did not support it, the member would be free to put down an amendment.

Ms Lo:

The police were quite strong when giving evidence to the Committee that this is what they want in order to carry out their duties.

Mr F McCann:

I declare that I am a member of Belfast City Council, and I have sat through many —

Mr Brady:

Disorders? *[Laughter.]*

Mr F McCann:

Indeed. I sat through many committee meetings at which the police were fairly strong on the refusal of entertainment licences. However, when one started to investigate, one found that there were no real grounds for the refusal. I have serious problems with the amendments.

Councils have a good policy for dealing with noise nuisance, to the extent that they enter into lengthy mediation between pub and club owners and local residents to try to ensure agreement on noise levels. Councils can bring in restraints to stop noise, one of which is the refusal of an entertainment licence. I oppose that power being given to the police.

I do not know what the term “imminent disorder” means. Again, incidents have ended up being far worse because of police intervention, whereas matters could have been dealt with easily through mediation beforehand.

Mr Brady:

How would the phrase “imminent disorder” be defined? For example, if a football match was taking place and opposing supporters were drinking in the same pub, the rational view would be that there would be a risk of imminent disorder. Apart from that, it is very nebulous.

The Chairperson:

Initially, the Department had included the phrase “imminent disorder” in the Bill. However, it has been taken out. How did the Department define the phrase?

Mr Bowler:

It was more a matter for the police at the time. It was where disorder was expected and, obviously, expected imminently. There would have been history involved with that provision. Take the typical scenario of football fans before and during a match.

Mr Brady:

That seems the most rational example.

Mr Bowler:

If football fans had caused problems in the past, the police may have formed the view that they were going to do so again. Therefore, as a last resort, they would have asked the relevant premises to close voluntarily.

Mr Brady:

The difficulty is whether that would be based on a subjective or objective view.

Mr Bowler:

It really does depend on police intelligence. However, the best that I can offer by way of an explanation is that there would probably have to be some history by which a court could judge the validity of a police decision.

Mr Brady:

But, by that stage, the place would have been closed.

Mr Bowler:

Yes.

Mr Liam Quinn (Department for Social Development):

If an amendment of this nature were made, the guidance would have to make it very clear as to the circumstances under which that particular power could be used by the police. That would evolve as the courts reviewed the use of the power over time.

Mr Brady:

Precedent would be set through case law.

Ms Lo:

There would need to be guidance and criteria for defining imminent disorder. Noise would be one factor. A senior police officer who wanted to close premises would have to justify his actions to a court.

Mr F McCann:

By that stage, it would be too late.

The Chairperson:

Although supportive of the clause, I have issue with the implementation of closure powers where the actual disorder relates to the phrase “in the vicinity”. I support the powers, but I have issues with how they are going to be implemented. As we have asked several times: what does the word “vicinity” mean? What does the phrase “related to” mean? I understand that there will be guidance on that. However, there is still wriggle room in the interpretation, and those powers could be abused just as much as they could be used sensibly. Although I have an issue with that, I still support the clause as being right and proper.

My concerns are amplified by the fact that we are talking about “imminent” disorder. I would be 100% supportive of a clause along those lines if I had confidence that the powers provided for would always be used appropriately. I do not have that confidence, because such powers would be used subjectively. That is why I am concerned.

Mr Brady:

Everybody knows that there are disorderly premises. However, the situation might arise in which a place that is normally well run has one incident of disorder, and, as a result, is closed down. Some rationale has to be applied. Everybody knows that there are places that people just would not go into. Those are few and far between, but imminent disorder may well happen every week on such premises. *[Laughter.]*

The Chairperson:

They are always there.

Mr Brady:

For many years, I lived opposite a club in Newry in which disorder was always imminent. *[Laughter.]*

Premises that are orderly and well run may, unfortunately, come under the same remit.

Therein lies the difficulty. Therefore, the phrase “imminent disorder” will have to be very clearly defined, and whether disorder is repetitive or consistent would have to be taken into account.

Mr Bowler:

The police would have to use the power very cautiously. As Liam said, ultimately — and perhaps too late — it will be the courts that decide. However, I stress that closure orders are a last resort. Ideally, the police will negotiate voluntary closure.

Mr F McCann:

Not in all cases. The police should be going to the courts for closures. This is open to abuse. I am not saying that all police officers would abuse the power, but individuals may do so because of the nature of a club or pub. I think that the court should have the say. As Mickey said, if problems are persistent, one would think that the police would automatically apply to the Court Service for a closure order.

Mr S Anderson:

I support what you said, Chairperson, as regards the clause and the powers for the police, but it puts the individual police officers in the very difficult position of having to read situations as they develop on the night. Perhaps each inspector may see things differently. We would be depending on the police on the ground making a decision at that particular time. As Anna said, there have to be guidelines to make this effective. People could end up in court saying that one bar should not have been closed down because, for example, if two premises were close to one another, then the trouble arose from the other one. It is a grey area, but I support the clause and I support trying to do something to stop levels of noise and disruption.

Mr F McCann:

Are councils not better placed to deal with noise nuisance through the process from initial complaint? They facilitate local residents by providing equipment to detect noise. Before any action is taken, they help mediate between the complainant and the pub or club, wherever the noise is emanating. Finally, they only move as a last resort when no agreement can be made.

Mr S Anderson:

I declare an interest as a member of Craigavon Borough Council. I take those points, but if something develops during the night, it is not easy to get council officers out at 1.00 am or 2.00 am with noise-level detectors; I do not know what it is like in Belfast. If an issue develops after 1.00 am, and a police inspector is there, he or she has to make a decision quickly about whether particular premises are causing a problem. How would that inspector detect the noise level? Will he or she have some sort of noise-level detector? It is being left to individual police officers to close premises. If something happens at 1.00 am and there is disruption and a lot of noise, what should an individual inspector do?

Mr F McCann:

It could actually precipitate trouble.

Mr S Anderson:

Following on from that, what are the consequences if it can be proven that the right decision has not been made? Where does that put the individual police officer?

The Chairperson:

You are saying something similar to what I was saying. You support the principle of the suggested amendment, but the application is much more difficult in practice. That is the point. It is not that we do not support the idea.

Mr S Anderson:

I fully support this. Is there any way we can give the police a better way to make their decision, or will it be just left to them to decide when to close a premises?

The Chairperson:

Presently, the Bill only gives the power to close where there is actual disorder related to premises or in the vicinity of premises. That is actual disorder. The proposed amendments suggest that there should be provisions for “imminent disorder” and “noise”. Those are incredibly subjective; particularly the question of what is the right noise level, because the equipment may not be available at 1.00 am.

Mr S Anderson:

That is why the councils have noise detectors; it is because they need to get evidence. I am sure that every district council works in the same way. They have to have a history of noise levels over a period of time. How can noise in this situation be detected over a period of time? It will be down to one particular decision at one particular time.

Ms Ní Chuilín:

Public order legislation can be used with respect to imminent disorder in which there is a fear that people will do harm to themselves or others. Obviously, that does not relate to noise pollution. However, those powers are being used far too arbitrarily in Belfast, and their use depends on district commands and sometimes on the complexion of the inspectors in those commands. If the police believe that people are being disorderly when coming out of a premises, it is better that they talk to the licensee about the potential effect on residents. This proposal will take away the ability to remind people of their responsibilities. It will give the police the power to close premises if they feel that there may be problems.

The problem with the amendment is that, even with guidelines, it is difficult to judge noise levels. It is leaving the power open to abuse or misuse.

Ms Lo:

Noise levels can often be judged by the number of complaints received from residents. There are machines to measure noise levels; but, if the police receive dozens of calls from residents who live close to pubs and clubs, those will provide the intelligence that there are huge noise levels. That could be the case, for example, in South Belfast or in the residential areas of the city centre when there are open-air concerts.

Mr F McCann:

I understand what Sydney said. However, if someone feels that too much noise is coming from a bar and phones the police, the police are obligated to investigate that complaint, which could create more trouble. Councils are the best bodies to investigate those complaints. They may not be able to deal with the problem on the night, but the fact that they are investigating and

recording noise levels over a period of time will send the message to the licensee that that behaviour will not be tolerated. One of the things that one learns in council is that these things are open to legal remedies. Eight out of 10 times the councils end up losing out. What will it be like if a police officer closes premises due to noise levels?

The Chairperson:

Your opinions are not divergent; your emphasis is just different. There is limited support for an amendment. We do not need to get any more information, because it is a matter of opinion.

Ms Ní Chuilín:

It is.

Ms Lo:

Can we ask the police to clarify what sort of guidelines and criteria will be put forward?

The Committee Clerk:

As I understand it, and the departmental officials can keep me right, the Department of Justice will issue guidance that the Department for Social Development will help to draft.

The Chairperson:

Tom, do you have any more on that?

Mr Bowler:

The guidance will be on the Bill as it stands, which does not include noise nuisance.

The Chairperson:

What guidance will be given to police officers?

Mr Bowler:

The Department of Justice will produce guidance for police officers.

The Chairperson:

Yes I know that. Have you done any work on developing that guidance?

Mr Bowler:

Yes we have.

The Chairperson:

I am trying to tease that out. What is in that guidance? Can you give us a steer as to what that guidance looks like?

Mr Bowler:

Our closure provisions are based broadly on the England and Wales version. They have produced guidance, as has Scotland, on their closure provisions, and ours will look similar to those. However, the emphasis will be on the caution that the police need to use before they make any decisions, the relationship that the police have to build up with licensed premises and registered clubs and on the voluntary nature of any action, with closure being a last resort. It will stress the communicative role of the police rather than stress the ultimate power that they will have to close premises.

The Chairperson:

We will get copies of the guidance in the other jurisdictions to give us an outline.

Ms Lo:

In a way, this will give our police less power than the police in the rest of the United Kingdom. If I recall it right, the police in England and Wales have that second and third power, whereas our Bill will go through without the amendment and the police will have less power.

The Chairperson:

That is correct.

Ms Lo:

Our pubs and clubs are not less rowdy.

The Chairperson:

That is devolution, Anna. We can do what we want to do. We will seek that additional information.

Amendments D and E will require the police to notify the district council of a closure and to consult with the local community. Does the Department have an opinion on those amendments?

Mr Quinn:

The amendment on consulting the district council is worthy of consideration and could be included in guidance to the police on the use of their closure power. There is a link between the liquor licence and the entertainment licence.

The Chairperson:

How do you define “local community”?

Mr Quinn:

Those are emergency powers, and it would be very difficult to consult the local community when dealing with an issue that happens very late at night. However, it is worth considering whether the police, as part of their normal liaison with the community, could raise the matter afterwards and explain what had happened and how they had used the power. Again, that is for the guidance.

The Chairperson:

How does the Department define “local community”?

Mr Quinn:

We need to look at that issue. Presumably, “local community” has different meanings in different areas, such as rural areas and inner city areas.

The Chairperson:

Yes, it is quite nebulous.

Mr F McCann:

Councils have a long track record of trying to deal with noise nuisance, and they have gone to court on many occasions. They have lost cases and it has cost a fortune. Therefore, the trusted practice in councils is to try and get agreement between the licensee, the local community and the council so that they do not have to go to court. That is the best procedure.

Mr S Anderson:

Amendment D says that the police will be required to notify district councils. Will they be required to do so immediately? We know that things lie around, and, given that district councils issue the licences, they should be informed immediately. They should know with immediate effect if there is a problem at premises. The Bill should maybe state that councils should be informed with immediate effect or within a certain time period.

The Chairperson:

The Department suggested that that can be done through guidance. There are practicality issues if an incident happens at 3.00 am.

Mr S Anderson:

I understand that. However, they could be informed within 24 hours or, if an incident happens on a Friday night, they could be informed by the following Monday.

The Chairperson:

That is legitimate. We could do that.

Mr S Anderson:

It should not lie on a desk somewhere for three months before the local licensing authority finds out about it.

Mr F McCann:

The fact of life is — and I can only speak about Belfast — that if most police in Belfast had their way, most places would close at 12.00 midnight to save hassle.

The Chairperson:

Amendment F will allow the courts discretion to rescind a closure order if certain conditions are met.

Mr Bowler:

Yes. That seems unnecessarily harsh in our view. I would not say that the nuisance is more likely to be at night time, but there is a fair chance of it happening during the night. Issuing a closure order for a pub and yet allowing it to stay open subject to certain conditions just seems a little bit prescriptive, and we would prefer that a closure order was either issued or was not issued. The monitoring of those conditions would be very difficult.

The Chairperson:

I do not think that the amendment is suggesting that a bar stays open under certain conditions. I will paint a scenario. A closure order is issued at midnight, and the bar closes. The publican applies to the court at 9.00 am the following morning asking to have the pub reopened and offering to be a good boy and do X, Y and Z, and is told that he can open from 11.00 am as normal if he abides by the conditions. That is what the amendment is suggesting. It is not that the premises are closed but open; that would be patently ridiculous.

Mr Bowler:

I think I know where the proposal came from; it was based on the equivalent closure powers in England. In England, a court can issue a closure order, yet allow a pub to open subject to certain conditions, which are not specified. I was pretty sure that the proposed amendment reflected that fact and was a comparison between here and GB. That is why I took the line that I did.

The Chairperson:

What about the scenario that I painted? Is it a possibility to have an amendment to allow that to happen?

Mr Bowler:

If the police decide that the disorder —

The Chairperson:

It would be up to the court to decide. The court would be issuing the order.

Mr Quinn:

Yes, it would be up to the court. It is possible to bring forward such an amendment, but I am having difficulty visualising what sort of conditions would be put in place.

The Chairperson:

I'm not speaking in favour or against; the suggestion has been made. I accept Tom's point. I think that it would be ridiculous to close and open premises; that would be a preposterous scenario.

Mr Quinn:

The Bill as it stands gives the court the power to allow the licensed premises to reopen but removes their late licences, for example. It could say that the premises can open from 11.00 am to 11.00 pm but cannot have a late licence. That is an element of restriction.

Ms Ní Chuilín:

They do that anyway.

The Chairperson:

Amendment G suggests an alteration to the definition of when premises are open so as to include when entertainment is provided.

Mr Bowler:

That sounds like a pretty useful idea. We will probably need to discuss it further with the DOE; we are getting into that Department's legislation, but it makes sense. I was trying to envisage a scenario in which the police issue a closure order and the pub then goes ahead and runs a dry entertainment event or holds a gig with no alcohol. I am trying to envisage when that would ever happen, but we think it is a worthy idea to consider and we will certainly take it up with the DOE.

Mr S Anderson:

There is a possibility that some premises could provide meals and, although not selling drink, people could bring in their own alcohol in bottles. Is that possible? One knows what happens

after that; they are asked to leave a fee for their meal as they are going out the door, which covers everything.

Mr F McCann:

It is usually before you go out; it is when you go in.

Mr S Anderson:

I said that for a specific reason.

Mr Bowler;

I do not think the Bill makes it clear, but the police could go into a place and issue a closure order but not require the premises to shut.

They could ask the bar to shut, and that will be part of our guidance. They may not want to exacerbate the situation by asking customers to go into the street in a group. There are lots of scenarios under which a pub will not have to close its doors. However, we think it fairly unlikely that meals would be served during a closure order, or that any other activity would take place once the bar was closed.

Mr S Anderson:

Yes, but it is possible. If the establishment were to serve meals, and the clientele brought their own bottles of wine —

Mrs M Bradley:

Aye, if they bring it in —

Mr S Anderson:

Yes. The meal is served, they drink their bottle of wine, and the whole thing is charged as one complete setting. What is to stop that from happening?

Mr Bowler:

The police could stop that from happening. They could simply close the premises completely. Again, I have difficulty envisaging —

Mr S Anderson:

On what grounds?

Mr Bowler:

It would be on the grounds that they intended to close the premises in the first place. There has to be disorder. The police would have closed the premises because of disorder breaking out. It is hard to imagine why, in that scenario, they would not clear the premises and not allow people in to eat or drink.

Mr Quinn:

The Bill allows the police to close a bar if there is disorder. So, they can close premises completely, but in some circumstances, as Tom said, they would not want all the people moving into the street at the same time for fear of further disorder. So, they may close the bar, no more alcohol would be served, and people would remain on the premises.

I cannot envisage how, in those circumstances, people would go out, buy drink in off-sales, and come back and be served a meal, because the police could immediately say that they are closing the whole premises and that everyone must leave. The Bill makes it clear who is legitimately entitled to remain on premises when they are subject to a closure order. Staff, and maybe family members who live on the premises, are legitimately allowed to be there. However, one could not have people wandering in with drink.

Mr S Anderson:

Tom said that perhaps premises could stay open and continue to serve meals.

Mr Quinn:

Yes, but that would be when police have closed the bar and not the premises. If that scenario developed, then the police would close the premises completely. I would imagine that to be the sensible approach.

Mrs M Bradley:

Is that in a case where premises lost their licence?

Mr Quinn:

That is when a closure order would have been imposed.

Mr F McCann:

A closure order is usually against the sale of alcohol on the premises, not the consuming of alcohol. Many restaurants and late-night clubs outside the pub trade operate under the guise that people pay £20 in. They are supposed to be alcohol-free, but they are not, and that is accepted. Many restaurants allow people to bring in their own carry-out. It is put in the fridge, and is served to you when you are eating.

Ms Ní Chuilín:

I must go out with you more often, Fra.

Mrs M Bradley:

How do you know that, Fra?

Mr Brady:

Fra has done a lot of research.

Mr F McCann:

It is called being close to your community.

Mr Brady:

Fra is organising the Christmas party this year.

Mr F McCann:

I have organised plenty of Christmas parties.

The Chairperson:

He can organise the Committee's Christmas do.

OK, amendments H and I sought to restrict closure powers as they affect an area in respect of off-licence sales.

Mr Bowler:

There does not seem to be an awful lot of sense to that. Courts can close off-licences easily.

The Chairperson:

I suspect that members will agree with that. OK. Fair enough.

Clause 2 introduces a penalty points system for licensed premises. The penalty points for each offence are set out in schedule 1 of the Bill. Where a licensee is convicted of two or more offences committed on the same occasion, the court may restrict the points attributable to the highest number due in respect of one of the offences. The Department is also empowered to amend the penalty points attributable by affirmative resolution procedure. A Magistrate's Court may suspend a licence for not less than one week or within three months when 10 penalty points are accumulated in a three-year period.

A number of amendments have been proposed to clause 2. Amendment J will require the courts to impose all penalty points associated with all offences committed on a single occasion.

Mr Bowler:

The courts have the power to do that in the Bill. The Bill allows them to award points for every conviction or to award one set of points.

Mr F McCann:

Are you saying that that power exists already?

Mr Bowler:

Yes, it is included in the Bill that the courts will have the discretion to do that either way.

The Committee Clerk:

The difference is that the Bill allows the courts discretion. It may have been the Caleb

Foundation that suggested that all of the points should always be applied automatically.

The Chairperson:

Amendment K will restrict the application of penalty points to the on-licensed trade. It is similar to amendments H and I in that it seems a bit ludicrous. An off-licence is as likely to misbehave as an on-licensed premises.

Mr Brady:

Obviously, it has a cumulative effect.

The Chairperson:

Amendment L will reduce the level of points associated with every offence.

Mr Quinn:

I am not clear why that has been suggested. Obviously, it would benefit those who commit the most serious offences. We want to send out the message that underage sales, for example, are a serious offence and should be treated seriously.

The Chairperson:

Amendment M is about reducing the shelf life of penalty points from three years to three months. A similar argument applies to that amendment as the previous one.

Mr Quinn:

It would mean that premises could be convicted of selling underage three times each year without any fear of suspension of their licence.

The Chairperson:

We had representations from major retailers, who are unlike a wee bar in the main street of some town. They are huge retailers. For example, it seems that half of the booze that is consumed in the Irish Republic is sold in Newry.

Mr Brady:

It all goes into the local economy.

The Chairperson:

They argue that they get thousands of sales a week and probably hundreds of thousands a year. I will play devil's advocate: those retailers say that they do their level best to restrict underage sales, but that, invariably, the fact of life is that someone will slip through the net. In the real world, people under the age of 18 are consuming alcohol every day of the week. They get it from somewhere, or someone gets it on their behalf.

The retailers' argument is that as they have such high volumes an enhanced regime of enforcement would mean that it would take only two breaches in a three-year period for them to risk being closed. I do not know how regularly it occurs, but it is much more often than that. If they were closed for a period, it would have a massive effect on the business. I understand their point. I do not condone sales to underage individuals or to those who pass alcohol on to underage people, but it is a fact of life. We would be targeting retailers that, as Mickey can testify from his backyard, are huge contributors to the local economy.

Mr Quinn:

The reason that we are debating the Bill is that alcohol is a controlled substance, and the state recognises that. That is why these controls are in place. People who sell large quantities of alcohol have responsibilities not to sell it to those who are underage. The fact that they are selling large volumes is not sufficient to say that some people will get through the net. However, if they put all of the correct checks and procedures in place and, by mistake, something happens, there is the defence in law that they had carried out due diligence checks. A licence holder has a defence to the charge, and the court would take that into account in any hearing.

Mr F McCann:

In such circumstances, would the supermarket be closed down, or would it be only the off-licence part of it?

In west Belfast, and perhaps across Belfast, the community, the police and local politicians

have, as part of strategies, gone into off-licences. Many who are employed in those premises are underage and easily intimidated. However, there is nothing else here about off-licences.

Mr Bowler:

Much rigorous training is undertaken by Pubs of Ulster.

Mr F McCann:

That may be the case in some pubs, but it is not the case in west Belfast.

Mr Bowler:

As one of the trade bodies from England told the Committee, it is the law that there must adult supervision where liquor is stored and there must be adults on the tills. Underage drinkers would have to slip through both those nets to purchase alcohol in a supermarket. As Liam said, the next defence is that the licensees used all due diligence to avoid the offence by having firm practices and policies in operation, and can convince the court that they had no reason to suspect that the young person was under 18. That is a great deal of hurdles to get over before a court will convict a large supermarket of the underage selling of alcohol. The same could also apply to off-licences if the young person behind the till had no reason to suspect that the customer was underage. Even when there was intimidation, if the off-licence had firm policies and procedures in place the courts would have a right not to convict, and if there is no conviction there will be no penalty points.

There are a lot of steps to be taken before a court will convict. It is not as simple as it seems and people do not simply get convicted for selling to underage drinkers and get hit with five or six penalty points. There is more to it.

Mr F McCann:

One of things that we tried to do with the off-licence trade was to get them to have different coloured bags. That makes them easily identifiable and allows underage drinking to be tackled there and then. Sainsbury's and Tesco have identifiable bags.

Mr Quinn:

The majority of off-licence chains, such as Wine Barrel, have their own distinctive bags. If there is any evidence that that will help tackle the problem of underage drinking, the Minister said that he will look at it. The Department is actively considering it.

Ms Lo:

If we remove penalty points after three months, we will send out a message to the public that we are not serious about dealing with alcohol abuse and underage drinking. I agree that there are many checks and balances, but to say that we should go easier on the pubs and supermarkets sends out the wrong message. Supermarkets are selling thousands of pounds worth of alcohol. Surely they have the resources to have all the checks and balances in place and to properly train their staff. It is no excuse to say that underage drinkers will fall through the net in supermarkets, because of the volume of alcohol sold.

Mr Brady:

You made the point about adult supervision of tills. In Sainsbury's in Newry, those who purchase alcohol pass through the main checkouts, many of which are manned by students. Therefore, there is not necessarily adult supervision of supermarket tills. However, underage drinkers are more likely to be detected in supermarkets, because they are much more open and public. It is easier for them to get drink in smaller off-licences, which do not have the same checks in place. That is a particular problem.

I am not sure which retailers use marked bags. Winemark had a place in Newry, which is now closed. The bags are unmarked, and that is one of the issues. Somebody from one of the retailers in England talked to the Committee about bottle marking, because bags can be thrown away.

Adult supervision at the tills does not necessarily apply in the larger supermarkets, but, that is balanced by the fact that, where it does apply, it is more difficult for underage kids to buy drink, because there are more people around. That is something that needs to be pointed out.

Mr Gallagher:

Perhaps I do not go into off-licences often enough. I have been in them, but adult supervision is

news to me. I am not aware that there is much adult supervision at tills. I am aware that, in some off-licences, it is young people who work on the tills, and there are young people around who appear to be interested in acquiring alcohol. Therefore, I find what you said very hard to take on board.

I agree with Anna. We are either serious about clamping down on underage drinking or we are not. So many serious problems arise from the availability of alcohol. Adults are adults and have the freedom to choose whether to spend all their money on alcohol. It would be treating the issue far too lightly to have a three-month penalty that can be removed. I have no doubt that it would indicate that we are not taking the problem of underage drinking seriously at all.

Mr S Anderson:

I have listened to the discussion and want to go back to amendment K, which states that penalty points would apply to on-licensed premises only. As Anna and Tommy said, most of the alcohol coming to young people is through off-licences. Why is a case not being made for penalty points for off-sales, which is where most of the alcohol is coming from?

The Chairperson:

That is in the Bill.

Let us move on to amendment N. Members, we are not making the progress on this that I would have liked us to have made. We will continue for a bit longer and, then, perhaps take a comfort break, before deciding where we are on these issues.

Amendment N will allow the courts more discretion in respect of the endorsement of licences. Tom and Liam, do you have any information from the Department?

Mr Bowler:

They would have the discretion that they have now, pretty much. The Minister felt that we needed to crack down on this a little more and that the law needed to be strengthened. That is why amendment N been included. Checks and balances are made before someone is convicted, and not everybody who sells alcohol to underage people will be convicted. However, it is a question of whether the Committee thinks that the law should provide fewer opportunities for people and their licences to escape the consequences.

The Chairperson:

Clause 3 introduces a statutory proof of age scheme for licensed premises that deals with the prohibition of young people under the age of 18 from certain premises and the sale and delivery of alcohol to them. The clause allows that, in court proceedings relating to underage alcohol offences, “all due diligence” may be demonstrated by the licensee or relevant member of staff being shown certain documents specified for the purpose of proof of age by a customer. Those documents are a passport, a photocard driving licence, an electoral identity card and a proof of age standards scheme (PASS) card.

The clause requires all licensed premises to display a notice containing information on underage sales and acceptable documents as proof of age. A number of amendments have been proposed to clause 3. Amendment O will require patrons of licensed premises to produce ID at entry if they are thought to be under 18. Is there any view from the Department?

Mr Quinn:

The concern about that is that the stipulation that people would be denied entry would mean that pubs would and have to employ door staff during the day and off-licences would need door staff. We do not think that is really practical.

The Chairperson:

No; it is potty, really. That may not be an official description. Does everybody else think it is potty? Amendments P and Q will require all alcohol retailers to request ID from anyone who appears to be under 25. Is there any view from the Department?

Mr Bowler:

The trade currently operates the Challenge 21 policy. Challenge 25 was introduced in England and Wales, but the trade here was pretty confident that Challenge 21 was suitable. If the trade decided to up that to Challenge 25, that would be fine. It could happen; there would be no need to legislate for it.

The Chairperson:

Challenge 21 is just an industry-led approach; it is not legislative, so it could go to 23 or 25.

Mr Bowler:

That is right; it is an initiative, not legislative.

The Chairperson:

I am sure the Committee would not like that. Quite a few have been caught by that. *[Laughter.]*

Mr McCallister:

I am happy to show my licence.

Mr Gallagher:

It might be difficult to get the same level of goodwill from the business side.

The Chairperson:

That is a fair point. Amendment R suggests that a proof of age scheme should not prescribe any forms of ID. Is there any view from the Department?

Mr Quinn:

There is no real rationale offered for this. The Department has the power to prescribe the forms of identification and that power should be used. The types of ID that are acceptable are prescribed in the Bill as it currently stands, and we do not want to move away from that.

The Chairperson:

The legislation prescribes that these are the only forms of ID that are acceptable for proof of age, whereas if that is taken away licensed premises could accept a 17-year-old's Hawaiian driving licence.

Mr Quinn:

Exactly.

Ms Ní Chuilín:

Did you see that film?

Mr Quinn:

I clearly did not.

Ms Ní Chuilín:

McLovin.

The Chairperson:

Clearly, popular cultural references are missed by many here.

Ms Lo:

Are student cards included in that scheme?

Mr Bowler:

No.

Ms Lo:

A lot of students carry student cards for concessions when going to the cinema, etc.

Mr Bowler:

It would not be accepted as proof of age in a pub. It is a proof, but it would not be acceptable because it is easily forgeable.

Ms Lo:

They have a photograph. Sometimes students go to shops and buy things and get 10% off. That is why a lot of girls carry student cards. You cannot stop them; that is the thing.

The Chairperson:

It does not look like there is much support for this. Amendment S suggests that the proof of age scheme should specify that ID be pass accredited and specifically exclude expired passports.

Mr F McCann:

Why would that be excluded if it contains a person's photograph and date of birth?

The Chairperson:

The Committee Clerk has reminded me that the police asked for that. Is there any view from the Department?

Mr F McCann:

It is a bit crazy.

Mr Bowler:

The electoral identity card was to have been pass-accredited at the outset, but it turned out to be too expensive a venture so the idea was dropped. Driving licences, passports, electoral cards and any other pass-accredited cards are included. Ideally they would all have been pass-accredited, but the electoral card is not.

The Chairperson:

What about the exclusion for expired passports? The point that Fra makes is that an expired passport still proves who you are.

Mr Bowler:

The trade will not accept it. Use of expired passports is a notorious in underage sales. Usually, a brother or sister gives their younger sibling an expired passport that has the corner cut off. The trade is on to that and will not accept it.

Mr F McCann:

Surely, if the photograph is on the passport, you can see whether the person using it is genuine.

Mr Quinn:

At that stage, the photograph is 10 years old.

Mr F McCann:

The electoral card is free.

Mr Bowler:

Yes; that is one of the big benefits of it. It is also easily carried.

Mr S Anderson:

You could have identical twins.

Mr Brady:

Born 10 years apart. *[Laughter.]*

The Chairperson:

Clause 4 inserts new provisions that apply to licensed premises, which clarify how the licensing order applies to limited liability partnerships. The new provisions provide that:

“a reference to a director of a body corporate is a reference to a member of a limited liability partnership.”

They also provide that:

“the reference to any designated member of a limited liability partnership.”

Liam and Tom, do you want to add anything to that?

Mr Quinn:

No.

The Chairperson:

No amendments have been proposed.

The Committee Clerk:

Clauses 5, 6 and 7 are pretty much identical to clauses 1, 2 and 3 except they apply to clubs. Are Committee members content to skip to clause 8?

Mr Brady:

The clubs made a good point that registered clubs are much less likely to have disorder than pubs. Registered clubs are, for the most part, well run and are much better regulated than pubs, so it is unfair to equate the two and say that what applies to pubs should apply to clubs. Clubs are much more community based and have a different ethos. That should be recognised in the legislation, but it is not.

The Chairperson:

It is hard to recognise that in the legislation. It could be emphasised somewhere else.

Mr Brady:

It could be in guidelines. It is something that needs to be recognised.

The Chairperson:

It may be helpful for us to pass the message to the Department that the Minister could make that point in the House. Committee members will make that point, so it could be helpful for the Minister to underline it. Mickey is right that there has been a perception in the club industry that clubs are not the source of antisocial behaviour. It is provable that they are not the source of antisocial behaviour that we see.

Mr Quinn:

In its evidence to the Committee, the PSNI confirmed that.

The Chairperson:

At risk of opening a can of worms — I said that I wanted to make some progress — I want to ask about penalty points for licensed clubs. We received some pretty blunt evidence from representatives of licensed clubs, who said that there are breaches, which would incur penalty points under the Bill's provisions on a regular basis. That begs a question about who is enforcing or not enforcing the current rules. I am not saying that the breaches are correct, but if the rules are not being enforced, who is going to give the penalty points?

Given that we received frank evidence from representatives of the licensed clubs, which was

bold of them, what is being done to enforce those rules? How many times have there been enforcement proceedings? How many times have clubs been closed or lost their licences because of infractions that, under the Bill, would incur penalty points.

Mr Quinn:

Enforcement seems to be very rare. I heard the evidence from the representatives of the licensed clubs, and they were very frank. As well as the clubs, Pubs of Ulster has been complaining for some time that a number of clubs are operating almost as pubs in that they are not open only to members and are running functions that are open to the general public, such as weddings, which is not within their remit under current legislation.

Pubs of Ulster met with Minister Attwood last Thursday and raised those issues, and Minister Attwood, in turn, raised those issues with David Ford, the Minister of Justice. We expect a higher priority to be given to some of those issues by the PSNI, but, ultimately, it is for the Minister of Justice and the PSNI to enforce the law.

The Chairperson:

Notwithstanding what you have said, I can see the argument. The current regime is rarely enforced and we are building on legislation with another piece of legislation, which, in all likelihood, is unlikely to be enforced either.

Mr Quinn:

In cases of disorder, premises are brought to the attention of the police. In that case, the penalty points system is a strong deterrent for the licence holder to ensure that they behave and run an orderly house. Clubs do not tend to come to the attention of the police because instances of disorder are rarely associated with them.

The Chairperson:

In theory, they are also rarely open late.

Mr Quinn:

Yes; in theory.

The Chairperson:

In their evidence, the clubs suggested that there could be a perverse consequence of the penalty points system. Clubs are, almost exclusively, run by volunteers with only a few paid members of staff. Even if a club is run perfectly and does everything that it should be doing, if it sees a piece of legislation that could criminalise it if there was a breach, that could negatively affect another aspect of the Department's work, which is to encourage volunteering. What is the Department's view on that?

Mr Quinn:

That is obviously a concern, but it comes back to the responsible retailing of alcohol. Clubs have the same responsibilities as those selling alcohol in commercial outlets like pubs and hotels. They need to be sure that proper checks and balances are in place so that they do not sell to underage drinkers, and that they keep proper records and so on. However, again, there are quite a few hurdles to cross before a club would be convicted of any of those offences. They would have the opportunity to argue their case in court and to offer the defence that Tom outlined earlier.

Mr Brady:

Due to their voluntary nature, most clubs do not employ qualified accountants, but may have them on a voluntary basis; that is the difference. Most pubs are businesses and have —
[Inaudible.]

The other thing about clubs and their guests and members, many hotels serve drink late at night to non-residents — *[Inaudible due to mobile phone interference.]* Most clubs are very strict about that, whereas, in many hotels, non-residents can drink until two or three in the morning.

Mr Quinn:

The concerns that Minister Attwood raised with Minister Ford were about licensed premises generally. Some public houses are allegedly open after hours and are serving alcohol after they should be, in line, sometimes, with entertainment licences. There are also establishments that are popularly known as nightclubs, although there is no such thing as a nightclub licence and no definition of a nightclub in law in Northern Ireland. Hotels also operate on that basis, and the

other issue was the clubs, which I mentioned. It is across the board and that conversation was not just an attack on clubs.

Mr F McCann:

Again, I forgot to declare an interest.

The Chairperson:

So did I.

Mr F McCann:

I am a member of the Irish National Foresters club and a member of Cumman na Méirleach. You are right; it is right across the board. Clubs have been tied in with nightclubs, and that has almost penalised them. That was one of their concerns. Most nightclubs are run out of pubs or hotels that serve alcohol fairly late.

Mr Quinn:

That is a fair point.

The Chairperson:

The Federation of Clubs proposed changes to the rules for entry to a bar of a registered club, allowing entry at all times for under-18s when accompanied by adult. It proposed the abolition of children's certificates and permission for children at the upper limit of compulsory school age to work in all types of clubs. That was one of the few amendments that were not the same as the amendments in the — *[Inaudible.]*

Mr Brady:

The point was made that a lot of sporting clubs have events that go on late, and kids are on the premises past that hour. They are not supposed to be there past 8.00 pm, 9.00 pm, or whatever. If the clubs are well enough regulated, that should not necessarily be a problem. Pubs are different. *[Inaudible due to mobile phone interference.]*

Mr Craig:

You are also into an area that would do away with the protection and rights that children have, and that would also contradict some other legislation. I would be cautious about adopting any —
[Inaudible due to mobile phone interference.]

The Chairperson:

Clause 8 amends the Registration of Clubs (Northern Ireland) Order 1996 to pave the way for regulations and guidance that will make the accounting requirements for registered clubs more flexible. The clause removes requirements to prescribe by regulations the manner in which clubs maintain their system of control of accounts. It gives small and medium clubs the option to have their accounts audited by an auditor or independent examiner. The clause allows the Department to issue directions regarding the system of control of accounts and the selection of an independent examiner.

Amendments UU to YY have been proposed to clause 8. Those amendments will exempt small clubs from statutory audit, allow them to be self-regulating and remove the requirement for clubs to make their accounts available at no charge to members.

Mr Bowler:

The Bill introduces amendments to the Clubs Order, and the reason for most of those amendments is so that we can introduce new accounting regulations, which, it is hoped, will create quite a few easements for clubs. They will not have to have their accounts audited. Smaller clubs will be able to have their accounts examined by an examiner, which is a cheaper option. It was the police that asked for accounting regulations in the first place, and it will be the police that will be our chief partners in assessing what easements will apply to clubs. That is an ongoing task, and we will not have any information on that in the next few months.

The Chairperson:

Clause 9 amends the Clubs Order to increase the number of occasions on which registered clubs may apply to the police for later opening to 1.00 am, or midnight on Sundays, from 52 to 120 in any year. A club must give at least seven days notice of the event and may, at the discretion of the police, include a number of occasions on the one application. A number of amendments have

been proposed. We have talked about that issue quite a lot. We are seeking to find out whether we need additional information on some of those, rather than having a discussion. Amendment ZZ will require the PSNI to advise local councils on late licences.

Mr Bowler:

That sounds like a good idea. We will discuss that with the police.

The Chairperson:

Would that be done by an amendment or by guidance?

Mr Bowler:

It could go into guidance. We are not 100% sure.

The Chairperson:

Amendments AAA to CCC refer to the number of late licences granted to clubs in a year. Some stakeholders wanted more late licences for clubs, and some wanted fewer. We have rehearsed the issue a few times, and whatever number is picked is fairly arbitrary. It is about deciding whether we go for maintaining the status quo; for 120 late licences, as in the Bill; or for some other number.

Mr Brady:

At the moment, the number is prescriptive. A lot of clubs do not use the current extra late licences, but they should at least be given the choice, because a lot of clubs are struggling for survival.

The Chairperson:

We have to decide whether we accept the argument that clubs need that option and decide what the upper limit on that should be. Are 52 late licences an appropriate upper limit? Are 120 late licences, as is included in the Bill, an appropriate upper limit? Is there another option? I feel like Bruce Forsythe. That is the discussion that we have to have.

Mr Craig:

I am not going to rehearse the arguments. I agree with colleagues that there is not a level playing field. However, we need to find a balance. Increasing the number of late licences by almost 120% is not the right balance. Personally, I think that something along the lines of a 50% increase would be a more reasonable and responsible balance. After all, we are trying to find a balance that does away with abuses. It is important to remember that we saw no evidence from clubs to suggest that there is a huge demand for such an increase. Surveys show that most clubs are not using the current 52 late licences. It is not the case that we would be crucifying clubs that are struggling. If clubs are struggling, why are they not using the 52 late licences? I do not envisage any club using 120 late licences. That is an artificial number that has been dreamt up.

The Chairperson:

Just as any number would be.

Presumably, if the Committee did not go for 120 late licences and thought that 52 was also not an appropriate number, there is nothing to stop it from amending the Bill, and, that being tested in the same way that we have tested the popularity of having 52 late licences, show that there is still pressure and that, perhaps, the number of late licences needs to go up by a further half-dozen. We could increase late licences incrementally, although, clearly, that would be more cumbersome and chaotic. However, it might be a better way of discovering what the upper limit should be.

Mr Brady:

I take Jonathan's point, but, at the same time, if there is an issue of there not being a level playing field, why not reduce the number of late licences available for pubs? That is the counter argument.

Mr Craig:

If you want to make that proposal, I will quite happily back it. *[Laughter.]*

The Chairperson:

That is not a bad argument.

Mr Brady:

Long-standing clubs with good reputations are closing down and are being put up for sale because they simply cannot compete. Pubs are also finding it difficult to compete with off-licences. If we are going to be prescriptive towards one section, it does not make any sense not to be prescriptive towards the other. It is a matter of fairness.

The Chairperson:

You are right, and I agree with you. In some ways, we are dealing with the issue in isolation, which is wrong.

Mr Brady:

Jonathan and I could bring forward an amendment on pubs.

The Chairperson:

Do not encourage people. There is no point dwelling on this. The issue will be dealt with during clause-by-clause scrutiny.

Amendment DDD suggests that additional protections be included in the Bill for those living in proximity to clubs and who may be affected by late licences. Is there any view from the Department on that?

Mr Bowler:

The police already have the power to have a club's registration cancelled on a number of grounds, or to restrict, or stop, later openings if they have any concerns. Therefore, if concerns were raised by people in the area of a club, those could be addressed under the current regime.

The Chairperson:

Amendment EEE is similar to the previous one in that it would allow sports clubs to open until midnight every Sunday, in addition to the proposed increase in late licences. As there are no views on that, we will move on.

Amendments FFF to HHH were proposed by pubs and hotels, and will require more stringent controls by clubs in respect of non-members using club bars for events. That is obviously a sore subject. What is the Department's view?

Mr Quinn:

This is already in the legislation, Chairman. It may be —

The Chairperson:

They are prevented from doing these anyway.

Mr Quinn:

It is about enforcement, maybe.

The Chairperson:

Amendment III will increase rate payments for registered clubs up to the levels paid by pubs and hotels. There is no competence for this.

Mr Quinn:

It lies within another Department.

Mr Brady:

I have a question about amendment GGG and the issue of clubs advertising. Is there any real argument against that?

Mr Quinn:

The current legislation allows a club to advertise for members on its premises. It can also advertise any sporting activity or charitable events taking place in the club.

Mr Brady:

What is the rationale for clubs not being allowed to advertise externally?

Mr Quinn:

It is because the club is not open to the public; it is for members and their friends and guests.

Mr Brady:

The guests and friends do not have to be members. They may have to be signed in by members.

The Chairperson:

They need three members to sign them in. You told us that there is a 3:1 ratio?

Mr Brady:

There does not seem to be any rationale.

Mr Quinn:

I think that that was the original rationale.

Mr Brady:

However, like many other things, that seems to have gone by the board. If the aim is to introduce legislation that is relevant, that needs to be looked at.

The Chairperson:

Amendment JJJ will restrict clubs to one late licence per application to the police, rather than have the discretion to say that they want three in the month of September. It seems pretty bureaucratic.

Mr Quinn:

It will add administrative pressure on to the police.

The Chairperson:

Amendments KKK to MMM will change the closing times of registered clubs from 11.00 pm to either 11.30 pm or 1.00 am; are there any views on that?

Mr Quinn:

There does not appear to be any rationale for that, Chairman.

The Chairperson:

Do members have any views? If not, we will go to other amendments that have been proposed by stakeholders. Amendment QQQ will introduce curbs on irresponsible drinks promotions. The Department has briefed the Committee on the issue but is unlikely to be able to table the text of an amendment before the Committee reports on the Bill. Do you want to say anything about this, Tom and Liam?

Mr Quinn:

The consultation will finish on 6 December. Following that, the Minister will consider bringing forward an amendment, which we will share with the Committee if possible.

The Chairperson:

The Committee is broadly supportive of the principle, but it is impossible for it to say anything too explicit on it. We do not have the text, as the consultation has not concluded. We can comment at greater length at Consideration Stage.

Mr Brady:

We can make the point that the Minister was explicit in some of his utterances during the summer.

The Chairperson:

We have made that point.

Ms Ní Chuilín:

It is also going through the Justice Committee, but there is no text. It just says that it is happening.

The Chairperson:

There is no text. It is a consultation.

The Committee Clerk:

It is not in the Justice Bill. However, it has come out of that Bill and into this one as an amendment. That is my understanding.

The Chairperson:

The way in which it has developed is a bit unorthodox. We are partly to blame because we encouraged the Department to do that. This is the best way to do it.

Mr Brady:

It sounds as though we do not have to. The issue of such promotions seems to have been addressed by the media already.

Mr F McCann:

Through the media.

Mr Brady:

Through the media and by the media.

Ms Ní Chuilín:

Will we see the text of that proposed amendment?

The Chairperson:

We will not. We must conclude our report. What is our reporting deadline?

The Committee Clerk:

I hope that the Committee will agree to finalise its report early in December, or maybe even sooner. Therefore, we will make limited reference indicating our support of the amendment in principle. Then, as the Chairperson has indicated, at Consideration Stage —

The Chairperson:

We will have the text by then, because it will have to be produced by then.

Ms Ní Chuilín:

Once the report is due, we will have it?

The Chairperson:

It will not be in our report. However, we can consider in detail the text of any amendment —

Ms Ní Chuilín:

It will be just the general principle.

The Chairperson:

Yes. I think that everyone has been supportive of that principle. We can go there and no further.

Amendment RRR will introduce minimum alcohol pricing. The Department had indicated previously that such a measure would be considered only following the progress of a similar proposal in Scotland. I presume that that is still the case.

Mr Quinn:

That is still the position. A report is also due to be released by the Home Office and HM Treasury towards the end of this month. It will look at below-cost selling and taxation and duty arrangements for alcohol sales, and we will need to keep an eye on that.

The Chairperson:

That will inform any decision. Amendments SSS to WWW will introduce public drinking control measures, including fixed penalties.

Mr Quinn:

That is a matter for the Criminal Justice and Immigration Act 2008.

The Chairperson:

Are you aware of any move to introduce those sorts of measures in legislation?

Mr Quinn:

I am not aware of that. It is a matter for the Minister of Justice.

The Chairperson:

Amendment XXX will require the Department to include statutory provisions to support the establishments of community alcohol partnerships. That idea came up in one of the discussions, and members were quite interested in it. What is the Department's view on that?

Mr Bowler:

There are voluntary schemes of that nature in GB. The Department would support it but would not legislate for it.

The Chairperson:

The Department is actively encouraging a pilot project, or it is at least involved in one in Derry.

Mr Quinn:

I am not aware of that. We may be supporting that through the north-west development office.

Mr Bowler:

The organisers have addressed Derry City Council, but we are not aware that the council has taken any action.

The Chairperson:

It is at the early stages. Amendment YYY will allow for rate relief for all social clubs that are connected to amateur sporting clubs. That is not within the Department's remit. Amendments ZZZ to DDDD include a number of suggestions from the Federation of Clubs, which would make wide ranging changes to the regulation of clubs.

Mr Bowler:

Those suggestions have been well known to us for many years. The Bill was never intended to address them. If anything, they would be addressed during stage 2 legislation following RPA. We are well aware of those points.

The Chairperson:

Are any members particularly fond of any of the suggestions that are listed in amendments ZZZ to DDDD? It appears that there is no appetite for them.

Liam and Tom, you will be back to cover the Bill in further excruciating detail. That was a refresher, and we will get back into it during clause-by-clause scrutiny. Although the meeting was frustratingly long in some respects, it was useful and it gets everyone's focus back on the Bill and, thankfully, away from caravans.

Mr F McCann:

It puts the focus on carry-outs rather than caravans.

The Chairperson:

Liam and Tom, thank you for your time.