



Northern Ireland  
Assembly

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Licensing and Registration of Clubs  
(Amendment) Bill/Irresponsible Drinks  
Promotions**

16 November 2010

**NORTHERN IRELAND ASSEMBLY**

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SOCIAL DEVELOPMENT**

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**Licensing and Registration of Clubs (Amendment)  
Bill/Irresponsible Drinks Promotions**

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16 November 2010

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

Mr Simon Hamilton (Chairperson)

Mr Sydney Anderson

Mrs Mary Bradley

Mr Mickey Brady

Mr Jonathan Craig

Mr Alex Easton

Mr Tommy Gallagher

Mr John McCallister

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 social policy unit in the Department for Social Development (DSD) are with us again. You are both very welcome. Proceedings are being recorded by Hansard, so mobile phones should be switched off. We are going to commence our formal clause-by-clause scrutiny of the Licensing and Registration of Clubs (Amendment) Bill. We are required at this stage to set out our final position on the clauses and any proposed amendments to the Bill.

***Clause 1 (Closure of licensed premises)***

**The Chairperson:**

Part 1 of the Bill 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 or is likely to experience disorder to make a closure order for 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 a police officer to apply to the relevant Magistrate's Court to consider the closure order as soon as possible. There is a new offence relating to 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 those who may legitimately enter the premises, so as to help the police determine whether premises that should be closed are trading illegally. The Committee has previously indicated that it does not wish to pursue amendments A to I. Are we content with that position?

*Members indicated assent.*

**The Chairperson:**

However, some Committee members previously indicated that they may wish to propose amendments to the clause. If there are any members who wish to do so, I invite them to do it at this stage so that we can consider them as a Committee.

**Mr Brady:**

I know that Fra had concerns about some of the issues.

**The Chairperson:**

We had some expression of interest in proposing amendments by a member who is not here. That leaves us to make a decision on whether to wait or move on. The Committee's position was quite clear. Of course, there is nothing to prevent any member from tabling an amendment at Consideration Stage if he or she so chooses.

**Mr Brady:**

I just do not want to upset anybody later by not flagging the matter.

**The Chairperson:**

You have done that. Do you want me to put the Question on the clause, to which you can dissent? That would register your party's position and give you flexibility.

**Mr Brady:**

I do not like to dissent. However, in this case, I will make an exception.

**The Chairperson:**

I do not like to use the word "dissident" any more. Should I say "residual opposition"?

**Mr Brady:**

That is the in word now.

**The Chairperson:**

Tom and Liam, do you wish to make any final comment on the clause?

**Mr Tom Bowler (Department for Social Development):**

No.

*Question put, That the Committee is content with the clause.*

*The Committee divided: Ayes 6; Noes 2.*

*AYES*

*Mr S Anderson, Mrs M Bradley, Mr Craig, Mr Easton, Mr Gallagher, Mr Hamilton.*

*NOES*

*Mr Brady, Mr F McCann.*

*Question accordingly agreed to.*

*Clause 1 agreed to.*

**Clause 2 (Penalty points)**

**The Chairperson:**

Clause 2 introduces a penalty points system for licensed premises. Where a licensee is convicted

of two or more offences on the same occasion, the court may restrict the points that are attributable to the highest number that is due for some of the offences. The Department is also empowered to amend the levels of penalty points by the affirmative resolution procedure. A Magistrate's Court may suspend a licence for not less than one week or more than three months where 10 penalty points have been accumulated within a three-year period. The Committee has previously indicated that it does not wish to pursue amendments J to N. Is that still our position?

*Members indicated assent.*

**The Chairperson:**

Tom and Liam, have you anything more to add?

**Mr Bowler:**

No.

**The Chairperson:**

I had some unease — perhaps “unease” is too strong a word. Rather, we raised some issues and sought assurances on defences that could be made. There is flexibility that, at first glance, did not appear to be there. The Committee and I are content with that flexibility.

*Question, That the Committee is content with clause, put and agreed to.*

*Clause 2 agreed to.*

**Clause 3 (Proof of age)**

**The Chairperson:**

This is going too well. There must be something wrong.

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

The clause requires all licensed premises to display a notice that contains information on underage sales and acceptable documents as proof of age. The Committee indicated that it does not wish to pursue amendments O to S. Is that still the Committee's position?

*Members indicated assent.*

**The Chairperson:**

If the Department has nothing more to add, I will put the Question.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 3 agreed to.*

**Clause 4 (Application to limited liability partnerships)**

**The Chairperson:**

Clause 4 inserts new provisions that apply to licensed premises and clarify how the Licensing (Northern Ireland) Order 1996 applies to limited liability partnerships. The provisions provide that a reference to a director of a body corporate is a reference to a member of a limited liability partnership and that a reference to the secretary of a body corporate is a reference to any designated member of a limited liability partnership.

**Mr F McCann:**

That is a mouthful and a half.

**The Chairperson:**

It is. I would not want to say that too fast; it would be like a tongue-twister.

The Committee did not indicate that it wants to amend clause 4. No amendments were suggested during evidence. Is the Committee content with that position?

*Members indicated assent.*

**The Chairperson:**

Nothing more from the Department? I will have to provoke you into saying something.

*[Laughter.]*

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 4 agreed to.*

***Clause 5 (Closure of registered clubs)***

**The Chairperson:**

Part 2 of the Bill deals with registration of clubs. Clause 5 refers to the Registration of Clubs (Northern Ireland) Order 1996 and contains measures relating to the closure of registered clubs. The provisions are identical to the closure provisions for licensed premises in clause 1, which we have already discussed. The exception is that a Magistrate's Court may only revoke a closure or order a registered club to close for a maximum of 28 days, not three months. The Committee previously indicated that it does not support amendments T to Z. Are we still happy to take that position?

**Mr F McCann:**

That we do not support the clause?

**The Chairperson:**

That we do not support amendments T to Z. To clarify, there is a distinction between amendments suggested to us during our evidence gathering and amendments that we might propose now. We had previously agreed that we did not want to pursue amendments T to Z.

**Mr F McCann:**

For clarification, I take it that we are still open to bringing amendments before the Assembly when the Bill comes before the House. I declare my interest in the Irish National Foresters and in Cumman na Méirleach on the Falls Road. I have some concerns about clubs. Even in the evidence given to the Committee, a clear distinction has been shown between antisocial activity associated with clubs and some of the other things that go on.

**The Chairperson:**

I wish to clarify the Committee's position on amendments T to Z. You are making a different point. Are we happy enough not to pursue any of those amendments?

*Members indicated assent.*

**The Chairperson:**

Are you saying, Fra, that you are not going to propose an amendment now but that you reserve your right to table one at Consideration Stage?

**Mr F McCann:**

Yes.

*Question put, That the Committee is content with the clause.*

*The Committee divided: Ayes 6; Noes 2.*

*AYES*

*Mr S Anderson, Mrs M Bradley, Mr Craig, Mr Easton, Mr Gallagher, Mr Hamilton.*

*NOES*

*Mr Brady, Mr F McCann.*

*Question accordingly agreed to.*

*Clause 5 agreed to.*

**Clause 6 (Penalty points)**

**The Chairperson:**

Clause 6 amends the Registration of Clubs Order, which currently provides for a system of penalty points for clubs convicted of accounting offences. The clause will enable the system to encompass many more offences, and it mirrors the provisions in clause 2 for licensed premises. As with licensed premises, a registered club's registration can be suspended where the club accrues 10 or more penalty points in a three-year period. The Committee indicated that it does not support amendments AA to LL. Are we still content with that position?

*Members indicated assent.*

**The Chairperson:**

Is there anything further from the Department?

**Mr Liam Quinn (Department for Social Development):**

No.



**The Chairperson:**

As for clause 2, some reassurance was sought on the flexibility and defences. The point made by the Department was that there were very few prosecutions for accounting offences anyway, so one would anticipate that there will be very few penalty points levied if that pattern continues.

**Mr Quinn:**

That is right, chairman.

**Mr F McCann:**

One of the issues that we raised over the months concerned the voluntary nature of club committees. Many of the committees are elected annually, meaning that many of their members have not got experience. Do you not believe that, if passed, the clause will penalise clubs and their committees and that that will frighten people off from volunteering for committees?

**Mr Quinn:**

The fact that there have been so few prosecutions over the past 10 years indicates that there is not really a problem.

**Mr F McCann:**

Never say never.

**Mr Quinn:**

Clubs have certain obligations to meet. I understand the issue about newly appointed committee members, but the club committee should make sure that the individual who has responsibilities has access to training or has somebody there to advise them during their first few months in office. There has not been an issue to date, and I do not foresee an issue arising. As we have said before, and have heard evidence to this effect, most of the clubs are well run and well organised, and, as such, can deal with those issues.

**Mr F McCann:**

As with the other clauses, we reserve the right to table amendments at another stage.

**The Chairperson:**

Does anybody else wish to comment at this stage? As with the previous clause, Fra, you will reserve your position and vote against it at this point.

*Question put, That the Committee is content with the clause.*

*The Committee divided: Ayes 6; Noes 2.*

*AYES*

*Mr S Anderson, Mrs M Bradley, Mr Craig, Mr Easton, Mr Gallagher, Mr Hamilton.*

*NOES*

*Mr Brady, Mr F McCann.*

*Question accordingly agreed to.*

*Clause 6 agreed to.*

**Clause 7 (Proof of age)**

**The Chairperson:**

Clause 7 amends the Registration of Clubs Order to introduce a statutory proof of age scheme. Its provisions mirror those that are set out in clause 3 for licensed premises. The Committee indicated that it does not support amendments to the clause. Is that still our position?

*Members indicated assent.*

**The Chairperson:**

If the Department has nothing to add, I will put the Question.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 7 agreed to.*

**Clause 8 (Accounts of registered clubs)**

**The Chairperson:**

Clause 8 amends the Registration of Clubs Order 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-sized clubs the option to have their accounts audited by an auditor or independent examiner. The clause allows the Department to

issue directions on the system of control of accounts and the selection of an independent examiner. The Committee indicated that it does not support amendments UU to YY. Are we still content with that position?

*Members indicated assent.*

**The Chairperson:**

If there are no further comments from members or the Department, I will put the Question.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 8 agreed to.*

**Clause 9 (Authorisations for special occasions)**

**The Chairperson:**

This is where it all falls apart. This is where we hit the skids.

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

The Committee has indicated informally that it would support an amendment to the clause that would limit the number of special authorisations to 75 a year as opposed to 120. I have to take a formal position. At that stage, there seemed to be general support for such an amendment, although, I accept, that there was some dissent.

**Mr Craig:**

I want to propose that amendment formally.

**Mr Brady:**

That proposed amendment is prescriptive. Have there been any particular problems with clubs as a result of the number of late licences that they are already allowed?

**Mr Quinn:**

Do you mean with the 52 late licences that they are already allowed? No, not in particular.

**Mr Brady:**

Therefore, if there were 152, there probably would not be a problem. The proposed amendment seems to be based on the premise that the more late licences are granted, the more likely that it is that there will be problems. I cannot see the rationale or logic behind that. It is prescriptive. As it has been stated continually, clubs are well run. In general, there are few problems with them as opposed to other licensed establishments. I use the word “establishments” advisedly.

**Mrs M Bradley:**

I feel the same. The police have told us that they have no big problem with the number of late licences either. Had they told us that there were problems as a result of clubs having x number of late licences, we would be dealing with that accordingly. We should let the clubs have a go.

**The Chairperson:**

I know what Jonathan’s view is, as does the Committee, because we have debated it at length on previous occasions. I do not think that anyone’s argument will change. We have talked the issue through.

I am sitting here looking at the number of members in attendance. At this stage, it does not look as though any amendment or the clause itself will be agreed because there are four members for and four against. That position will be replicated throughout. Therefore, we do not have anything. The clause will not be accepted. Opposition to 52 late licences would extend into opposition to the clause in totality. However, the Committee needs to take a position on the clause.

**The Committee Clerk:**

Chairman, as you know, the Committee will produce a Bill report, which is its advice to the Assembly. Therefore, the Assembly will be looking to the Committee for guidance. If the amendment, which has not yet been moved, falls, and the Question is put to the Committee as to whether it is content with the clause, it, too, would fall. Therefore, the Committee would neither be passing the amendment nor endorsing the clause.

That might be a little confusing for the Assembly, so what the Committee could do is park the issue and return to it on Thursday, when we may have a full complement of members. We could vote on any proposed amendments and the clause then.

Regardless of how clause 9 plays out on Thursday, I anticipate that members will be tabling amendments to it at Consideration Stage, so if the Committee decides to endorse 120 special authorisations a year, I would be surprised if members did not table an amendment to limit the number to 75 a year.

**The Chairperson:**

That is right. Similar to the position that was taken on the previous clause, members are not prohibited from tabling an amendment at a later stage stating any number of special authorisations. However, it would be preferable for the Committee to take a firm view one way or the other.

**Mrs M Bradley:**

I suggest that we park the clause in the meantime.

**The Committee Clerk:**

I propose Chairman, if the Committee is agreeable, to consider clause 9 again on Thursday. If there are more members present, we may come to an agreement.

**Mr Craig:**

I am quite happy to propose an amendment now.

**The Chairperson:**

Who knows who will be present on Thursday morning and whether we will be able to take any firm position. However, that option is always there. If no agreement is reached, the clause will not be voted down; rather, it will not be supported.

Are members happy to park the clause? Doing so does not prevent members from tabling an amendment at a later stage.

*Clause 9 referred for further consideration.*

**The Chairperson:**

Our tiebreaker has just arrived. Good timing, John.

***Clause 10 (Ancillary provision)***

**The Chairperson:**

Clause 10 allows the Department to make Orders to give full effect to the legislation. The Examiner of Statutory Rules suggested that subordinate legislation associated with the clause should be subject to draft affirmative, rather than negative, resolution. The Department accepts that and has agreed to amend the clause accordingly. Is that still the Department's position?

**Mr Bowler:**

Yes.

**The Chairperson:**

Subject to the text, does the Committee support the proposed amendment, which will alter the level of Assembly scrutiny to subordinate legislation from negative to draft affirmative? That will give us some power.

*Members indicated assent.*

*Question, That the Committee is content with the clause, subject to the Department's proposed amendment, put and agreed to.*

*Clause 10, subject to the Department's proposed amendment, agreed to.*

***Clause 11 (Interpretation)***

**The Chairperson:**

Clauses 11 to 13 are minor clauses containing largely technical measures. Does the Department have any final comment to make on those clauses?

**Mr Quinn:**

No, Chairman.

*Question, That the Committee is content with the clause, put and agreed to.  
Clause 11 agreed to.*

*Clauses 12 and 13 agreed to.*

*Clause 14 agreed to.*

***Schedule 1 (Schedule to be inserted in Licensing Order as Schedule 10A)***

**The Chairperson:**

Schedule 1 contains tables of offences and penalty points for licensed premises that are to be included in the Licensing (Northern Ireland) Order 1996 as schedule 10A.

Are there any comments from the Department?

**Mr Quinn:**

No.

*Question, That the Committee is content with the schedule, put and agreed to.  
Schedule 1 agreed to.*

***Schedule 2 (Schedule to be substituted in Registration of Clubs Order for Schedule 6)***

**The Chairperson:**

Schedule 2 contains tables of offences and penalty points for offences that apply to clubs to be included in the Registration of Clubs (Northern Ireland) Order 1996 as schedule 6.

The Committee has indicated that it does not support amendments NNN to PPP, which would reduce the level of some penalty points for clubs. Are members content with that?

*Members indicated assent.*

**The Chairperson:**

Are there any comments from the Department?

**Mr Quinn:**

No.

*Question, That the Committee is content with the schedule, put and agreed to.*

*Schedule 2 agreed to.*

**Schedule 3 (Amendments)**

**The Chairperson:**

Schedules 3 and 4 contain miscellaneous amendments and provisions that are to be repealed.

Does the Department have anything further to add?

**Mr Quinn:**

No, Chairman.

*Question, That the Committee is content with the schedule, put and agreed to.*

*Schedule 3 agreed to.*

*Schedule 4 agreed to.*

**The Chairperson:**

Stakeholders have proposed a number of other amendments. The Committee has indicated that it does not support amendments RRR to DDDD — that is how bad this is getting.

However, the Committee may seek further clarity on the plans of the Minister or the Executive on alcohol pricing, public drinking controls and community alcohol partnerships at Consideration Stage. Are members happy enough with that position?

*Members indicated assent.*

**The Chairperson:**

We shall now discuss irresponsible drinks promotions. The Committee has agreed to defer consideration of measures set out in amendment QQQ to curb irresponsible drinks promotions until the Department reports on its consultation on the matter.



I advise members that their packs contains a summary of the limited number of responses received from stakeholders on the irresponsible drinks promotions proposals. Those are the responses that we elicited during evidence sessions.

**The Committee Clerk:**

They include initial responses from the Wine and Spirit Trade Association (WSTA), the British Retail Consortium (BRC), the PSNI, the Public Health Agency and Queen’s University Belfast (QUB). The retailers oppose the proposed measures on curbing promotions, arguing that multi-buy sales from supermarkets are not linked to alcohol abuse, and that the measures would have unintended effects on retailers and other alcohol consumers; for example, wine consumers. The PSNI highlighted enforcement concerns and made some suggestions in that regard — for example, advertising bans — although it is generally supportive of the measures. The Public Health Agency is supportive but advocates minimum alcohol pricing, and QUB is generally supportive of the measures.

**The Chairperson:**

That is a summary of the responses that we have had. Is there any additional comment from the Department?

**Mr Quinn:**

We have nothing further to add at this stage.

**The Chairperson:**

Are we happy to indicate our general support for the measures to control irresponsible drinks promotions and to set that out in the Bill report? The report is being produced now in advance of Consideration Stage, when we will see the final detail, but we can probably get a draft that is sort of supportive, although we obviously cannot commit to anything, because we have not seen any detail. Are we happy to do that, and we can then take a more considered view before Consideration Stage?

*Members indicated assent.*

**The Committee Clerk:**

I hope that the departmental officials will appear before the Committee after the consultation closes on 6 December — hopefully before Consideration Stage, whenever that may be — to brief it again in order to allow members to form a joint Committee view.

**The Chairperson:**

It is an unorthodox way of doing it, but I think that we all understand the circumstances. Given that we are quite supportive of the thrust of the proposals, I do not think we will raise any objections.

**Mr F McCann:**

Last week, I raised the issues of changes in trends of entertainment and the way in which young people choose to entertain themselves. I notice that we have neither sought responses from young people or their representatives nor asked them to have an input into what we are doing. It may not be a bad idea, although it is at a late stage, to try to ascertain their opinion.

**Mr Quinn:**

As part of the consultation, we will contact all the groups representing young people, such as the Children's Commissioner and similar organisations. I do not have a list of who will be consulted, but I can certainly provide that list.

**Mr F McCann:**

The Commissioner for Children and Young People represents a fairly high-level opinion, but there are thousands of young people out there who choose to entertain themselves differently from the way in which older people do, so it might not be a bad idea to contact them.

**The Chairperson:**

I am sure the Department will take that point on board. If members have nothing else to add, we will reflect our general support for the Department's initiative in our Bill report, and then take a more detailed view at a later stage before the Bill's Consideration Stage. Are we happy with that approach?

*Members indicated assent.*

**The Chairperson:**

I take it that there are no other amendments that we wish to propose to the Bill. Is there any final comment on the Bill from the Department?

**Mr Quinn:**

No.

**The Chairperson:**

This does not complete the clause-by-clause consideration, because we have to return to clause 9. Tom and Liam, thank you very much, and we will see you again. We are nearly there.