



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

**OFFICIAL REPORT
(Hansard)**

Justice Bill: Sports Law

18 November 2010

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)

Lord Browne

Mr Thomas Buchanan

Sir Reg Empey

Mr Paul Givan

Mr Alban Maginness

Mr Conall McDevitt

Mr David McNarry

Ms Carál Ní Chuilín

Mr John O'Dowd

Witnesses:

Mr Tom Haire) Department of Justice

Mr Gareth Johnston)

Mr David Mercer)

Mr Ciarán Mee) Department of Culture, Arts and Leisure

Mr Nick Harkness) Sport Northern Ireland

Mr Paul Scott)

Mr Iain Campbell) Ulster Rugby Supporters' Club

Ms Lyndsey Irwin) Ulster Rugby

Mr Robin Cole) Irish Rugby Football Union Ulster Branch

Mr Joe Eagleson)

Mr Ryan Feeney) Ulster GAA
Mr Stephen McGeehan)
Mr Danny Murphy)

Mr Stephen Grange) Irish Football Association
Mr Patrick Nelson)
Mr Terry Pateman)
Mr Hugh Wade)

Mr Chris Andrews) Amalgamation of Official Northern Ireland Supporters' Clubs
Mr Gary McAllister)

The Chairperson (Lord Morrow):

I welcome Gareth Johnston, deputy director of the justice strategy division in the Department of Justice (DOJ); Tom Haire, Justice Bill manager in the Department; David Mercer from the Department's criminal law branch; and Ciarán Mee from the Department of Culture, Arts and Leisure (DCAL).

The briefing will consist of two parts. The officials will outline in 10 minutes the clauses on regulated matches, conduct at regulated matches and alcohol on vehicles travelling to regulated matches, and that will be followed by five minutes in which members can seek clarification on any points raised. I remind members that questions on and discussions about the issues will come later. The purpose of this briefing is to set out what the legislation says and its intent. As members will see, I am surrounded by clocks. The Committee Clerk will tell me when there are two minutes to go, and people may then be given a 10-second warning. That is the way it will be conducted. I ask everyone to keep that in mind and we might find that it works all right. It will not work all right if we do not do that.

Mr Gareth Johnston (Department of Justice):

Thank you, Chairperson. In light of your injunction, I will try to introduce things in one minute and allow my colleagues to speak on the substance of the Justice Bill. This is the first of our briefing sessions on the substance and detail of the Bill; we have previously briefed the Committee on the policy contained in it. We welcome the opportunity to speak to the Committee.

I assure the Committee that our Minister, David Ford, is very keen to hear its views on all the issues and to take account of those views in moving forward.

In dealing with sports law in the Bill, we have had considerable support from colleagues in DCAL. Mr Ciarán Mee from the Department is here and will speak in a moment. I know that our Minister would want to record his thanks to the Minister of Culture, Arts and Leisure and his officials for their valuable consultation and co-operation.

We will deal with clauses 36 to 44 first, and then, as the Chairperson said, we will take some questions and comments. Following that, we will deal with clauses 45 to 55.

There may have been some apprehension outside the Committee that these clauses will provide a package of measures that will be introduced in its entirety for every sport in every little respect after April 2011. I can assure the Committee that that is not the intention. Rather, the legislation will provide a framework that needs to be applied in appropriate ways at appropriate times.

The package has the potential to introduce things incrementally and to disapply certain aspects, particularly those that relate to alcohol. We have given, and will give again today, assurances that, for example, the commencement of the alcohol provisions and any application or disapplication of them will be subject to further discussion with the sports bodies and the Committee. I assure the Committee at the outset that there is flexibility there, especially in relation to alcohol, and we recognise that the needs may be different for different sports.

Throughout the package, we are looking to provide the backing of criminal law to the important work that match organisers are already undertaking, particularly on the back of DCAL's safety of sports grounds legislation and policy, on which the sports provisions in the Justice Bill are very much built. I will now ask Mr Mee to say a few words.

Mr Ciarán Mee (Department of Culture, Arts and Leisure):

Thank you, Gareth. I thank the Committee for allowing DCAL to be present at this hearing today. Gareth has indicated that the proposals on sport in the Justice Bill are intended to ally, as

far as possible, with DCAL's safety of sports grounds policy. To help the Committee, I will briefly explain what that policy is and how the related safety legislation operates.

The main purpose of DCAL's safe sports grounds initiative is to help the owners of larger sports venues, mainly those at which football, rugby and Gaelic games are played, to put their events on a more sustainable footing by making them safer and more attractive for the public as a whole. The Department recognised that, for various reasons, public safety standards at larger sports grounds in Northern Ireland had not kept pace with developments nationally and internationally. As a result, fans and supporters who attended games were exposed to ever greater safety risks. For many ground owners, the situation had reached crisis point, with regular attendances falling drastically in many cases. That was largely due to public concerns about the state of grounds and the apparent absence of adequate safety control measures and guarantees.

The safe sports grounds initiative represents the Department's response to those issues. It recognises that venue owners need assistance from government to help them to address the problem and that the public need an assurance that they will be safe and secure when attending games. Under the initiative, assistance to venue owners takes many forms. It involved and still involves substantial long-term financial support provided via Sport Northern Ireland, which is responsible for the distribution of public funding to sport. Since the initiative was launched, Sport NI has rolled out a number of safety funding programmes for ground owners.

To date, almost £15 million has been invested by Sport Northern Ireland under a range of programmes to help clubs to comply with the safety legislation: the Safety of Sports Grounds (Northern Ireland) Order 2006. That came into full operation at the beginning of this year, and it is intended to provide the necessary public assurances on safety. It introduces a safety certification scheme for larger sports grounds and stands that is administered and enforced by district councils. In essence, it allows councils, in conjunction with ground owners, to determine the number of spectators that venues can safely admit into grounds and the safety terms and conditions of admission.

I must stress that not all sports grounds automatically fall within the framework of the safety certification scheme or the safe sports grounds policy. Consistent with all aspects of our

approach, certification is risk-based and is, therefore, aimed at grounds that are capable of housing large crowds of people. Facilities that require certification are identified by two methods: grounds designation and stand regulation. Briefly, grounds that are considered for designation — those that require a council safety certificate — are those with a capacity in excess of 5,000. At present, 30 grounds in Northern Ireland have been designated by DCAL in that way: 15 football grounds; 14 GAA grounds; and 1 rugby ground.

Stands that are considered for regulation are those with a capacity of 500 or more, and stand regulation is entirely the responsibility of district councils. The Department's long-term expectation is that, with adequate assistance and support and the implementation of safety legislation, attending matches at major sports grounds will, over time, become a more attractive prospect for the wider public. It will enable clubs and match organisers to assure visitors that they and their families will be safer and more comfortable at grounds.

Furthermore, the structures now being put in place through certification also encourage emergency services, such as police, fire and rescue and so on, to work constructively with ground owners in a way that allows owners more control over their events. Although there remains a role for the police, for example, in emergencies, the general thrust is to help match organisers be more self-reliant and to minimise the requirement for policing.

Given those objectives, we have generally encouraged the Department of Justice in developing the sports law measures in the Justice Bill to ally them, wherever possible, with the safe sports grounds initiative and related legislation. That is why, for example, it was proposed that, in the case of Gaelic and rugby, the justice provisions should apply to the larger venues and stands that are subject to certification.

The Chairperson:

You have two minutes left.

Mr Mee:

It is thought that those are likely to pose the greatest safety risks in relation to crowd numbers. I will finish there.

Mr Johnston:

If Tom could just say something quickly about the regulated matches that are covered, we will then take questions and come back to the detail.

Mr Tom Haire (Department of Justice):

One thing that came out of various representations was the need for an explanation of how the regulated matches construct works. Clause 36 and schedule 3, which have to be read together, define the concept of regulated matches and outline which powers will apply to which matches. With the Committee's permission, I will try to summarise them quickly.

The offences in clauses 37 to 43 — missile throwing, pitch incursion, firework possession, drunkenness, possession of containers and alcohol consumption on the terraces and in sight of the pitch, for want of a better description — will apply to the three sports for matches played in Northern Ireland. In association football, they will apply to Northern Ireland representative teams, the two top Irish Football Association (IFA) leagues and the two top Football Association of Ireland (FAI) leagues, because of Derry City and whichever league they play in. For Gaelic games, which include Gaelic football, International Rules, hurling and camogie, they will apply to games played in Northern Ireland in grounds under the safety certificate scheme, which requires a grounds or stand certificate. Rugby Union games will have the same basic structure as Gaelic games.

The Chairperson:

You have 10 seconds.

Mr Haire:

For rugby, that affects only Ravenhill.

The Chairperson:

Thank you, gentlemen. We have five minutes for questions if members wish to ask anything.

Mr O'Dowd:

Thank you for your presentation. As you can see, the Chairperson was not joking when he mentioned the timings.

Clause 37 makes it an offence to throw something onto the pitch. Is it currently legal to throw something onto the pitch?

Mr Johnston:

It is illegal if it constitutes an assault or an attempted assault, but, in order to show that, it has to be shown that there was an intention to hit someone and cause injury. Simply randomly throwing something that lands on a pitch is not illegal. The message that we are trying to get across is that, when people are in a sports stadium, they should not throw anything.

The Chairperson:

Would a toilet roll with ball bearings in it count?

Mr Johnston:

Yes, those would be included.

Mr Givan:

You have applied the ticket touting provision to football only. Why are GAA and rugby not mentioned? Your point is that the matter is solely related to safety, but I am not aware of any safety concerns at football matches, certainly not in the recent past. Where is the evidence to base it solely on safety? Why are there safety concerns about football but not about GAA and rugby?

Mr Johnston:

There are safety concerns with all sports, but ticket touting is an issue because of the need for segregation of fans. Segregation is needed in only a small number of matches, but, where fans need to be segregated, ticket touting is an important part of that segregation. Another risk with ticket touting is that people will end up outside a match looking to buy tickets. That happened with one of the Poland matches, and that can create a real problem. We are not talking about a

huge number of matches, but, for matches in which segregation of fans is important and in which a buffer zone might be needed, the ticket touting provision should go alongside that.

The Chairperson:

That is straying slightly into the next category.

Mr McNarry:

To keep me right, are we discussing regulated matches, which is what I was talking about? What was the level of consultation with the three principal sports bodies?

Mr Johnston:

All three responded to our policy consultation, and I think that I am right in saying that there have also been discussions and meetings with them.

Mr McNarry:

Is there an outcome to that?

Mr Johnston:

Yes, written responses were given to each of the consultations. If the Committee wants, I can provide some of the detail on that.

Mr McNarry:

That would be useful. Can you define what constitutes drinking in private viewing facilities? You are saying that you are permitting it.

Mr David Mercer (Department of Justice):

It is to do with the parts of the ground to which the public are not normally given access, such as executive boxes and the registered clubs in, for instance, a football club.

Mr McNarry:

Is it all right to drink in those?

Mr Mercer:

Yes. The advice that we had was that it might be disproportionate, given the particular circumstances surrounding those areas, to apply that offence to them.

Mr McNarry:

Under the legislation, whether in a private viewing facility or anywhere else, how is it determined that someone is drunk, and who determines that?

Mr Johnston:

The same sorts of tests will be used as those that are used for ordinary drunkenness offences. You would look at their behaviour and the smell of drink.

The Chairperson:

We have one minute left on this.

Mr McNarry:

Who determines whether a person is drunk?

Mr Mercer:

Ultimately, if a case were prosecuted, the court would determine that. The court would draw on the evidence of people who were nearby, stewards and the police, if they were there.

Mr McDevitt:

Are we on clause 38 or still on clause 37?

The Chairperson:

We are discussing regulated matches.

Mr McDevitt:

Clause 38, which is on chanting, falls under that. Why is political opinion not included in clause 38(3)(b)?

Mr Johnston:

The concern was that that would end up banning legitimate statements of political protest, and we did not want to do that. Having said that, I know that there is an ongoing question of how sectarianism is covered in the Bill, and we are willing to take the Committee's views on that.

The Chairperson:

That is all the time that we have for questions. I know that some members intimated that they wanted to ask a question. That will not be possible, but those members will be given priority in the next round of questions. That is the only possible way to play this.

In the next 10 minutes, the officials will deal with the clauses on ticket touting, banning orders and enforcement, after which there will be 5 minutes for clarification. I invite the officials to brief the Committee on chapters 4 to 6.

Mr Mercer:

I shall start with chapter 4, which consists of one clause, clause 45. It is fairly straightforward. It makes it an offence to sell or pass on a ticket for certain football matches — those defined as a regulated match — unless authorised to do so by the match organiser. That targets only the potential risks to safety and order when fans need to be segregated, and that point has been made already. We will wish to engage with football organisations to offer guidance on how sales can be administered with minimum fuss within the terms of the offence.

Mr Haire:

I will say a few words about banning orders. Chapter 5 talks solely about banning orders. You will not find a reference to football banning orders in it. In effect, that is caused by clause 36, which applies this to football matches only, but banning orders are mentioned without a specific reference to football. Under clause 46, banning orders can only be imposed in conjunction with a criminal conviction where the offence involved the person engaging in violence or disorder; if the offence occurred at a regulated match, either entering or leaving it; if the offence occurred while travelling to a regulated match, even if an individual did not attend it or intend to attend it, or if the journey was broken, including by an overnight stay; and where the court believed that the offence was motivated by the regulated match. Therefore, it is very closely tied in around the

regulated match and behaviour at a regulated match.

Violence and disorder are defined in clause 49. It relates to violence and disorder against persons or property; stirring up hatred; abusive or insulting words; and displaying anything in writing that is threatening, abusive or insulting.

Clause 47 deals with what a banning order consists of. It prohibits a person from entering any premises for the purpose of attending a regulated match. The person must report to a police station within five days of the order being made. If any of their core personal details change, they must notify the police of those changes within seven days.

Clause 50 determines that a banning order is normally between three and five years, but, in instances in which it is in conjunction with a prison sentence, it is between six and 10 years.

Clause 54 determines that failure to comply is an offence that can attract a six-month sentence or a fine of up to £5,000.

Clauses 46, 47, 48 and 53 place a number of requirements on the court in imposing a banning order. They must give reasons if they do not impose one, and they must explain in ordinary language the effect that the order will have on the person. Furthermore, they must give a copy of the order to the person and send a copy to the Chief Constable and any prescribed person. Our view is that that prescribed person will primarily be the football authorities, for example. They will also send it to the police station to which the person has been advised to report.

In respect of the variation or termination of a banning order, a court can impose additional requirements. The person or the prosecution can apply for variation. Once two thirds of the period of the order have passed, the person can apply to have it terminated. If that fails, no further application can be made within six months.

Chapter 6 is not specifically on banning orders, but there are some provisions on powers of enforcement. They provide the police with the power to enter a ground during a regulated match, as in clause 36, to enforce any provision of the sports law package. It also provides police with

the power of search. The intention is to provide the police with their own powers to police the sports, should they require or need to exercise them. Members will know that police do not routinely police games that are, in fact, privately organised matches, and we do not envisage that changing. It will be for match organisers to steward and manage events, and they will have the ability to call on the police, as appropriate. There may be occasions when police need to act quickly and on their own initiative, but the powers of enforcement are such that criminal law backs up what Gareth described at the outset.

Mr Johnston:

I am conscious that we have skipped over some of the detail on alcohol, chanting and pitch incursion. However, if I draw to a close here, we will have five minutes extra for questions. Members might want to bring up those issues at that stage.

The Chairperson:

Thank you for that.

Lord Browne:

Am I right in saying that offensive chanting is already an offence if it incites hatred or causes offence? If it is, it is already covered, and it would not be necessary to have it covered here.

Mr Johnston:

It can be an offence if it incites hatred, but showing that it incites hatred is sometimes quite difficult.

We are saying that, for those 90 minutes that someone is in the football stadium, they should not chant offensive or indecent things. We are trying to promote a standard of behaviour.

Lord Browne:

Clause 45 refers to ticket touts. Am I right in saying that it applies only to tickets for football matches? That seems a bit unusual. There is not much evidence of touting occurring in Northern Ireland football matches; it applies more to high-price tickets, such as for rugby matches and so on.

Mr Johnston:

The issue is not so much about tickets being sold. I realise that there are concerns about tickets, not just for sports events but for concerts and all sorts of things, being sold at way above cost price, but maybe that is not something for criminal law to intervene in. The concern is very much driven by safety concerns and the need to segregate fans. So far, the few matches where segregation has been necessary have been football matches.

Mr Buchanan:

This point may well have been covered, but, if I have a ticket for a match but fall ill and then pass the ticket on to a friend, or if I buy tickets for friends, is such activity classed as ticket touting or is it quite legitimate?

Mr Johnston:

That would all be legitimate. The proposed legislation talks about ticket touting being unauthorised and persons being unauthorised. We expect that the terms and conditions under which tickets are sold will say that, if someone is passing tickets on to a family member or an acquaintance or buying them on behalf of identified people, that is fine. We propose to issue some guidance to help the clubs to frame those clauses.

Mr O'Dowd:

The legislation states that, if someone is involved in violence or disorder, a banning order can be imposed on them so that they are not allowed to go to matches. Sexual offences are the only other offences that I can think of for which a banning order is placed upon someone to restrict their movement. Surely our sports grounds are not such dangerous places that we have to introduce banning orders that equate to what happens to someone who is involved in a sexual offence? In fact, these go further than the powers that were available to a judge in a recent high-profile case.

Mr Johnston:

The only thing that would be banned is attendance at regulated matches. We expect that the orders would apply to a relatively small number of people. Based on the numbers in England and

Wales, only 20 or 30 people in Northern Ireland might be in possession of a banning order at any one time. However, we are conscious of the potential of a small number of people or even of one person to create real problems at a match and to do real violence. We are not talking here about people who maybe got a bit carried away and did something stupid at a match: we are talking about people whom evidence has shown to be a substantial danger when attending sports matches. In imposing a banning order, courts will be required by general law to take account of someone's human rights, such as the right to enjoyment and the right to a private life — the usual rights under the European Convention on Human Rights (ECHR). There should be a balance there. We expect that they will apply to only a small number of very troublesome and quite dangerous people.

Mr McNarry:

Gareth, you gave an interpretation of who you are talking about. However, it is not quite clear to me who you are talking about and who outside might have the same interpretation as you, so I would like some greater detail on that. As regards banning orders, chanting, ticket touting and so on, I do not think that anyone has a problem with tightening up measures to address loutish behaviour on or off the pitch. Is it envisaged that, because of these new laws that you wish to introduce, more police resources will be required to oversee the legislation?

Mr Johnston:

There will be some implication for police in that we are proposing that the police would administer the banning order regime. That means that, if someone is subject to a banning order, they will be required to report to a police station within the hours that regulated matches are taking place. However, because of the numbers that we foresee being given banning orders, we do not see that as being a major drain on resources; we see that as being containable.

Mr McNarry:

The chanting element surely involves large numbers of people.

Mr Johnston:

Yes, but we are not really looking for the police to play more of a role at matches than they do currently. In many ways, the law will allow match organisers and stewards to tell people that

they are acting illegally and warn them that, if they do not stop it, they will be reported to the police. It will be dealt with in that way rather than by drawing the police in. We are not trying to get the police more involved in sports matches than they are currently.

Mr McNarry:

How will you enforce it?

Mr Johnston:

The sports organisations and the stewards currently have an important role in enforcing safety at matches. In many ways, we see the new offences as giving weight to that role, but always with the match organisers being the first line, if you like, where there is bad behaviour.

The Chairperson:

If there is to be more police involvement, who will pick up the bill? Will it be the match organisers?

Mr Johnston:

There is potential for the police to charge where there is major police involvement in a match. There have been a small number of examples of that, although we have been talking about the top end.

Mr Mee:

DCAL expects that good management of safety and clubs' compliance with the terms and conditions of their safety certificate should minimise the need for police involvement and, therefore, for police charging. That is part of the aim.

The Chairperson:

That will minimise but not eradicate the need for police involvement. Are you saying that a bill will still need to be picked up for policing?

Mr Johnston:

Again, we do not expect that to be any more than it is currently, and we do not expect it to apply

to matches other than those to which it applies currently. We are talking about the biggest and most problematic matches.

Ms Ní Chuilín:

The clause on ticket touting refers to making tickets available for sale. At the time of the last all-Ireland final, I got loads of e-mail requests from people asking me whether I knew of any tickets going, and people were looking for tickets on eBay. That is a perfectly natural thing. Is that, effectively, ticket touting? If someone were to ask a person whether tickets are available for a match, would they be viewed as soliciting tickets? Some of this seems a bit ridiculous if you read it literally. The same principle applies to concert tickets, although that is not covered in this legislation.

Mr Johnston:

Again, it comes down to who is considered to be an unauthorised person. Some thought has been given to the sale of tickets on eBay, and, if the sports organisations are happy for tickets to be sold on eBay, there would be the potential for something to be crafted in the terms and conditions. A requirement that tickets be sold at cost price might be included in the terms and conditions. We can have more conversations with the sports organisations on that and issue guidance.

The Chairperson:

We are stopping there. Thank you for your presentation. You are retiring to the Public Gallery, and you will come back again to deal with some of the issues that you raised in your presentation.

I welcome the representatives from Sport NI: Nick Harkness, director of participation and facilities and Paul Scott, manager of the facilities unit. I invite them to outline the issues that they wish to raise regarding the sports laws in the Bill. You will have no more than 10 minutes, and after that there will be a question-and-answer session, which will last for 20 minutes.

Mr Nick Harkness (Sport Northern Ireland):

Thank you, Mr Chairman, for the invitation to give evidence on the Justice Bill. We believe that the Bill is an important element of upgrading safety arrangements at larger sporting grounds in

Northern Ireland and of promoting a spectator-friendly environment at those venues. The evidence session is particularly timely, given the provisions contained in Part 4, which complement the provisions of the Safety of Sports Grounds (Northern Ireland) Order 2006, as has been summarised for the Committee by the DCAL representative. The provisions will be of particular assistance to the ground operators of designated venues, enabling them to upgrade safety arrangements and provide spectator-friendly environments.

We have provided a written submission on the Bill, which I do not intend to go over line by line. I would prefer to introduce Paul Scott, who will present our main comments on the Bill. Paul is a full-time employee of Sport Northern Ireland. To some extent, he is our resident expert in this field. At the moment, he is employed to provide advice to DCAL and ground operators on the Safety of Sports Grounds (Northern Ireland) Order 2006. In 1997, before he took up employment at Sport Northern Ireland, Paul was the author of a report reviewing legislative controls at sports grounds in Northern Ireland, which was commissioned by the then Health and Safety Agency. One finding of that report was the call for the introduction of public order legislation for sports grounds in Northern Ireland. I will pass over to Paul.

Mr Paul Scott (Sport Northern Ireland):

Sport Northern Ireland is a non-departmental public body of the Department of Culture, Arts and Leisure, and it is charged with the development of sport in Northern Ireland. As technical manager of Sport Northern Ireland, I have responsibility for overseeing the implementation of the Safety at Sports Grounds (Northern Ireland) Order 2006. As we have heard, that places a duty on the operators of larger venues — venues with a capacity in excess of 5,000 — and the operators of smaller venues with a stand with a capacity of 500 or more to obtain a safety certificate from the respective district council. The safety certificate will state the safe capacity of the venue and parts of the venue, but it will also include terms and conditions as to how the venue should be operated and around the structural arrangements at that venue.

Sport Northern Ireland has been tasked with overseeing and monitoring the implementation of that legislation, and we provide technical and administrative advice to DCAL, district councils, venue operators, the police and other emergency services, governing bodies of the respective sports and so on. In Northern Ireland, 30 sports grounds have been designated: 15 soccer

grounds, 14 GAA grounds and one rugby venue.

Sport Northern Ireland is broadly supportive of the majority of clauses in Part 4. Rather than repeat the information in our written response, I will highlight a few observations.

It should be noted that some matches played at the venues referred to in paragraphs 6 and 8 of schedule 3 often host junior, youth or low-level matches with low or minimal attendances. Therefore, it may not always be appropriate to apply the legislative provisions as detailed in Part 4 to such fixtures. However, consultation with the governing bodies is ongoing, and I am sure that a resolution can be obtained.

We are generally supportive of clause 42, which deals with the possession of drinks containers. We are aware that bottles, including those that contain soft drinks, are, unfortunately, used as missiles and weapons at some fixtures. However, some guidance is required, because the term used is “article capable of causing injury”. Does that refer to a plastic bottle, with or without the cap removed, which may be brought in to a game by a child or a minor? We need to think that through.

We believe that the possession of alcohol provision should be applied on the basis of associated risk to spectators who attend fixtures and to the reputation of the sport. We see the legislation, particularly the provisions relating to the throwing of missiles, invading the field during play and the possession of fireworks, as essential in assisting venue owners to comply with the terms and conditions of the safety certificate. Although we should not blindly follow what happens in GB, when legislation of that nature came in there, coupled with the effect of the safety of sports grounds legislation, attendance rose by 87%, particularly that of ladies, families, young persons and persons with a disability. There are numerous success stories.

The Chairperson:

You did not take the full 20 minutes allocated, but that leaves more time for questioning.

Mr McNarry:

I recognise the good work done by Paul and Nick and the people whom they represent in

addressing safety at stadiums and the spillover of people outside them. I am, therefore, perturbed that we are having to deal with legislation. Does the fact that some people — I might be in this category — believe that there is a pressing need for new legislation point to a failure so far by everybody involved in sport?

These are not major issues, and this is not major legislation. However, I fear that the legislation is picking on sport, which is what we are talking about, and one sport in particular. From your experience, because I know that you have great experience in this, are we using the law to deal with a minority who are, as usual, causing harm to a majority? Could an alternative to the legislation be people such as you providing more education and information? I know that you do that very well. Why do some people deem those laws to be necessary, given that they are only going to affect the real sports fan? I do not care about which game that fan turns up to; the fact is that the legislation is only going to affect them. It seems that the legislation is a bit picky and that it has been drafted only because we have not addressed those issues. I believe that most of those issues are being addressed. There are obvious, clear issues that people can address.

Mr Harkness:

The issue of addressing and improving safety at our sports grounds is twofold. First, it is about making the infrastructure safer by looking at the design, taking away barriers and creating opportunities for people to move more freely. Secondly, it is about improving safety standards by changing behaviours. The intention of the legislation is not to catch people doing wrong but to incentivise people to change their behaviours. It mirrors the work to open up facilities to allow movement through them.

Mr Scott:

Again, numerous initiatives have been tried by governing bodies and by others. Unfortunately, those initiatives had limited success here and in other parts of the world. We again draw on the good practice of Great Britain, where a similar package acted as a deterrent to those who might have misbehaved at games. As I said, that had a positive impact, and I can see one sport in particular benefitting greatly from those measures.

Compare the number of people in Northern Ireland with the number of people in Great

Britain: based on the numbers attending matches in Great Britain, there should be between 23,000 and 24,000 people at Irish League matches on a Saturday, but there is not. I fully accept that there are the glamour matches in Great Britain involving Manchester United and so on. However, if we take the Premiership games out of the picture, there should still be between 13,500 and 14,000 people at our games. Most people at football games behave themselves and are there for the best of reasons. However, a small minority unfortunately tarnish the game and other games.

We really need to be speaking to the people who we could reasonably expect to be on the terraces but are not. We see that as being allied with the other initiatives. Ciarán Mee mentioned funding and the safety at sports grounds issues, which are important factors in turning the ship around, attracting people to the terraces and trying to get ladies and families back. Unfortunately, UEFA has tried, FIFA has tried and the IFA has done a lot of good work, as have the other governing bodies —

Mr McNarry:

I hope that you are not suggesting that, if passed, the legislation will lead to 14,000 people going to football matches. For different reasons, you have been telling me for years that that will happen, but I have not seen it yet. The standard of play is not good enough for people to go, and I know that there are reasons for that.

This is small beer. It involves a small number of people but will hit spectators of all sports. People might be put off going to sporting events because they are not sure what might constitute a criminal activity. If I go to a match and shout, “Come on, Glentoran”, is that chanting?

Mr Scott:

That is not offensive chanting, at least not to most people.

Mr McNarry:

It might be to the Linfield people. *[Laughter.]*

The Chairperson:

It depends where you say it.

Mr McNarry:

Wallace will not take offence.

Lord Browne:

I might.

Mr Scott:

I see it as a positive measure; it has certainly proved to be positive elsewhere. I have not seen any evidence of success from other initiatives.

Mr McNarry:

It will be in the Hansard report that you said that once the legislation is passed we will have 14,000 people at most Irish League games. We will hold you to that.

The Chairperson:

In your submission, you comment on clause 43 and state that:

“Spectators at matches in Ravenhill Rugby Football Grounds have been drinking socially on viewing decks at fixtures for many years”.

It goes on to say that:

“Alcohol is generally not available at larger” —

I thought that it said “lager” —

“Gaelic fixtures. However, if proposals to upgrade facilities at Casement Park proceed, the sale of alcohol in controlled circumstances may be permitted by the GAA.”

Are you saying that the clause should not apply to Casement Park and Ravenhill?

Mr Scott:

Any decision will be risk-based. There are places that have track records of either good behaviour or bad behaviour. Whether or not we apply restrictions on alcohol will be dependent on the risk.

The Chairperson:

That complicates the situation slightly. You mentioned bad behaviour. I heard recently that Northern Ireland fans were the best behaved fans in Europe.

Mr Scott:

Northern Ireland fans have won an award. A lot of good work has been done by the Amalgamation of Official Northern Ireland Supporters' Clubs. However, it must also be said that many of the worst instances of disorder at sporting events in the British Isles have been at matches in Northern Ireland.

Mr McNarry:

But not recently.

Mr Scott:

Unfortunately, yes. A match between Linfield and Glentoran had to be stopped for five or 10 minutes some months ago because of disorder between people in the north and west stands. In 2006, there was the riot at The Oval. There were issues at the game between Northern Ireland and Poland, and players have been struck by fireworks. That is what we want to get out of football to get Mr Middle Northern Ireland back on the terraces.

The Chairperson:

You mentioned fireworks. Another missile has been introduced in recent years; lasers.

Mr Scott:

The laser pen.

The Chairperson:

Will lasers be banned? Are they acceptable weapons?

Mr Scott:

They can be used as weapons, although they are not specifically named in the Bill.

The Chairperson:

Should they be named?

Mr Scott:

That would certainly be worth looking at. There are laser pens, but many are only category 1 or category 2 pens, which do not cause injury. It is only when there are category 3B or category 4 pens that there is a danger. Most laser pens, although annoying, do not present a risk.

The Chairperson:

There was serious rioting in Ardoyne in the summer, and we all distinctly witnessed those lasers being used on the police. The police spoke out in public about their concern about the effect of those. Surely those devices can be brought into stadia.

Mr Scott:

As I understand it, the types of appliance that were used in those incidents were not the little pen-sized objects but solid-state lasers, which can be bought on the Internet. They present a risk to persons at sporting events or elsewhere.

Mr McDevitt:

I presume that you strongly take the opinion that our objective should be to make all sporting occasions safe and welcoming to all in our society?

Mr Scott:

Indeed.

Mr McDevitt:

What barriers still exist that prevent sporting occasions from being safe and welcoming to all in our society?

Mr Scott:

Poor facilities and perceived poor behaviour.

Mr McDevitt:

In your professional experience, how do you characterise that behaviour? What is poor about it and what makes it unwelcoming or unsafe?

Mr Scott:

It is often about perception. Most matches pass off peacefully, but, at some of the more high-profile matches, there can be incidents of violence, certainly antisocial behaviour, chanting and the use of abusive language.

Mr McDevitt:

Do you believe that clause 38 offers adequate provision to deal with all types of language that could isolate people or make them feel unwelcome at a venue?

Mr Scott:

Although many of the preceding provisions have been very successful, efforts to apprehend persons who are engaged in chanting have not been so successful. However, the legislation sends out a message and creates a deterrent. The sports organisations and most people in Northern Ireland will echo the need to at least make an attempt. It might be slightly more cumbersome to deliver it as effectively as we hope to.

Mr McDevitt:

Obviously, we have made massive progress in the past decade or so in tackling sectarianism in sport here. In your opinion, is that still a lingering issue?

Mr Scott:

Among a minority of people.

The Chairperson:

You talked of all the bad behaviour at soccer matches. Very often, that behaviour does not start in the stand but down on the pitch. Has there been any bad behaviour at GAA matches or rugby matches?

Mr Scott:

There have been some incidents where players or officials have been subject to untoward behaviour.

Mr McNarry:

In those instances, for how long have the matches been stopped?

Mr Scott:

Generally, the match is stopped.

Mr McNarry:

I see. It does not happen only at soccer matches, then.

The Chairperson:

Mr McNarry said that it does not happen only at soccer matches. Do you agree?

Mr Scott:

The majority of the major issues have been at soccer matches. Unfortunately, bad behaviour is not confined to soccer.

Mr O'Dowd:

You have outlined many instances of misbehaviour, whether it is among GAA players, soccer fans or rugby fans. If I clock or thump somebody, regardless of whether I am inside or outside a sports ground, I am committing an offence. We do not need legislation. Throwing fireworks at a goalie is an offence. Riotous behaviour is an offence. If there is a brawl between two players and one tells the police that that boy hit him on the pitch, it is an offence.

Mr Scott:

Unfortunately, a lot of proof is required to show that someone who throws a missile onto the pitch is intending to hit and, in turn, hurt someone. Therefore, there is a problem, because a person can throw a missile and probably evade the law. That will, rightly, be reported in the press, and the other fans will see that. That can incite others. For example, at the end of an Irish Cup semi-final

in Lurgan, the supporters of one team came onto the pitch at the end. That caused the gentlemen from the other side to come onto the pitch, and it took extensive work by stewards and the PSNI to resolve the issue.

The people who came onto the pitch and caused others to do so were not committing an offence. So, this would send a loud and clear message to spectators that, if they come onto the pitch and throw a missile, they have committed an offence and will make themselves liable to the authorities.

Mr O'Dowd:

When fans on the winning side go onto the pitch at the end of a match, the atmosphere is great. It is different when fans go onto the pitch in a provocative manner to seek trouble or when, through their actions, they provoke trouble. That is an offence.

Mr Scott:

Again, it is about how the law is interpreted and enforced. Even running onto the pitch in celebration can raise issues. I have worked with the authorities at Croke Park, and they are very concerned. You should have seen the helicopter shots of Jones Road and the crushing that was taking place. Although there are different reasons for invasion, it is a practice that I think all the governing bodies would like to see reduced.

Mr O'Dowd:

I accept that there are safety concerns, but this legislation is not necessarily about safety concerns; it is about criminal offences, many of which, I would argue, are already covered by law. This legislation is unnecessary. In fact, it may never be enforced. To pick up on Mr McNarry's point, it relies on stewards being prepared to give evidence in court against people who may, in the most extreme cases, be very violent.

Mr Scott:

First, the PSNI is likely to be present at the bigger matches, as it is at the moment. Secondly, most of the big venues in Northern Ireland now have CCTV that has been funded through programmes that Sport Northern Ireland has implemented. If we do not bring in this legislation, it will be harder for stewards and the people who administer our larger fixtures to ensure that they

proceed in a safe and secure manner.

Mr Harkness:

The legislation has the potential to change behaviours. It is not about catching people. It is about changing behaviours and attitudes.

The Chairperson:

Given some of the things that have been said here, do we need new legislation? Would existing legislation not be adequate after a bit of tweaking and tightening up?

Mr Scott:

It has proved not to be. It took this type of legislation to bring about the sea change in GB. Take the great riot at The Oval in 2006; not one person could be prosecuted afterwards.

The Chairperson:

There was another great riot at a lesser match; I think that I am right in saying that it was between Newry and Carrick.

Mr Scott:

It was between Newry City and Larne.

The Chairperson:

Is that who it was? I think that maybe five or six players were sent off. The whole thing ended up in an absolute fracas.

Mr Scott:

It did.

The Chairperson:

What happened there?

Mr Scott:

I think that one player was questioned. I cannot recall exactly. I would need to speak to my friends at the IFA to confirm that. However, to the best of my knowledge, that incident solely involved playing staff and officials.

The Chairperson:

Would there be any cause to introduce new rules to our games? I am thinking of rugby, in particular. In recent years, the sport introduced the sin bin. Players are sent to it for a period, perhaps 10 minutes, during the match and then are allowed back onto the pitch. No such thing exists in soccer, does it?

Mr Scott:

No; it is either a yellow card or a red card.

The Chairperson:

If you get a red card, you are sent off, and that is it. However, in rugby, there is an in-between measure that can sometimes take the heat out of a situation.

Mr Scott:

It is hoped that the yellow card does that in football, but it has not always been successful. This Bill and the safety of sports grounds legislation focus on spectator safety.

The Chairperson:

They focus on spectator safety, but sometimes the players are at risk.

Mr Scott:

They can be, yes.

Mr McNarry:

Chairperson, your point about the sin bin is relevant. The sin bin defuses the situation. I love watching international rugby, and, to me, it is all part of it, in a sense, when they have a great bash on the pitch and someone is sent to the sin bin. That cools it all down, and everybody knows

that that player is likely to come back in 10 minutes. The yellow card means that if a player gets one more card, he is sent off. If he gets a red card, he has had it.

The Chairperson:

You are not saying that you go to a match just for a good bash-up, are you? *[Laughter.]*

Mr McDevitt:

You get that here every day.

Mr McNarry:

I am just trying to recall some of my playing activity at these things.

Those incidents appear on national television. Thank goodness that, when there is crowd trouble, the responsibility of the media is such that it does not show a lot of the trouble unless it gets really hyper.

I think that there is nearly a consensus evolving here of common sense needing to come in as opposed to legislation. I am just not convinced that this legislation will be good for sport, because I think that it will hammer and hamper the sports. There are enough responsible people in sport who are learning the lessons of the past. When I said that trouble had not happened for a long time, I meant at international matches. I was not referring to Linfield and Glentoran.

Mr A Maginness:

With regard to Mr McNarry's point, I do not think that a consensus is developing at the moment. It would be premature to say that it is.

Mr Scott referred to a match at which a riot took place. Was the reason that people were not prosecuted that there was a lack of evidence or that the law was weak?

My final point probably sounds like a silly point, but is a sports ground or a stadium a public place in law?

Mr Scott:

It is private property.

PSNI officers told me that the reason no prosecutions were made after the match is that no one would make a complaint. Even the people who were on the ground and being repeatedly kicked on the head would not make a complaint.

I must point out that we have consulted extensively with the three governing bodies, and they believe that this is a good thing for sport. Evidence from elsewhere will point to the fact that this is a good thing for sport. If we carry on the way we are, we will just continue in our downward spiral.

Mr A Maginness:

Does the fact that, in law, a stadium is not a public place affect the way in which police and others can obtain evidence or intervene?

Mr Scott:

No. The police can intervene on any private land if there has been a breach of the law or if there is a danger that there might be.

Mr A Maginness:

Can you have a riot, in the technical, legal sense, in a stadium if it is privately owned?

Mr Scott:

There are certainly criminal offences being committed, and the suite of various offences associated with assault would apply. So, in theory, therefore, you would be liable. My understanding is that, in the event of an assault, a complaint has to be made.

Mr A Maginness:

The sin bin was mentioned. We are discussing the law as it applies to citizens at large. We cannot change the rules that apply to a sport. They are internal to a sporting body.

The Chairperson:

That is fair enough.

Sir Reg Empey:

I want to ask about possession of drinks containers. I can understand why you want to minimise the risk of containers, such as a tin of Coke or whatever, being used as a weapon. However, we want to encourage families to come to matches. Would you accept that, whenever you see youngsters at a game, you see them with a drink?

Mr Scott:

Absolutely. That is why we said that we need to think this through thoroughly.

Sir Reg Empey:

In addition, nowadays, people carry bottles of water around with them all the time. People can, of course, use their ingenuity when it comes to what they put in some of those containers, but, at the end of the day, we must be careful that we do not tip the balance to the point where we end up putting people off coming to matches. I understand the rationale behind encouraging more people to go to matches and making them more family-friendly. However, my concern is that youngsters being brought to matches will not be able to have a drink. Do you accept that concern?

Mr Scott:

Absolutely. In our response, we said that that provision really needs to be thought through. Children could arrive with a plastic bottle of Coca-Cola or something like that.

Sir Reg Empey:

I want to go back to the issue of viewing galleries. There is a tension there, because many clubs have put in facilities to encourage corporate entertainment. I assume that the argument that some clubs would make is that, yes, drink is available, but it is served in controlled conditions to persons known to them. However, that will create two classes of people. At some rugby matches, those standing on the terraces run in and out of the bar to get pints of beer, so how will a balance be struck? Some clubs will argue strongly that the sale of alcohol is an important part of

their revenue streams. Although we do not want to be killjoys, there is a concern that the provision will create two distinct classes of person: those who can afford to go to a hospitality suite and those who cannot. Where will the balance be in that?

Mr Scott:

Again, it will be risk-based. Those who go to hospitality suites are not generally the people who are associated with disorder. The minority who do engage in disorder are, unfortunately, almost exclusively on the viewing decks. Those in corporate boxes are limited as to what they can do.

The Chairperson:

We have to stop there; we have run marginally over the time allocated for this session. I thank Mr Harkness and Mr Scott for their briefing and for taking members' questions. I understand that they will be staying with us in the Public Gallery.

We now move on to take evidence from representatives of Ulster Rugby, the Irish Rugby Football Union (IRFU) Ulster Branch and the Ulster Rugby Supporters' Club. I welcome to the meeting Ms Lyndsey Irwin, the senior manager of external relations at Ulster Rugby; Mr Iain Campbell, the chairman of the Ulster Rugby Supporters' Club; Mr Robin Cole, the senior manager of external relations in the IRFU Ulster Branch; and Mr Joe Eagleson, the past honorary secretary of the IRFU Ulster Branch. I ask the witnesses to brief the Committee on the sports clauses in the Justice Bill for no more than 10 minutes. Committee members will then have 20 minutes in which to ask questions.

Ms Lyndsey Irwin (Ulster Rugby):

I thank the Chairperson and Committee members for the opportunity to present our thoughts on the Justice Bill.

The Committee will note that our written submission centres on one clause, clause 43, which relates to the possession of alcohol during the time period of a regulated match. We oppose the inclusion of Ulster Rugby in that clause. At Ulster Rugby, we are justifiably proud of the warm welcome that our supporters and the supporters of opposition teams can expect at Ravenhill. We pride ourselves on the safe, family-friendly atmosphere at our matches, with supporters of both

teams enjoying the action side by side. Supporters are from a wide age range, and the ability to enjoy a sociable drink while watching a match is very much part and parcel of the rugby experience. Therefore, we urge the Committee to reconsider the inclusion of Ulster Rugby in clause 43.

Clause 43 is inconsistent with legislation elsewhere in the UK and Europe, where the offence of being in possession of alcohol while in view of the pitch does not relate to rugby. Ulster participates in two tournaments that are played across England, Ireland, Scotland, Wales, France and Italy. If this legislation were to come into effect, Ravenhill would be the only rugby ground across those countries at which supporters could not enjoy a drink while watching the game; we would be very much out on a limb.

There is no evidence to support the inclusion of Ulster Rugby in clause 43. We have had no previous disorder problems or alcohol-related disorder problems at games. We take our responsibilities as both a governing body of sport and an event organiser extremely seriously. We have approximately 100 professionally trained stewards on duty at each game. Our games, which have average attendances of between 8,000 and 12,000 people depending on our opposition and the tournament, require support from only four to six police officers, who are concerned largely with traffic matters.

Clause 43 would have very grave implications for the future financial viability of Ulster Rugby. If it were to come into effect, it would likely impact on our ticket sales. As most of our matches are broadcast live on television, we may find that some supporters would choose to stay at home where they can enjoy a beer in front of the TV. Our sponsorship from our drinks partner and our income from our food and beverage franchisees would certainly take a direct hit. You will probably be aware that, in the longer term, we intend to redevelop Ravenhill, if we are successful with funding and planning applications. If clause 43 were to come into effect, it would be very difficult for us to increase spend per capita in our ground. As we have fairly limited facilities, supporters at Ravenhill spend, on average, less than £1 after they buy their ticket. In the English Premiership, that figure is closer to £10. If our stadium redevelopment goes ahead, that is an area in which we will really look to increase revenue. It is largely based on the provision of food and beverage in the ground and to people in their seats.

We may also find that we will have difficulty in attracting other rugby events. In February 2011, we will host Ireland A against Scotland A. If our stadium is redeveloped, we would like to host the Magners League Grand Final. We can only do that if Ulster is not in it, as that final has to be played at a neutral venue. However, the fact that we are unable to offer a full match-day experience to supporters of visiting teams is likely to be a detractor.

I have, more or less, summarised our written submission. Given that I have been so brief and that this is a joint delegation, I will pass over to Iain Campbell, the chairman of our official supporters' club.

Mr Iain Campbell (Ulster Rugby Supporters' Club):

Thank you, Lyndsey, and thank you to the Chairperson and Committee members for this opportunity. I have submitted written evidence in the form of a short letter, and I will stress a number of points that are made in that. One of the supporters' club's aims is to advance public education, appreciation and understanding of the game of rugby. Indeed, I believe that we are availing ourselves of that opportunity here today.

I appear before you as a fan on the terrace. The written submission describes the experience of match nights at Ravenhill, where it is normal practice for fans of both sides to meet to enjoy the ambience of the evening and offer hospitality. The bonhomie always continues throughout the game and afterwards, regardless of the result. Indeed, it is common to see opposing fans standing side by side on the terrace, enjoying a drink and exchanging banter at each other's expense as the match unfolds. Safety and comfort is not a concern for our fans, but the proposals in clause 43 definitely are.

Match nights at Ravenhill have assumed a carnival air with the recent addition of the food village and pre-match and post-match entertainment. It is common to see fans, young and old — families, schoolchildren and youth clubs — mingling on concourses prior to the match and enjoying a wide range of food and drink. We pride ourselves on our Ulster hospitality and humour and consider ourselves to be in the vanguard of the promotion of all that is good about our city, country and sport. We also take great pride in the behaviour of all fans at Ravenhill,

where respect for the visiting team is the order of the day, as evidenced in generous applause for displays of skill and silence for kicks at goal by either side. Indeed, in reference to what was said earlier, the only people at Ravenhill who, at times, feel discomfort are the referee or perhaps the visiting backs when they are underneath a high ball.

All our members know from personal experience of match nights over the past 10 years of professional rugby that crowd trouble at Ravenhill is non-existent. I stress that attendance has increased dramatically in recent years, which contrasts with the concern about falling crowd numbers that was voiced in an earlier submission to the Committee.

In my written submission, I have listed examples of discrimination and of how we as rugby fans and citizens of Northern Ireland would suffer as a result of clause 43. From our widespread travels as supporters, we know that the restrictions on hospitality that we are talking about are not imposed elsewhere. I have given the examples of Murrayfield Stadium in Scotland, the Liberty Stadium in Wales and stadiums in England. From our experience of travelling to support Ulster in rugby matches in Paris, Toulouse and Biarritz, we know that no restriction on the sale and consumption of alcohol applies there.

In response to the contention that the legislation would make attendance at Ravenhill more attractive, I say that clause 43 would have quite the opposite effect. Bearing in mind all the foregoing, we are at a total loss as to why legislators see any requirement —

The Chairperson:

You have two minutes in which to conclude, Mr Campbell.

Mr I Campbell:

We are at a total loss as to why legislators see any requirement to include rugby in the scope of this portion of the proposed legislation. We cannot state strongly enough how misguided we consider the proposals to be. It is our fervent hope that common sense will prevail and that the Committee will see fit to exclude Ravenhill from this clause.

The Chairperson:

Thank you very much for your presentation.

Mr McNarry said earlier that one of the good things about rugby is seeing a whole blatter on the pitch.

Mr McNarry:

Hang on a minute. *[Laughter.]* You pay your money.

The Chairperson:

You are saying that you do not witness any of that at Ravenhill.

Mr Joe Eagleson (IRFU Ulster Branch):

I will speak on that, if I may.

Rugby is a contact sport. Therefore, there will be contact on the field. That contact must be made within the laws of the game, which some of your colleagues referred to. In rugby, our referees and touch judges or assistant referees enforce those laws as fairly as they can on the field. If those laws are broken on the field, action is taken immediately, and there has been talk about yellow and red cards and the sin bin. If laws are broken to a great extent, action is taken immediately after the match by the controlling bodies of the competition and the governing body. We are well satisfied with how that action takes place.

The Chairperson:

During another discussion in Committee, I tried to draw a parallel between cricket, which is not mentioned, and rugby. I know that those two games are entirely different, but it was the only comparison that I could think of, and you understandably highlighted that in your presentation. Do you feel that crowd behaviour at cricket games is on a par with crowd behaviour at rugby matches?

Mr Eagleson:

I have already spoken strongly for rugby. I will leave cricket to speak for itself. However, like

you, my perception is that crowds at both games may be on a par with each other. I read the evidence that departmental officials gave the Committee on 3 June, in which they talked about the perception that cricket is not a problem. To me, that implies that they perceive that rugby is a problem. However, neither the governing body nor our official supporters see it as a problem.

The Chairperson:

In the evidence that departmental officials gave today, it did not come out strongly that rugby was a problem.

Mr Eagleson:

It did not come out that it was a problem?

The Chairperson:

Yes.

Mr Eagleson:

No, it did not.

Mr McNarry:

My problem with all of this is that, because soccer is being punished unduly, we are looking at the other sports. I have enjoyed times at Ravenhill, and you have perfected a unique atmosphere. Well done on that; it is a family environment. I do not know enough about GAA, but I am sure that that atmosphere also prevails at its sporting events. Somehow, people think that it cannot, does not or will not at soccer games, and that is part of the problem. From where are spectators able to get a container of drink at Ravenhill?

Ms L Irwin:

We have private hospitality and a marquee bar — a beer tent.

Mr McNarry:

That earns revenue for Ravenhill. You will lose money if the ban comes in. Without going into great detail, is that quite a money earner for you?

Ms L Irwin:

It is substantial at present, but, if and when we have a redeveloped stadium, we will look to really increase the spend per capita, which will largely centre on food and beverages. Over the next couple of years, if our stadium is redeveloped, our aspiration is to make a total of £1 million a season in per capita spend.

Mr McNarry:

In those circumstances, would that facility be considered to be private viewing, which has now been given an exemption?

Ms L Irwin:

That money is totally separate from our income from corporate hospitality. I do not mind saying that our income from corporate hospitality is around £600,000. That centres largely on the new stand, which we built last year.

Mr McNarry:

I know many people who go to Ravenhill on a Friday and who go to a soccer match or, I am sure, a GAA match on a Saturday or a Sunday. They feel that, as a supporter of soccer, they can go to Ravenhill and enjoy that hospitality but that, when they go to soccer games, they are viewed as some other kind of supporter and are unable to avail themselves of such hospitality. I hope that you will not say that that is their lookout or responsibility. Is it right that there should be a difference between the two sports when, in fact, that difference affects the one supporter?

Mr Eagleson:

No, it cannot be right.

Mr McNarry:

Do you think, therefore, that, for the law to be equal, it will deny you rather than let soccer supporters embrace the facilities that you have?

Mr Eagleson:

That is the logical conclusion to that, unless rugby football is excluded from clause 43. As sports people, we want everyone to be able to enjoy a safe and welcoming environment for their sports. As our colleagues from Sport NI pointed out, there are two aspects to that. There is the physical environment, and there is the behavioural aspect. We have invested and continue to invest heavily in the physical environment and all of the safety factors around that, but we also invest heavily in the behavioural aspects through our stewarding arrangements and so on and the disciplines of our sport.

Mr McNarry:

Irish League soccer has got a particularly bad press today and in the Bill. It appears that there is little argument about the behavioural patterns of people who attend international soccer matches. Those behavioural patterns seem to be similar to those of people who attend representative rugby matches. I do not want to put you in a difficult position, but do you feel that a better comparison to make would be to compare the sports as they are played at international level? That would show how they contribute to attracting guests from other parts of the world or other parts of Ireland.

Mr Eagleson:

It is important that we have people coming from other parts of Ireland, the rest of the UK and the rest of Europe and that they have the same experience regardless of the international sport that they have come to support. The rest of it has to lie with each sport.

Mr McDevitt:

To be clear, the relevant clauses do not make it illegal to drink at a game; they make it illegal to drink while in view of a game. In other words, they make it illegal to drink in your seat or on the terraces. During Irish Rugby's hugely successful sojourn at Croke Park, what rules applied? Did the traditional GAA rules that ban you from drinking in your seat apply, or did the IRFU allow spectators to bring their drinks to their seats?

Mr Eagleson:

The traditional rules of the GAA applied.

Mr McDevitt:

Did that have any impact on your income?

Mr Eagleson:

There was a feel-good factor from moving to Croke Park, and there was no difficulty in the sale of tickets.

Mr McDevitt:

It was a hugely successful move.

Mr Eagleson:

In the Aviva Stadium, spectators are allowed to bring alcohol to their seats.

Mr McDevitt:

And, of course, you cannot shift the tickets. *[Laughter.]*

Mr Eagleson:

With or without touting.

Mr McDevitt:

There is a serious point. I want to be very supportive and encouraging of the efforts made by Ulster Rugby. However, the specific provision in the Bill does not make it illegal to drink; it just makes it illegal to drink in your place. I am conscious of the Croke Park experience, where people are not allowed to bring their drinks to their seats, yet the move there was hugely successful.

Coming back to Ms Irwin's point about the redeveloped Ravenhill, which we all look forward to being a venue for great international games, it is not likely that the issue of drinking will be the barrier to its success. Do you not agree that a bigger barrier would be poor facilities generally?

Ms L Irwin:

We still feel that it is a significant issue. I went to two matches at Croke Park. However, if I did not work at Ravenhill, I would be an Ulster Rugby season ticket holder and would go to games every other week. It is important to bear in mind that I might have gone to Croke Park for a game in November or February each year, but, as a more regular attender at Ravenhill, I might prefer to enjoy a drink in my seat at my regular venue.

Mr McDevitt:

The argument that you are presenting is that being able to have a drink in your seat is part of the culture, experience and, as such, the brand at Ravenhill.

Ms L Irwin:

Yes, and it is a very positive one.

Mr McDevitt:

Mr Scott, who gave evidence before you, talked about the importance of weighing up the circumstances and assessing the risk. He was saying that you should try to come to a mature judgement about allowing such behaviour and what the implications would be. What sort of risk assessments do you carry out at the moment? How did you come to the view that it is quite OK to stand on the terrace and enjoy a beer while watching the game?

Mr Eagleson:

Mr Scott referred to the Safety of Sports Grounds (Northern Ireland) Order 2006. We are fully compliant with that, but for each individual event or match that is held at Ravenhill, we carry out a risk assessment. For example, there will be different arrangements for the Schools' Cup final on 17 March, which predominantly involves schoolchildren and attracts one of the biggest crowds of the year, than there will be for a Magners League or Heineken Cup game. There will not be sale of alcohol at the Schools' Cup final.

Mr A Maginness:

I want to understand the situation in England and Wales. Are spectators able to drink on the terraces at soccer matches there?

Ms L Irwin:

It might be easiest to look at it in the context of shared grounds.

Mr A Maginness:

Cardiff is a shared ground.

Ms L Irwin:

Yes, and the Madejski Stadium just outside London is another example. If you go to watch Reading Football Club play on a Saturday afternoon, you are not allowed to have a drink in view of the pitch. However, if you go to the same venue on a Sunday afternoon to watch London Irish, you can take your drink to your seat.

Mr A Maginness:

The law in England and Wales has allowed that to happen. Theoretically, if we were to follow their example, we could have a difference in the law here as well. I have not made up my mind on this issue, I am just trying to work through it. I assume that the English position is based on the experience of rugby fans' behaviour at matches, and they have been given a by-ball. Has there been any difference in rugby fans' behaviour subsequent to the position being changed in England?

Ms L Irwin:

Not that I am aware of.

The Chairperson:

Your sponsors are Magners and Heineken. What impact, if any, would clause 43 have on that sponsorship?

Ms L Irwin:

Heineken is our drinks sponsor. Heineken pays us for the right to pour Heineken and no other lager in the ground. We participate in two tournaments that are named after alcohol brands: the Magners League and the Heineken Cup. Those reinforce rugby's link with being able to enjoy a

sociable drink. We have certain obligations to stock those brands in our bars at Ravenhill. For example, 25% of the tap and fridge space has to be Magners on a Magners League night.

Clause 43 would not prevent us from participating in those competitions, but it would endanger the substantial sponsorship fee that we receive from Heineken each year. Similarly, if the Magners League were hosting its grand final between, say, Leinster and the Ospreys, and was looking for a neutral venue, a redeveloped Ravenhill could fit the bill, and it would be a considerable earner for Ulster Rugby. However, Magners, the title sponsor of the competition, will have a limited time frame in which to sell its product, and the fact that we cannot offer the full match day experience may rule us out of being selected as the venue.

Mr Givan:

The purpose of the clause is to try to ensure good behaviour, and I am hearing that there is good behaviour. What are your processes for dealing with an individual who behaves badly? Do you remove that individual? Do you ban that individual from matches? What do you do voluntarily to deal with the rare occasion on which behaviour is a problem?

Mr Eagleson:

The stewarding arrangements would deal with that. If it were felt necessary to take the individual out of the ground, either for the safety of that individual or any other spectator, that individual would be removed from the ground. We have never had to ban an individual for a period, but the governing body has the power to ban individuals from grounds.

Mr Givan:

Such a strong connection between sport and alcohol irks me slightly. Sport is about healthy living but, then, a connection is made with alcohol. However, this legislation is not about that; it is about good behaviour. Your point that there is good behaviour is key.

The officials have said that they are not bringing in ticket touting measures for rugby because they do not need it for safety reasons. How much of an issue is ticket touting for rugby from a commercial point of view?

Ms L Irwin:

I cannot speak on behalf of the IRFU, but it is definitely not an issue for Ulster Rugby.

Mr Eagleson:

If ticket touting is identified, the IRFU has a process to deal with it. Each ticket can be traced back to its source and action is then taken.

Mr Robin Cole (IRFU Ulster Branch):

The union enforces it rigorously. I found that out last year, when an individual in my club put a ticket on eBay and, within 12 hours, the union was on his back.

Mr O'Dowd:

Thank you for the presentation. In the past year, how many people have been arrested in your grounds for disorderly behaviour?

Mr Eagleson:

None.

Mr O'Dowd:

Does that include referees? *[Laughter.]* I asked the question because I suspected that that was going to be the answer. To clarify: I have not made up my mind on any of the aspects of the legislation. I do not want legislation to be introduced just for the sake of it.

There is a concern about the consumption of alcohol in public. If there were a code such as that which exists in the IRFU, which serves alcohol responsibly and people can enjoy it responsibly, why would we ban it? To date, I have not heard any evidence as to why we would. That is more of a statement than a question.

Do stewards ever have to eject people from your grounds?

Mr Eagleson:

It is not a problem.

Ms L Irwin:

There are clauses in the Bill to deal with missile throwing and chanting. Those are not problems that we encounter, but we do not object to those clauses as we do to the clause about possession of alcohol because they do not have the same ability to impact on us and affect us financially. That is why we zeroed in on clause 43.

Mr O'Dowd:

Joe mentioned that, if an individual has a record of misbehaving, the IRFU can ban them from the ground. Is that an indefinite ban?

Mr Eagleson:

It is a private ground; therefore, we can take that action.

Ms L Irwin:

That would be part of our ground regulations.

Mr Eagleson:

Obviously, we have to monitor that.

Mr O'Dowd:

I understand. Thank you.

The Chairperson:

We are stopping there. I thank the rugby delegation for their briefing. You are welcome to stay on in the Public Gallery if you wish. You are your own bosses in that sense.

We will move on to the next presentation, which is from the representatives of Ulster GAA. Papers are included in members' packs. I welcome Danny Murphy, provincial director; Ryan Feeney, head of public affairs; and Stephen McGeehan, head of operations. Gentlemen, you are very welcome. You will have 10 minutes for your presentation, after which, there will be 20 minutes for questions and answers.

Mr Danny Murphy (Ulster GAA):

Mr Chairman, I thank you and the Committee for affording us the opportunity to be here. We submitted our response and attached our ground regulations. From reading that, you will see that we are already applying many of the Bill's provisions under our regulations. However, we have concerns about some aspects of the Bill. We believe that the requirements about how a game becomes regulated need to be examined. We also believe that paragraph 6(b) of schedule 3 takes the scope of the legislation too far.

The safety of sports grounds legislation identifies two types of designation. First, grounds are designated, which normally applies to the main county grounds that we use, the grounds used by the two top leagues in Irish Football Association competitions, the ground used by Derry City and that used by the Ulster Branch of the IRFU. Secondly, stands can be designated, which includes those in grounds that are used almost entirely by clubs. The scope of that aspect of the Bill would bring designated stands within the legislation, even though the games being played there would not be part of any planning by us or by the safety advisory groups that would be set up under the safety of sports grounds legislation. We believe that paragraph 6(b) of schedule 3 being included in the definition of regulated games poses a serious problem.

We also believe that regulated games should be within the ambit of the safety advisory group, because all the relevant bodies sit on that group. They alone should determine when a game is regulated and, therefore, whether this legislation applies to a game. Stephen McGeehan and I went over to look at the operation of Vicarage Road, where two different games were played on the same weekend. Watford FC play there on Saturdays and are regulated and Harlequins, the rugby club, play there on a Sunday but are not regulated. Therefore, the rules about consuming alcohol while viewing the pitch are entirely different at the same venue on consecutive days. In taking this matter forward, we should look at best practice rather than taking a forceful view.

We have five specific points to make. Clarification must be provided to identify which measures apply to GAA events and which do not. As drafted, the Bill is confusing and could lead to errors in interpretation. We assume that paragraphs 7 and 8 of schedule 3 apply to the GAA and that any clause that refers to those paragraphs applies to us. However, that may be an entirely

wrong understanding.

The commencement orders for introduction should not be relied on solely to create exemptions. We believe that, in taking some of those matters forward, different sports might need entirely different requirements placed on them. That is why we believe that regulation is better dealt with by safety advisory groups rather than specific legislation.

The Bill needs to confirm that venue operators are in overall control of their events and that the safety of sports grounds legislation does not currently demand the presence of the PSNI at all fixtures. Therefore, it is conceivable that some cases may arise where circumstances outlined in the Bill are enacted by a sporting body or members of the public and not by the PSNI. The Bill needs to take account of similar measures that have applied to British sport, particularly to association football fixtures and to rugby fixtures in England where, in the same venue, different arrangements apply depending on the sport being played.

We are concerned that, in setting out the definitions of regulated matches, the association that we represent and that controls Gaelic games is not defined. We would not want to be looking at a potential loophole some time in the future. The fact that we, as a governing body, are not defined, means, as we interpret it, that we are not covered by it.

Mr Stephen McGeehan (Ulster GAA):

There are definitions of UEFA, FIFA and other sporting organisations such as the Irish Football Association and the Ulster Branch of Irish Rugby, but there is no equivalent reference to the Ulster Council of the Gaelic Athletic Association.

Mr D Murphy:

I will make a couple of final comments. We are concerned that the word “chanting” has been added to cover a paragraph when, in all the consultative documents, the exact term that was used was “offensive chanting”. Chanting may not necessarily be offensive.

We have precluded spectators from going onto the playing area for quite some time. Again, we believe that the relevant provisions need to be re-examined. If someone goes onto the playing

area against the ground regulations, he or she is breaking the ground regulations and can be removed from the ground. If someone goes onto the playing area to celebrate after a game, it may not necessarily be something that we would want to prosecute them for. We would not want someone to have a criminal record for simply having spontaneous enjoyment. We need to look at those aspects.

We have absolutely no difficulty with the part of the legislation that deals with the possession of fireworks and flares. Stephen will talk about people using alcohol at a game and in transit to and from games.

Mr McGeehan:

As responsible event promoters and as a governing body of sport, the Ulster GAA has significant experience from managing crowds of 67,000 right down to the 3,000 or 4,000 people who attended club fixtures last weekend. There is no doubt that the irresponsible consumption of alcohol is an issue for the governing bodies of all sports, particularly at games. As Danny mentioned, our ground regulations refer to and deal with that specifically. We welcome any controls that assist us as a governing body to address those matters. However, as was mentioned, we feel that that is best done under the general application of the safety certificate provided by the local authority and within the responsibility of the event controller in the organising of our games.

The Chairperson:

You have two minutes, Mr McGeehan.

Mr McGeehan:

In relation to the possession of alcohol in our grounds, we suggest to the Committee that application of the legislation that applies in England and Wales is worth considering when it comes to being more specific about the level of application for different sports. The GAA is probably best placed, having used Croke Park to manage other fixtures including soccer and rugby, to know that the governing bodies in control of the fixtures should have a level of autonomy and be able to look at the profile of their spectators and the categorisation of fixtures from a risk assessment point of view. We ask for that control to be afforded to governing bodies.

As Danny mentioned, we very much welcome any measures that stop situations in which buses arrive at grounds and the supporters on them cause a public disorder or a difficulty, not just in our own grounds, which is our primary responsibility, but in the towns and cities in which games are played. We support wholeheartedly those suggestions.

There will be some difficulties for us as a governing body, given that only two thirds of our association will be affected by the legislation. As a governing body, we have responsibility for Cavan, Donegal and Monaghan, so we feel that a cross-jurisdictional partnership with the relevant authorities is important.

Finally, the legislation is akin to living next door to someone who makes too much noise at night but having a noise abatement served on you as well as that person. A lot of the legislation applies specifically to other sports. The working out of the legislation needs to ensure that the GAA is not, as Danny said, entrapped by provisions that are not intended to deal with issues that exist within our games.

Sir Reg Empey:

Danny mentioned that the inclusion of stands that hold 500 or more meant that that provision applied right down to your club level. I missed the rest of your point: what was it?

Mr D Murphy:

Most of the safety of sports grounds legislation applies to designated grounds, which have been agreed by the Assembly. However, the legislation refers to designated stands, which means that stands with a capacity of over 500 have to be approved within the same process by the local authority and others, to show their compliance with the legislation.

Our point is that having a stand that allows 540 to sit in it should not mean that every game played at that level becomes regulated, as the legislation would require. That would have significant consequences and could lead to an under-10 game with 30 people present being regulated. The implications of that for an organisation would be enormous.

The most recent year for which we have complete figures is 2009, during which almost 22,000

games were played in our jurisdiction. Therefore, it would be impossible to ensure that the same regulations applied at every ground in every one of those games. The legislation is attempting to deal with the designated grounds rather than the designated stands. Paragraph 6(b) of schedule 3, which covers designated stands, is superfluous and should not exist.

Sir Reg Empey:

Are you suggesting the elimination of any reference to stands or are you suggesting a higher threshold?

Mr D Murphy:

I am simply saying that the reference to a designated ground is all that is required and that the reference to a stand in paragraph 6(b) of schedule 3 is superfluous. It does not solve anything for anyone and creates a problem. Its enforceability is impossible.

Mr McNarry:

You are welcome. Stephen, you said that we should look at the profile of spectators. Can you expand on that? What did you mean?

Mr McGeehan:

As most members will be aware, under the safety of sports grounds legislation, there is an ongoing process by which local authorities issue each of the venue operators in the grounds with safety certificates. As part of the issuing of those safety certificates, games are categorised as low risk, medium risk or high risk. The Gaelic Athletic Association has a profile of families, males and females attending our games, and we believe that the research that exists on that should be taken into consideration when dealing with issues of alleged disorder. Therefore, the process should be rolled out in a way that takes account of grounds that have been designated and, in turn, provided with a safety certificate. That gives the venue promoter more opportunity to manage the events responsibly.

Mr McNarry:

Do your sports attract bad conduct in the forms that we are looking at: missile throwing, chanting, pitch incursion, firework possession, drunkenness and possession of containers?

Mr D Murphy:

No. I do not know whether our response paper has been circulated to the members. It states that, under the ground regulations that apply to all of our games, that behaviour is prohibited and results in entry being refused or spectators being removed from the ground. I do not recognise that type of behaviour.

Mr McNarry:

That does not prevent it from occurring.

Mr D Murphy:

We try to ensure that it does not occur.

Mr McNarry:

That is great, but I need to know more about how you achieve that. We heard from the departmental officials that the PSNI will administer the law against people who offend. One does not know who will offend and who will not, so there has to be a police presence. Would the presence of the police at your games to see that the law is being observed properly concern your stewards?

Mr D Murphy:

I will make two points in response to that question. First, all of our games are subject to pre-event planning between us and the PSNI, and the PSNI has a direct involvement in overseeing the games, so that does not present an issue. Secondly, this legislation and the safety of sports grounds legislation, which is the core legislation, do not require police to be present at games. A regulated game is a regulated game. There is nothing requiring a police person to be present.

That brings us to chapter 6, which deals with enforcement. That will create a significant issue for the PSNI and for the courts, because we cannot find any provision for the evidence to be procured. If police officers are not present when someone commits an offence that is set out the Justice Bill, how will the police bring forth a prosecution? Do they have the authority to use ground regulations, such as using CCTV as evidence, or would they take statements from as

many people as they want to? Given that some of our games can have 30,000 people at them, that could become quite a prolonged job. You make a critical point: you can have all the rules in the world, but, if you cannot enforce them, they are not worth having.

Mr McNarry:

My point is precisely that. It is about enforcement, and, if the legislation is passed, equal ability should be available to enforce it at any venue. I compliment you on how you regulate the running of your affairs, and I have always done so. My concern is that, because of the manner in which your organisation presents its sports, there is, perhaps, a view that you can look after yourself.

That is not to put your organisation outside the law. However, in my view, other sports are being picked on — you may feel that your sport is being picked on as well — and there is a question mark over their ability to deal with situations. Therefore, there will undoubtedly be a police presence at their venues to look into these new laws and to enforce them. Indeed, there already is a police presence. My concern is enforcement, and, as a Committee, we need to look at that fully.

I just want reassurance that your organisation does not consider itself outside, above or exempt from the law in the very fine manner in which it runs its matches and deals with spectators and so on. I have a problem with what I have seen on my television screen of what goes on on your pitches — what happens on other pitches has been referred to — and that is a matter of education. Can the PSNI gain access to one of your pitches to assert the law in the event of public disorder?

Mr D Murphy:

As far as I am concerned, nothing that we have done or plan to do would prohibit the application of the law; quite the reverse.

Mr McNarry:

So, there is a police presence at your matches.

Mr D Murphy:

Yes; police are already present at our major games.

Mr McNarry:

That is good.

Mr D Murphy:

Before any requirement was placed on us, we carried out pre-event planning with the police and others. We go to great lengths to ensure our compliance with the law. We are discussing the Justice Bill here, but we believe that, in many ways, the safety of sports grounds legislation is the core legislation. The clauses in the Justice Bill that deal with sport cover the essential areas that need to be examined. However, they need to be brought forward as a requirement to be placed on a sport as distinct from a broad spectrum attack on all sport. As far as we are concerned, people who break the law have to be amenable to the law. However, it is pointless creating offences if enforcement will be particularly difficult. That is one of the reasons why our response refers specifically to enforcement.

Mr McNarry:

The response is exactly as I hoped it would be: pointed and well made.

The Chairperson:

Do you have discretion to ban players or spectators from your grounds?

Mr D Murphy:

Under our association's constitution and rules, we have the authority to prevent from entering the ground anyone who breaks the law. We also have the right to expel such people from the association altogether.

The Chairperson:

Have you done that often?

Mr D Murphy:

We have dealt with it when required. Most incidents can be dealt with through a lesser penalty such as a period of suspension or prohibition from certain privileges — it depends on the level. However, we do expel people from the association, and we will do so if the need arises.

The Chairperson:

Your submission states that the consumption of alcohol is not permitted within grounds and that spectators are not permitted to bring alcohol into the stadium.

Mr D Murphy:

That is correct. I have been event controller for the Ulster Council since 1992, and, in that time, we have always applied that standard regulation. During high season in the summer, we are often roundly criticised in the letters column of newspapers for removing alcohol from people en route to a game. We put up steward barriers on the approaches to grounds and remove alcohol.

The Chairperson:

What about sponsors? Do you, for instance, have sponsorship from drinks companies?

Mr D Murphy:

We have one drinks sponsor in hurling, namely Guinness, which sponsors the hurling championships. Outside of that, we are not directly involved with any other alcohol company.

The Chairperson:

Are there any conditions to that sponsorship by Guinness that specify that its product must be available?

Mr D Murphy:

Absolutely not. We believe that that would be a restraint on trade.

The Chairperson:

Your submission also says that:

“Under no circumstances is it permitted to throw any object onto the pitch.”

What would happen to an individual who took the liberty to do that?

Mr D Murphy:

We have gone as far as having people arrested. If someone can be identified, either from CCTV,

by the stewards in the precinct or by any other means, we will take appropriate action. In the past, people have been arrested.

The Chairperson:

Have you any reason to believe that player behaviour on the pitch — perhaps “misbehaviour” is the word — can encourage misbehaviour in the stands?

Mr D Murphy:

That is not specifically a matter for the Justice Bill. However, again, we deal very clearly with any indiscipline. We apply substantial penalties to the individuals involved and to the units that they represent. In other words, if they represent a club, the club would be dealt with; if they represent a county, the county would be dealt with. As far as we are concerned, we have a good disciplinary policy and code that is rigorously applied by the association. It is not specific to the Bill. However, if you want me to respond to the question of whether bad behaviour in one place contributes to bad behaviour somewhere else, the answer is probably yes.

Mr O’Dowd:

As a party, we have not made up our minds as to where we will go with certain clauses in the Bill, particularly those around sport. However, I share the concern that we are making law for law’s sake.

When it comes to your regulation and governance of matches, does the 2006 safety of sports grounds legislation provide adequate infrastructural safety for grounds and adequate spectator and participant safety at grounds?

Mr D Murphy:

The short answer is yes. The safety of sports grounds legislation was much-needed legislation. It was passed in February 2006 at Westminster in London, but it became operable only on 1 January 2010. Therefore, the legislation is very much a work in progress. A number of matters have been resolved: grounds are now designated, capacities have been established and, in most cases, safety certificates have been issued. Consequently, the legislation is at a starting point from which it can be properly applied.

Outstanding matters still need to be addressed. There is a requirement for some further development to comply with the new legal requirements. I do not want to start getting technical, but the S factor — safety management — needs to be brought on board. The safety management side and the physical capacity side are of equal importance. To meet the S factor, more supervisors need to be trained and more people who do my job need to be trained. Otherwise, we will find that we will get to the stage where, given the legal responsibilities being placed on people running matches, nobody will want to run them. Therefore, the S factor needs to be addressed. Some work has been done, but there is a lot more to be done.

Mr McGeehan:

It is important to say that, although we are in times of austerity and public finances are being scrutinised for value for money, the application of the safety of sports grounds legislation is only as good as the physical condition of the grounds to which it applies. For everyone involved in public services, there is undoubtedly a responsibility to try to ensure that finances are made available to try to improve the condition of those grounds, otherwise, in antiquated facilities, fulfilling aspirations such as asking spectators and supporters to behave better will be a challenge.

Mr O'Dowd:

Danny, you said that the Order only came into being here on 1 January 2010.

Mr D Murphy:

The legislation was passed in Westminster in February 2006. It was the direct rule Minister Mr Hanson who brought it through. The legislation finally came into effect on 1 January 2010. Safety certificates have been issued to grounds over the past eight weeks. Capacities have been established, and work is ongoing on the safety management side.

If a ground that holds 10,000 has an S factor of six, its capacity becomes 6,000. So, there are ramifications. How well you manage your ground will have implications for your capacity. Therefore, there is still work to be done.

Mr O’Dowd:

My final point is about the training of stewards and staff within grounds to ensure the safety of spectators. In a majority of cases, if not in all cases, stewards are volunteers. Under the legislation, part of the role of the steward will be that of a police officer. For instance, if somebody throws an object — a scarf or a top, for example — in the ground, a steward will have responsibility for witnessing a criminal offence.

Mr D Murphy:

That is possible. However, the bottom line is that we have our own regulations — they are listed in our submission — and the issue is how we apply them. That is why it is important that we take account of the complete management structure. If someone is perceived to be breaking, or attempting to break, one of the ground regulations, the steward’s duty will be to prevent that. So, the person in question will be approached and advised that he or she is in breach of regulations. If that does not happen, the decision-making power passes to the supervisor at the next level. We do not have all the right people qualified to deal with the legal issues, as you correctly pointed out.

The legal issues go back to what we said about enforcement. We raised the issue. If the PSNI is not present at a game — the law states that it does not necessarily have to be present — it could be very difficult to present evidence and use CCTV footage to bring forward a prosecution.

The Chairperson:

Thank you very much for the briefing and for taking questions, gentlemen. You are welcome to stay in the Public Gallery, because the departmental officials will be coming back to answer questions on what has been said. Thank you very much for coming.

Mr D Murphy:

Thank you very much.

The Chairperson:

The next briefing is from the Irish Football Association. I welcome Patrick Nelson, who is the chairman, Terry Pateman, who is the vice-president, Hugh Wade, who is the director, and

Stephen Grange, who is the national security officer. You are all very welcome. You have 10 minutes to make your presentation, and we have set aside 20 minutes for questions afterwards.

Mr Patrick Nelson (Irish Football Association):

You introduced me as the chairman; I am the chief executive.

The Chairperson:

I beg your pardon.

Mr Nelson:

Thank you very much for the opportunity to give evidence to the Committee. The road to our being here started 130 years ago today. There was a meeting in the Queen's Hotel in Belfast of representatives of a number of clubs that were playing what was called Scottish rules football. They resolved to create an Irish football association. That was on 18 November 1880. So, 130 years on, we are here in front of this fairly august Committee. I am sure that they never thought that would happen.

The Chairperson:

It has been a long struggle for you over the years.

Mr McNarry:

Were you playing then, or were you just a reserve? *[Laughter.]*

Mr Nelson:

Thanks again for the opportunity to give evidence. We will make a very short presentation. We sent a written submission to the Northern Ireland Office in November 2009, when the original consultation on the legislation took place. We provided a short supplementary letter to the Committee yesterday.

We believe that the Justice Bill, as it pertains to sport and football in particular, is part of a package of measures that will make football safer for spectators in Northern Ireland. That package includes the safety of sports grounds legislation, facility development and the training of

stewards, and work on those issues has been ongoing for a while now.

Our original submission and the recent ones were broadly supportive of the proposed legislation. We note a number of changes to the original documentation from last year, in particular, the removal of reciprocal banning orders with Great Britain. We are not sure whether that makes sense, particularly given the prevalence of what we might call football tourism between Northern Ireland and GB, in that many of our supporters sometimes choose to spend a proportion of their money following clubs in England or Scotland. Consequently, if they receive a banning order over there, it would make sense for them to be banned here, and vice versa. We think that it is an omission to not have use of a civil banning order route, where police can make a summary application to magistrates to exclude troublemakers from games without a criminal conviction. That is an opportunity that may be missed.

We note the restrictions on consumption of alcohol, and we broadly support those, with the proviso that corporate hospitality and membership activities cannot be adversely affected. In particular, we ask the Committee to consider closely whether the timings for the regulated period in clause 43 — two hours before and one hour after a regulated game — might be a little excessive in the circumstances.

As I said, this is a fairly short presentation, because we put most of our information in the original submission that we provided some time back. We again thank the Committee for the invitation to be here today, and we look forward to working with colleagues across all Departments to continue creating a safer environment for sports and football supporters throughout Northern Ireland.

The Chairperson:

Thank you very much, Mr Nelson.

Do you think that the legislation is necessary?

Mr Nelson:

I think that it is helpful. However, it is difficult for us to judge the degree of necessity. It is

helpful, because it will go towards creating a safer environment for football supporters. We note that it relates to, in particular, games in the Premiership and the Championship in Northern Ireland and does not stretch throughout the football pyramid. It is for the more significant and senior games.

The Chairperson:

On a few occasions, Irish League matches have been in the headlines for the wrong reasons. Will the legislation help to eradicate that?

Mr Nelson:

Can you give me an example?

The Chairperson:

The one that springs to mind is the infamous game between Newry City and Larne that ended up in a bit of a fracas. Much of that started on the pitch, of course.

Mr Nelson:

Realistically, that was more of an on-pitch issue, and we deal with that sort of thing through our internal disciplinary procedures. That is what we did in that case. The legislation is not aimed at that sort of issue; rather, it is aimed at ensuring that supporters watching such games are not drawn into antisocial behaviour. We, therefore, support it from that point of view.

The Chairperson:

You were not here for the officials' presentation at the start of the session. They cited some games that had to be stopped, in particular, the Glentoran game. Will the legislation help to deal with those sorts of scenarios?

Mr Nelson:

Again, that probably predates my being here. Someone else may be able to comment on that.

Mr Stephen Grange (Irish Football Association):

The Bill sets down clear guidelines on what is acceptable behaviour in football grounds and what

is not. In the past, some of the difficulties that we have had have included dealing with pitch incursions, racist abuse and sectarian abuse of players. From our perspective, the Bill sets out clearly that that behaviour is not acceptable and that it is not a matter of determining or believing the extent of it; it sets out clear markers about what is acceptable. The big challenge is getting families and other people back to football by making them feel that it is a safe environment. The Bill sets out, for the first time, clear guidelines for spectators on how they should behave when they come to events. From that point of view, we find it helpful.

The Chairperson:

Is stewarding at matches done purely by volunteers?

Mr Grange:

No, there is a mixture of stewarding. We bring in professional stewards who are trained to Security Industry Authority (SIA) standards to do certain aspects inside the ground. As you point out quite properly, some of the other stewarding is provided by volunteer stewards. We also have club stewards who have undergone training to deal with certain matters but not with conflict or with separation of supporters. We bring in other trained stewards to do that. So, there is a mixture of types of stewards, each of which is regulated to do certain tasks.

The Chairperson:

You obviously have the power to ban players and spectators who make a nuisance of themselves for whatever reason. How often have you exercised that power?

Mr Grange:

We do not do that on behalf of clubs. I will let Hugh, who is a club chairman, speak, because it is the responsibility of clubs to deal with that.

Mr Hugh Wade (Irish Football Association):

As well as being a director of the IFA, I am also chairman of the Premiership Management Committee and of Coleraine Football Club. At Coleraine's last home game, three spectators encroached on the playing area after we scored a goal. They were identified by the police, and we also had them on CCTV. We have written to those people and banned them from the

Showgrounds.

The Chairperson:

Have you banned them for life or for a certain period?

Mr Wade:

We have banned them until the end of this season, and the ban will be reviewed then. We want a safe environment for all attending in order to increase attendance and to encourage more families and more females to attend our games. My understanding is that the Bill will not affect corporate hospitality at football grounds, on which we rely heavily to raise funds on match days. We invite sponsors and businesses to our club for hospitality, and we have executive club members who can view the match from our viewing lounge and have a drink if they wish.

The Chairperson:

If a player felt that he had been tackled with vengeance on the field, could he take action under existing legislation?

Mr Terry Pateman (Irish Football Association):

Yes, that is correct. There have been a number of cases in which players have taken another player to court.

The Chairperson:

Not often, but occasionally.

Mr Pateman:

Very occasionally. There is probably one case currently in the courts.

Mr McNarry:

You are welcome, gentlemen. You represent what is my national sport, and, therefore, you come here with massive responsibilities. From my reading of the legislation, it is your sport that is under the closest scrutiny and, perhaps, under the cosh. We have been told today that the legislation could put gates up to 14,000 spectators at games. That begs the question: why could

that not have happened without the legislation? The Bill contains only tweaking bits of legislation. You have said that you want to increase the numbers of families that attend and that the legislation is probably a method of doing that. There is a gap. What on earth has been done to realise that ambition long before the requirement for legislation? I am not sure that we need this legislation.

The legislation seems to portray a type of visitor to soccer matches — not a fan, I would add. That seems to be the root cause of part of the legislation being directed at your sport. It seems that the blame for conduct such as missile throwing, chanting, pitch incursion, firework possession, drunkenness and possession of containers is being levelled at your sport. The legislation seems to set out that the offenders in any of those categories will be at your sport — or our sport, if you like. I know that you have been doing things to address that, which is commendable. Where will that end up? Could the efforts that you will tell us about result in people like me asking for certain aspects of the legislation to be reconsidered?

Mr Grange:

There are a number of issues there. This legislation does not stand alone. It comes on the back of other legislation on safety at sports grounds. There is a major thrust to change the attitude at sports grounds, particularly football grounds, from security to safety. We want to move away from having fences and so on. Under safety of sports grounds regulations, we are obliged to open up grounds so that people have access and can evacuate freely. Responsibilities and difficulties come with that.

All the things that have been talked about, such as fireworks and drinking, are based on experience and reality. The sad thing is that we have had to cope with those matters in football over the past five years. Without the legislation, that has proved difficult not only for us in stewarding and managing games but for the police in determining what offences are taking place. We think that the legislation sets down very clear guidelines for the police and our stewards to act on and markers for behaviour. It is based on experience as, sadly, we have had difficulty with spectators.

Mr McNarry:

Are you saying that a greater police presence and enforcement against those misdemeanours is what is needed to propel this to where we all want to be?

Mr Grange:

No. The vast majority of people who come to football matches behave properly. The legislation is designed to deal with those who do not behave. There are issues around that that will have to be addressed. Opening up our grounds and shifting the focus from security to safety brings responsibilities. The legislation sets down a clear marker to those people who do not want to behave that there are enforcement policies and actions that can be brought to bear. We hope that we do not have to use those. We hope that people will realise that certain behaviour is not acceptable and that they will not be able to behave like that. This legislation comes on the back of two other pieces of legislation relating to grounds and stewarding. In fact, enforcement is probably coming before the grounds are ready to deal with it. That shortfall is being taken up through stewarding at the moment.

Mr McNarry:

What will happen overnight that will mean that those typecast people are not there anymore?

Mr Grange:

The experience with the legislation in England, Wales and Scotland has been that change does not happen overnight but that the legislation does change behaviour. It has brought about significant improvement in behaviour, especially in Scotland. We looked at how Scotland dealt with the situation, and that has been a major factor in our support for the legislation.

Mr Nelson:

My experience as the chief executive of a small football league club in England bears that out. We only ever need to ban a very small number of people from the ground for that to act as a deterrent to other potential troublemakers. As a number of people have said, sometimes your worst supporters are your best supporters.

They are the ones who follow their club through defeat and victory, and to games that are 300 miles

away on a Tuesday at 7.45 pm. For them, the pain of being excluded from games is huge. So, this sort of legislation does act as a good deterrent.

Mr McNarry:

If it is your view that the legislation will be good for your sport, I have to listen to you as you are the experts. I am sure that we all agree that there is a distinct difference emerging from today's discussions between the work that has clearly been done with international games and the subsequent attraction for the whole country as opposed to what happens at games such as those cited by the Chairman. We have to bank that one.

Do you believe that, as a result of the legislation, a burden of extra costs will have to be met by local clubs?

Mr Nelson:

I am not sure that I would entirely agree that there would be a burden of extra costs. The legislation, if implemented in anything like its current format, will serve as a deterrent. The long-term effect will hopefully be that our grounds will become safer and more welcoming environments for Carling Premiership games and Championship games.

To go back to Stephen's point: the legislation is part of a package. Steward training is important as are facilities and the state of grounds. Many of you will know that we are working with your colleagues in DCAL on packages for improving grounds. We have made some improvements already. For example, anyone who has been to Solitude lately will have seen two new stands, new floodlights and a new third generation pitch, which was launched just this week. That is probably a much more welcoming environment than Solitude would ever have been in the past. So, the legislation really should be seen as part of an overall package to make football grounds much more family-friendly and safe.

Mr McNarry:

I do not want you to miss the point, which is that the legislation is directed at a specific type of spectator. That type of spectator is described in the legislation and is described as being most likely to go to one of your matches. To deter such a person or to enforce the regulations will

require extra police. That is why I asked whether you think that your clubs will have to take on a cost burden.

Mr Grange:

Our experience shows that to be the exception rather than the rule. We are saying that the legislation will bring clarity on what is acceptable behaviour. The vast majority of people will comply with the regulations. Where we identify a high-risk game or where bad behaviour has previously been reported, we will look to address that. However, I do not think that extra police will go to every game each week to watch to see whether someone is involved in offensive chanting or behaves in a certain way. That would certainly not be our expectation.

The Chairperson:

Is the consumption of alcohol permitted in Irish League grounds?

Mr Grange:

It is under certain circumstances. It depends on the provision of a club under the registration of clubs and whether they have viewing lounges. Therefore, each club would be different. The policy would certainly be that there is no consumption of alcohol during the game or in the periods just before or after. That seems to work across the board. Those provisions are in other legislation.

Mr Wade:

I mentioned corporate hospitality. A number of Premier League clubs depend on corporate hospitality on match days for their sponsors and businesses. That is where they get some extra revenue. Their viewing lounges, as I said, are where they have their executive members, and that also results in extra revenue on match days. It is the same for the Milk Cup finals. When those games are played at Ballymena Showgrounds or Coleraine Showgrounds, there is corporate hospitality.

Mr McNarry:

They all drink milk, aye? *[Laughter.]*

Mr Wade:

The players do.

Mr McNarry:

David McClarty does not.

The Chairperson:

Mr O'Dowd? Sorry, Mr Maginness, do you have a supplementary question?

Mr A Maginness:

I suppose that it does follow, but, if you want to bring Mr O'Dowd in, that is fine.

Mr O'Dowd:

I am easy, go ahead.

Mr Maginness:

No, please.

Mr McNarry:

Do not fight, now, lads. Red card. *[Laughter.]*

Mr O'Dowd:

We do not need to be regulated here.

Thank you for your presentation. As Mr McNarry said, the suspicion is that the legislation is directed at soccer. We have heard from the other two codes, GAA and rugby, which have different concerns. I may be exaggerating, but I think that you have overwhelmingly welcomed the legislation. From my perspective of where the legislation is going, I have concerns, but I have not come to a conclusion in my head.

Throughout your presentation, you continually said that the Bill would affect only a minority of people. Hugh has given us an example from Coleraine, where they take no nonsense, in which

three people who went onto the pitch were banned until the end of the season. Why then do you need this legislation?

Mr Grange:

That is perhaps a very good example. The difficulty that Hugh has is that those fans are banned only from Coleraine Football Club. Coleraine FC could be playing in Ballymena next week and those fans could turn up there and be a nuisance. They may then be banned from Ballymena United FC, but they could turn up in the next place.

Mr O'Dowd:

Sometimes, in law, self-regulation is encouraged. If Coleraine were to write to Ballymena to explain that those three characters were causing problems, that would give Ballymena the right not to allow them in. That could be done through your club mechanisms.

I am concerned that we are bringing in legislation that not only covers people inside sports grounds but outside sports grounds, too. Clause 46(4)(a)(iii) states:

“where it appears to the court from all the circumstances that the offence was motivated (wholly or partly) by a regulated match.”

That covers someone from when they leave their front door to go to a match until they go back home through their front door. The legislation is very draconian.

Mr Grange:

Indeed, but the legislation has obviously been brought in in that way because of experience. Regrettably, we have had incidents of serious disorder in Belfast city centre that are directly related to behaviour before and after football matches. The legislation is broad so as to be able to deal with that.

I share some of your concerns, but it will be a matter of taking cases to court. It will not be for the Irish Football Association or the PSNI to impose a ban. Cases will have to go to court. My view is that magistrates would take a very serious view and that cases would have to be made very strongly for them to implement the banning order.

Mr O'Dowd:

I know that, but the Chairperson highlighted a case this morning in which people ended up in court.

The Chairperson:

That was a dummy one. *[Laughter.]*

Mr O'Dowd:

I appreciate that, as a governing body, you are very strict on misbehaviour. On the other hand, as legislators, we have to ensure that we have the balance right in the legislation that we introduce.

Is it fair to say that the vast majority of Irish league games pass off without any incidents in the stands?

Mr Wade:

Yes.

Mr O'Dowd:

Is it fair to say that you implement your codes very robustly?

Mr Grange:

Yes, within the constraints in which we have to do that.

We do not sit in isolation in this. We work very closely with supporters and get feedback and complaints from them about the behaviour of other supporters. Those are genuine concerns, and we have an obligation to find a way of addressing them. The legislation was presented to us, and we were asked whether we felt that it was the right avenue to go down. Based on the experiences of England and Scotland, we felt that we were the ones who were out of step. A lot of the problems seem to have been eradicated in Scotland, whose situation we see as probably being closer to ours. We hope that the legislation will do likewise for us.

Mr A Maginness:

I want to say first —

The Chairperson:

Let me just say that we are into the two-minute section.

Mr McNarry:

Extra time. *[Laughter.]*

Mr A Maginness:

Do I not get extra time?

The Chairperson:

If you behave yourself you might.

Mr A Maginness:

I welcome the IFA's efforts over the years to try to make football a friendlier and more family-orientated sport, and, in particular, its efforts to try to "de-sectarianise" the game. That is very important and very helpful.

Essentially, you are saying, "We have experienced problems, and we welcome this legislation. We may not welcome every dot and comma, but we welcome the legislation in general, because it is helpful in changing people's behaviour." That is the essence of what you are telling us. Irrespective of any other sport, you are talking about your experience as sports people.

Mr Pateman:

We are talking from our point of view. I can remember, as a five- or six-year-old, going to Solitude or The Oval.

Mr A Maginness:

I can, too.

Mr Pateman:

It did not matter who you were when you went through the turnstile; everyone was welcome. The crowds were bigger, and we did not have legislation. Society has changed so much in the intervening years that quite often you have to re-educate people. This legislation will help to re-educate from the top down: it will educate us, the clubs, and the supporters. Over the years, we will get to what we desire, which is to have each ground open to everyone so that anyone can walk in and enjoy a football match.

I have been making observations at our grounds over the past couple of years. There has been a visible change, because we know that legislation is coming and because of the safe sports grounds initiative, which has put an emphasis on stewarding in the grounds.

The number of police involved has dramatically decreased. It is now unusual to find a policeman at a football match. That is wonderful, because, five or 10 years ago, a police vehicle sat at the door, no matter what the match, even the most insignificant game. We do not have that now. Police numbers have also come down at high-risk matches because legislation has started to come in. That is making us all think and work. Therefore, that helps us.

Mr A Maginness:

Will this legislation reinforce good behaviour?

Mr Pateman:

I believe that it will.

Mr A Maginness:

Does clause 43, which relates to drinking, give you sufficient scope to retain corporate hospitality?

Mr Grange:

Obviously, we would seek clarity and certainty about that.

Mr A Maginness:

That would be very important.

Mr Wade:

It would be. I am not too sure whether it means that you can offer corporate hospitality as the game is played.

Mr Pateman:

Corporate hospitality is very important, even for one match, because, when a company puts on an event, it helps to pay for that match.

Mr A Maginness:

Clause 43(1)(a) seems to say that there can be corporate hospitality if there is:

“a room to which the general public are not admitted”.

However, you can still directly view the match from such a room. I would have thought that that would permit corporate hospitality.

Mr Grange:

That is what we believe. We hope that the legality of writing the clause in a certain way addresses that.

Mr A Maginness:

We should ask the departmental officials to clarify whether that is the intention of the law.

Mr Grange:

Our understanding is that, where alcohol is sold, its sale must be closely regulated and controlled.

The Chairperson:

You said that there was an issue around the Milk Cup.

Mr Wade:

No, there was not an issue around the Milk Cup. I said that the Milk Cup has corporate

hospitality on finals night in Coleraine Showgrounds or Ballymena Showgrounds. That is the same for Premier League clubs. I was only making a comparison.

Mr Nelson:

Just to be clear: the Milk Cup does not fit into the regulated games environment. Regulated games are Premier League and Championship games. The Milk Cup, as a youth tournament, does not fit into that environment, so it does not fit into this legislation.

The Chairperson:

Gentlemen, thank you very much for coming and for briefing us. You are welcome to retire to the Public Gallery if you wish. Officials will come back to brief us later, and we will try to put to them some of the issues that you have raised. You can hear how they will deal with them.

Mr Nelson:

Thank you.

The Chairperson:

The next briefing is from representatives of the Amalgamation of Official Northern Ireland Supporters' Clubs. I welcome Gary McAllister and Chris Andrews, who are spokespersons for the amalgamation.

Mr Gary McAllister (Amalgamation of Official Northern Ireland Supporters' Clubs):

Thank you for the opportunity to address the Committee this afternoon. We represent the Amalgamation of Official Northern Ireland Supporters' Clubs, which is made up of 72 supporters' clubs from across Northern Ireland. We also have member clubs from other parts of the world, which are run by expats.

Our organisation was established in 1998 when a group of supporters' clubs decided to form an umbrella organisation to work together in the interests of supporters. Our work, particularly our work as part of the Football For All project, has been recognised widely, specifically through the award of the European Football Supporters' Award, which was established by Brussels city council after the Heysel disaster. Brussels city council presented us with the award at Windsor

Park in 2006. We are very proud that we pipped the German supporters, whose country hosted the World Cup finals that year, to the award. The Germans were runners-up.

Our organisation engaged fully in the consultation on the legislation. We submitted a document to the Northern Ireland Office. We met the Justice Minister, Mr Ford, and his officials on 1 July. We followed that up with a meeting with officials from the Department on 8 July. After the publication of the draft legislation, we submitted our views in writing. We have written to the Committee and to all 108 MLAs.

I will speak generally about our overarching view of the legislation and then hand over to my colleague Chris Andrews, who is a committee member of our organisation, and he will speak in more detail about our concerns.

Generally, we welcome the proposals from the Department of Justice to introduce specific legislation on spectator controls in Northern Ireland. It is important that the legislation that covers spectating at sports events in Northern Ireland is in line with legislation in the rest of the UK. The proposed legislation could also act as an effective deterrent and encourage people to behave in a responsible fashion, which can only promote a safe and welcoming atmosphere for those attending all sports, particularly football matches.

We appreciate that the consultation document, originally produced by the Northern Ireland Office and taken on by the Department of Justice, acknowledged that incidents of crowd trouble at sporting events in Northern Ireland are rare. We emphasise that disorder involving Northern Ireland football fans at football matches is an exceptional occurrence. That was acknowledged by the Minister in writing during the week.

Notwithstanding that, we have identified three elements of the Justice Bill on which we want to make the thoughts of football fans known to the Committee. Those three areas relate to the consumption of alcohol in viewing facilities in football grounds; the offences related to the possession of alcohol on private-service vehicles and private-hire transport; and ticket touting.

We work with supporters' organisations from England, Scotland, Wales and further afield.

We are part of Football Supporters Europe, which is a network of fans from more than 50 countries. From our experience of dealing with other supporters' organisations, we know that there is a shared view that partnership works, that fans have a contribution to make to any process and that valuing fans is a way of moving forward. The legislation does not achieve that, because it potentially criminalises all fans not just those who are badly behaved.

Bringing in the legislation would demonise football fans and the sport of football, which would be contrary to the view expressed in one of the earlier submissions that it would encourage greater numbers to attend. If there is a view that football is not a good or friendly sport, it is not likely to encourage more people to attend games. I now hand over to my colleague Chris Andrews, who will speak in more detail on some of the issues.

Mr Chris Andrews (Amalgamation of Official Northern Ireland Supporters' Clubs):

I will pick up on some of the points that Gary made. As football fans, we believe that any proposed Justice Bill should reflect the needs and realities of Northern Ireland. We believe that the Bill, as it stands, is more or less the application to Northern Ireland of legislation that was enacted to combat the endemic hooliganism and widespread violence that were prevalent in top-flight football in England and Wales during the 80s and 90s. The Bill's provisions reflect the contents of the Football Spectators Act 1989, the Football (Offences) Act 1991 and the Football (Disorder) Act 2000, which were passed at Westminster.

I will reinforce what Gary said. We feel that aspects of the Bill are draconian and stereotype football fans. We are concerned about clause 43, "Possession of alcohol", which makes it an offence to be in possession of alcohol at any time during the period of a regulated match. The IFA representatives covered that issue in their presentation, so we will not labour the point. However, we share the IFA's serious concerns that the Bill, as drafted, could prohibit the sale of alcohol in viewing lounges at football clubs in Northern Ireland, not only during matches, but two hours before and one hour after.

We reiterate that such facilities are vital income generators for many football teams across Northern Ireland, and, in many cases, the sale of alcohol before, during and after matches is a major element of match day revenue. We believe that the creation of such an offence is

unnecessary and that the legislation could have a detrimental effect on the future of viewing lounges and social clubs. We would welcome clarification from the Department of Justice on what is covered and what is meant by that clause.

The amalgamation contends that social clubs and viewing lounges at football clubs offer fans the opportunity to socialise in a controlled environment and that they do not have any history of serious disorder or violence that would necessitate the creation of offences such as those that have been outlined. We would like to know the rationale behind the creation of the proposed offence and would like a detailed outline, citing evidence, of why such measures are necessary.

I want to pick up on the points that were made by the officials from the Department of Justice. If, as we understand it, the intention of the Bill is to exempt private viewing facilities, the amalgamation wish to ask why viewing lounges should have to be restricted to members only, given that such facilities have no history of serious disorder or violence. We also contend that clause 41, “Being drunk at a regulated match”, is more than sufficient to deal with any drunkenness at matches. Why is there a need for further offences relating to drunkenness or consumption of alcohol when we already have provisions relating to drunkenness? We believe that the Bill has the potential to criminalise a person for having a single drink — a person who is not drunk — which is excessive, given that there will be powers to deal with persons should they become drunk.

The Chairperson:

You have two minutes to wind up.

Mr Andrews:

We would like to talk about chapter 3, “Alcohol on vehicles travelling to regulated match”. It will become an offence for anyone going to a regulated match to have alcohol in their possession. It will also be an offence for people to be drunk in a vehicle going to a regulated match. The Justice Bill will also give the PSNI the authority to stop and search any motor vehicle to which chapter 3 applies, if they have reasonable grounds to believe that an offence has been or is being committed. We believe that provisions already exist that deal adequately with unlawful consumption of alcohol in private-hire transport. Under regulations made in 1990, it is already an

offence for anyone to consume alcohol in a vehicle, and the conviction for such an offence already carries a maximum fine of £1,000. We contend that it seems excessive and unnecessary to introduce a specific offence relating to special transport to and from football matches.

I will move on to ticket touting. We disagree with the departmental officials' interpretation of clause 45. Under clause 45(1), it is an offence for an unauthorised person to sell or dispose of a ticket. That person is unauthorised unless he or she has written authority from the match organiser to dispose of that ticket. Therefore, the act of selling or moving that ticket on to another person will be an offence. If this aspect of the Bill is about segregation, let us call it segregation, not ticket touting. How does criminalising one supporter for buying and selling tickets for his friends tackle the issue of segregation? Indeed, many grounds in Northern Ireland where football is played do not have provision to segregate fans, and fans freely mix. Segregation occurs only at matches between the bigger teams. It would make more sense to target the matches that are perceived as high-risk and put in place provisions to deal with those rather than to cover all games.

In recent correspondence with the amalgamation, the Justice Minister said:

“They may be rare, but I do believe there will be occasions where efforts to segregate fans are essential to address the potential for disorder. I believe that we need to provide for such occasions and that the powers will be an important preventative tool to assist us in doing so.”

The legislation, as it stands, does not provide for powers that will be used on rare occasions only. It creates an offence that applies to all football matches for which tickets are sold. Under clause 36(1)(c) —

The Chairperson:

I will have to stop you there.

Mr Andrews:

I will be two seconds. Under clause 36(1)(c), the offences also apply to all IFA Championship matches, which involve clubs such as Dundela, which do not produce tickets. Dundela versus Banbridge Town will never be an all-ticket match, so it is ludicrous to apply that offence to that game.

The Chairperson:

Thank you very much. You did very well.

Mr McNarry:

I concur with the tribute that Alban gave to the IFA, and I am sure that he will agree that that should be shared with the supporters and the supporters' organisation for its efforts. I am a sports fan, and I enjoy nearly all sports. It seems that the decent soccer fan is in danger of being typecast as someone who goes to a match not to cheer on his or her team or to enjoy the game but to be a missile-throwing, chanting pitch invader who will throw fireworks and is likely to be drunk.

Sir Reg Empey:

Speak for yourself. *[Laughter.]*

Mr McNarry:

Such a person is presented as a great multitasker, but that is not the correct image. That is what is wrong with this Bill — it paints that image. I would like that image to be removed. It has to be removed. I understand the ideas around drink and that the Bill seeks to deal with overindulgence in drink. That is where rugby escapes in that rugby supporters enjoy a drink but you rarely see someone legless at a rugby match. Is there a risk that the provisions in the legislation could be rendered meaningless if fans can drink in pubs beside or near the ground two hours before kick-off and one hour after the end of the match? That begs the question: if that can and does happen and is regulated by law anyhow, what is the point?

My final question, which is about transport, has not been raised so far, so we might get somewhere on it. You are the best people to answer it. Is the clause on specific provision for football fans travelling to and from matches included because there is a history of serious or major problems in Northern Ireland that have been caused by fans travelling to and from matches?

Mr G McAllister:

The proposed legislation is using a sledgehammer to crack a nut, and it is legislation for the sake

of it. Your point is quite right. Preventing people from drinking on a bus does not mean that they will not come to Belfast, Coleraine, Portadown or Ballymena three hours before a match and get drunk. Is it not better to allow people to enjoy a drink responsibly in a responsible environment in a stadium or a ground, or should we be driving people underground, where they will drink more excessively? We need to educate people on the acceptable amount of alcohol to drink. As someone who has travelled all over Europe and other parts of the world to support Northern Ireland, I sometimes see fans who have drunk more than they should sensibly have drunk. That is not good for them, because it puts their safety and health at risk.

I support better education and encouraging younger fans in particular to be aware of their responsibilities. We should not criminalise a young lad who has maybe decided to have more to drink than he should have and has become overly drunk. We need to educate people, not criminalise and demonise them.

Mr Andrews:

If there are problems linked to football fans travelling to and from matches, and it is believed that the consumption of alcohol during that travel is a problem, we should use the existing provisions, namely, the laws that make it illegal to drink on a bus. We should enforce that. Why is there a need to create the specific offence of possession of alcohol when travelling to and from a regulated match? What does that add to the existing law?

Mr McNarry:

Do hire laws have anything to do with that? Is it different for private hire?

Mr Andrews:

That law, as it stands, is for private hire. Other by-laws affect public transport such as trains and Citybus and Ulsterbus vehicles.

Mr McNarry:

You mentioned trains. We omitted to talk about trains. Across the water, that is the natural means of travel for a lot of spectators. Has anything happened in the recent past to suggest that there is a lot of trouble on buses or trains?

Mr Andrews:

In my experience, the buses turn up and the guys disembark. They go the ground, watch the game then get on the bus and go home. It is as simple as that. I am not aware of any great issue of people causing trouble on buses.

It will now become an offence to be drunk on a bus. Therefore, if someone has a couple of beers in a viewing lounge or a social club, they could risk being accused of being drunk on the return journey.

Mr McNarry:

The police would have to get on the bus to identify somebody who is drunk.

Mr Andrews:

As it stands, the Bill gives the police the powers to stop a coach if they have reasonable grounds to suspect that somebody is in possession of alcohol or that somebody is drunk.

The provision on the possession of alcohol is problematic. For example, if a bus stops off on a long journey and somebody decides to go to the off-licence to grab a few bottles of wine to drink when they get home, possession of that wine on that bus, whether or not the person is drinking the wine, is an offence because they are travelling from a regulated match. Or, for example, if someone goes to a match in Scotland and purchases two bottles of malt whisky for a Christmas present, that person is still travelling from a regulated match and is committing an offence.

The Chairperson:

More so if the person is wearing the scarf.

Mr A Maginness:

Thank you very much for your presentation. Obviously, you are very concerned about the effect of the legislation on your enjoyment of matches. However, it is clear from the IFA's comments that it feels that the legislation could be helpful to remedy certain problems and bring about better behaviour at matches. The sport's governing body said that. However, you are saying something

different.

Mr Andrews:

I do not think that we are poles apart. Let us get things into perspective: incidences of football disorder and football violence in Northern Ireland are, thankfully, still low. Although we heard in previous presentations about various misdemeanours from years ago, some of which were quite major, those are not an everyday occurrence.

It is all too easy to suggest that, because England and Wales has had similar legislation for years, football violence and football disorder has been eliminated across the water. That is simply not the case. There have been a number of high-profile incidents this season and last season. For example, in September 2010, 11 people were arrested at a QPR versus Millwall game, and bottles were thrown onto the pitch at a Manchester City versus Blackburn match. There was trouble at the Manchester United versus Manchester City games last year, with a total of 40 arrests across the two games and incidents of coin-throwing and bottle-throwing. At Burnley versus Blackburn, the police had to baton-charge fans, and 40 fans were questioned. On the same weekend that fans invaded the pitch at a Sheffield Wednesday game, Luton fans invaded the pitch and threw missiles at York City fans during a play-off semi final. Legislation already exists there and there are still incidents like that. The incident at the Larne versus Newry cup match, which has been referred to continually during this evidence session, did not involve any fans; it was solely players.

Mr A Maginness:

That is factually correct, Chairman. I recall the incident.

Mr G McAllister:

The answer is in better stewarding, supported by legislation. Legislation alone will not address any problems. I have attended Windsor Park for 20 years as a Northern Ireland supporter. In that time, I know of only two incidents in which people behaved in a way that I felt was deserving of being removed from the ground. One was during a high-profile Poland game last year, when someone stuck the linesman with a coin and, at another game, someone threw a bottle, which did not reach the pitch. We have self-policing fans, and other fans brought the person to the attention

of the stewards and had them removed from the stadium.

Rather than demonising all fans, we have always tried to work with the police and the IFA. We also do work with the Home Office in London, particularly concerning our away games. We are happy to play a role and be fully supportive of encouraging good behaviour and cracking down on people who misbehave. To do that, fans have to be part of the process. It has to be a partnership, with stewarding being supported by police and legislation. The active participation of fans and supporting them is the way forward, not simply legislation.

Mr A Maginness:

Do you understand the point that I am making about the difference between you and the IFA? You say that there is not such a big difference, but there is a significant difference between what the witnesses from the IFA said and what you are saying.

I welcome your support for the proposals to create an offence that will cover offensive chanting, missile throwing and unauthorised pitch incursions.

Mr Andrews:

We wholeheartedly welcome those proposals.

Mr A Maginness:

Are they important?

Mr Andrews:

Absolutely.

Sir Reg Empey:

Further to Alban's point and to go back to the evidence that we received from representatives of the game: the aim is clearly to create an atmosphere to encourage more people to attend, particularly from a family-friendly point of view. What could be done to achieve that objective? You are core supporters and have been loyal supporters of different clubs and Northern Ireland for many years. It is surely in your interests and those of the clubs to get more people through the

turnstiles. How could that be achieved other than by the proposals that are before us?

Mr Andrews:

As we said, the key is working in partnership. It is evident that the mainland has moved away from criminalisation and creating offences to deal with football disorder. There are partnerships with fans and clubs, and the onus on fan safety is on the clubs. In the top flight in the UK, 43% of games are police-free. We have campaigned for a long time for more rigorous and safer stewarding.

Sir Reg Empey:

In a previous evidence session, I think that it was Mr Scott who claimed that there has been an increase in supporter participation in games of some 87%.

Mr Andrews:

Yes. There were two Acts in GB in 1989 and 1991, which coincided with the creation of the Premier League, the Sky television deal, the influx of foreign players, the holding of the Euro 96 tournament in England and the general influence of the media in promoting football as a fashionable sport to go to and participate in.

Sir Reg Empey:

I presume that facilities —

Mr Andrews:

Facilities improved as well. There was major investment in the wake of the Hillsborough disaster.

Sir Reg Empey:

So, you do not link, as Sport Northern Ireland perhaps does, the creation of the legislation to a potential improvement in attendances? You see it as being —

Mr Andrews:

It is merely one factor that is part of a suite of activities to help to increase attendances.

Mr G McAllister:

We developed a relationship with the Football Supporters' Federation in England. In years gone by, for example, when England played World Cup games in other countries, you would have seen images of England fans fighting and rioting with the police. I am sure that you would acknowledge, however, that such incidents now occur very much less frequently. I am not aware of any reports of bad behaviour or disorder involving England fans during the last World Cup. Their fans also opted for self-policing, with people going among fans to try to quell any boisterous behaviour. Police intervention has become a last resort.

On the UK mainland, there has been a move away from a harsh approach through policing, and fans are now more involved. We feel that we should learn that lesson in Northern Ireland, and, through our partnerships with the IFA and the authorities, we are keen to do that. We have no difficulty with a law to deal with people who are clearly badly behaved and need to be punished, but the emphasis needs to be on balance. Let us not demonise all fans. Rather than tar everyone with the same brush, let us have something in place that allows us to deal those who need to be dealt with.

Mr O'Dowd:

I am sorry that I missed the start of your presentation. When I came in, you were talking about the current legislation that relates to policing games and how it should be enacted. As you heard me say, I am concerned that we may be adopting legislation for the sake of it, because taking the legislation to its extreme shows soccer fans as very dangerous people who should be avoided at all costs. In fact, you are not even allowed to be in possession of a drinks container.

Mr G McAllister:

I am surprised that you allowed us in here today.

Mr McNarry:

We have two likely characters with us.

Mr O’Dowd:

It is about the enforcing current legislation. At the end of your presentation, you commented on the clause that refers to “Being drunk at a regulated match”, which may cover the rest of it. Is alcohol currently allowed in stands during matches?

Mr Andrews:

No.

Mr O’Dowd:

Therefore, that clause could cover the rest of the concerns about the Bill.

Mr Andrews:

That is our belief.

Mr O’Dowd:

You referred to a piece of legislation on the conveyance of alcohol to and from matches in public-hire coaches.

Mr Andrews:

An amendment made in 1990 to the public service vehicle regulations states:

“while a public service vehicle is standing, plying or carrying passengers for hire a passenger shall not...consume alcohol.”

Sir Reg Empey:

It does not say “do not possess”.

Mr O’Dowd:

That gets round the issue of people bringing back two bottles of malt whisky. That is grand. Everything else has been covered, thank you.

The Chairperson:

No other members wish to ask a question. Gentlemen, thank you for your briefing and for taking

our questions. You are welcome to retire to the Public Gallery. We will be asking the departmental officials to come back so that we can hear what they have to say about what they have heard.

We welcome back departmental officials Gareth Johnston, Tom Haire and David Mercer. Gentlemen, you have heard all the presentations, and quite a number of issues were raised. We have tried as best we could to note them. As we go through them, members will make their own comments. We will go through each issue in the order in which we picked them up, which should enable us to get through them quicker. I do not intend to go through them too quickly, because it is important that we do it properly.

Mr Johnston, I shall direct all my remarks to you, and you can distribute them to whichever official you wish. One issue that was raised was whether lasers should be included in clause 40.

Mr Johnston:

As I understand it, laser pens that are legal do not cause injury. They may be a nuisance, but they do not cause injury. Illegally made or sold pens are the problem, and it is already an offence to possess illegally made pens. Match organisers could ban fans from bringing any sort of laser pen into a match under the terms and conditions of buying a ticket. They could eject fans who do so or they could confiscate pens from fans on the way into a match if that were part of the terms and conditions of admittance. However, we are conscious of using the criminal law only where it is really necessary. So far, individual sports have not flagged that to us as a major problem. Having said that, we are happy to keep it under review. However, it is not something that is directly covered by the Bill at present.

The Chairperson:

Before we move on, does any member wish to comment on that?

Sir Reg Empey:

Just briefly. I accept that there is a difference between the types of pens. However, if a player is running with the ball at the goalmouth and someone shines a laser in their eyes, it will have an impact. It may not leave the player with a permanent injury, but it could ignite crowd reaction

and tension among spectators.

Mr Johnston:

The question is whether that should be a criminal offence or whether it should be dealt with by the stewards under the terms and conditions of ticketing. That is the line that we have taken, but we are happy to continue to speak to the various sports about it.

The Chairperson:

You will have heard it said that much of the legislation is not about safety but about introducing more criminal offences. Is the legislation purely for legislation's sake?

Mr Johnston:

There has been pressure for some years now to introduce this type of provision in Northern Ireland. I am conscious that we have "Northern Irelandised" it, but England and Wales have had football offences provisions for 19 years now. They have also had alcohol provisions for football since 1985, and we have heard some positive impacts to which that has contributed. However, it has not been the only factor. In 2007, an Assembly motion called for an extension of the Football (Offences) Act to Northern Ireland. We see that as an important corollary of the safety at sports grounds legislation. That legislation has been leading to the removal of barriers, which secure safety. Therefore, the new way of securing safety is through law and through everybody understanding what constitutes acceptable behaviour. There are limits to what the existing law can do in sports grounds, and we have had that illustrated today with the examples of the many instances of missile throwing. That is not covered by existing law, nor is the offence of chanting, and there are other examples. For example, the law on alcohol in vehicles is about the consumption of alcohol, but we are looking to say that alcohol should not be brought onto vehicles at all. Therefore, there are limits to the existing law, and we are trying to address those.

The Chairperson:

You heard what has been said here today. Are you prepared to take it on board and to do something about it?

Mr Johnston:

I am certainly prepared to take on board the points that have been made. There are specific points that we want to take away. One example is that of the GAA's concerns about the designation not just of grounds but of stands and the concerns about how broadly that would go. The issue has only recently come up, but it has been consulted on and published, and colleagues in DCAL are happy to talk to the GAA about it to see whether we can find a way through it. There are certainly points that we will look at and come back to the Committee on.

The Chairperson:

How will the clauses be good for sport generally? How will you ensure that they will not reduce attendances, particularly given what was said today by those who represent rugby?

Mr Johnston:

The clauses are about sending a positive message. Concerns were raised today that they are about demonising people, but that is not the intention. Concerns were also raised that the Department is not recognising all that the sports have done, and if I have not expressed that enough, I regret it. The sports have taken tremendous steps to address safety issues, to tackle hate crime through recent campaigns and to enforce messages of acceptable standards of behaviour, which was all really valuable. The legislation is, in part, about sending a positive message that our sports grounds are places where people can be safe, bring their families and be able to have fun and a bit of banter, yet be assured of basic standards of decent behaviour. I see the provisions sitting alongside what the sports are doing to make sport more family friendly and encourage people to come out and support their local clubs, rather than sitting at home and watching them on television.

Mr O'Dowd:

Have there been any discussions with the different clubs on self-regulation, strengthening their own codes of conduct and working closer together? The Coleraine three, who were given their marching orders for invading the pitch, can still go to watch Coleraine when they are playing Ballymena. Should we not look at self-regulation first, and, if that does not work, move to more extreme measures and bring in the legislation on banning orders and so on?

Mr Johnston:

The Department has had discussions with all the groups that were represented here today, and it also had the benefit of their responses to the consultation. As we heard from the IFA, the football groups have supported many of the measures. Indeed, they specifically called for some of those measures and they called for a couple of things today that are not in the Bill. Those who represent football and the others sports are concerned about particular things, be they alcohol and rugby or circumstances of pitch incursions during GAA matches, and we can look at those. However, there has been a general welcome from those two sports. Those who represent rugby said that they do not object to applying the provisions on missile throwing and pitch incursion even though they do not have problems in those areas, as that would send out the wrong signals. Likewise, those who represent the GAA raised a number of practical points, but have not attacked the base purposes and assumptions in the provisions. There was consultation and the message that came back was positive overall, even if some tweaks are needed.

Mr O'Dowd:

In a sense, the sports bodies are in silos and look after the sporting end, whereas, as politicians, we have to look after the broader issue of the use of legislation. Gareth, you said that you do not wish to bring in criminal legislation for the sake of it, but I am concerned that some of the provisions are being introduced for that very reason.

My original question was about self-regulation and the codes. There seems to be a pursuit of self-regulation in many of those issues that will lead to people being convicted of criminal offences. For example, I have serious concerns about the introduction of banning orders and the impact that that will have on human rights. If people are involved in violent activity, they should be brought before the courts and prosecuted. There is more openness around self-regulation. The sporting organisations will not openly criticise the Department of Justice and the Department of Culture, Arts and Leisure. That is not their role in life. They will look after the sporting element, but, as politicians, we have to look after the effective use of legislation. If I am going through this legislation line by line, I am not going through another piece of legislation line by line, and I want to ensure that my time and everyone else's is being used wisely.

Mr Mee:

The sports have codes of conduct, and some of them have had them for some time. We depend a lot on what the sporting bodies tell us and ask us. The IFA introduced a code of conduct nine or 10 years ago. At the same time that it introduced that, it asked for legislation in this area, and it has continued to do so. The Assembly has suggested legislation in that area. Among a number of them, there is a sense that the sporting codes are not always enough because incidents still happen, and they often ask for legislation to support their codes in some instances. They want to apply those in law.

The Chairperson:

Have the GAA or the rugby authorities been asking for the legislation?

Mr Mee:

To be fair: they have never asked for it directly. Although I cannot speak for them, from the consultations that we have engaged in with the Department of Justice, we see that the general view of those sports has been that they are happy with most of it, provided there are certain adaptations to suit their circumstances and that certain aspects of it do or do not apply to them.

The Chairperson:

I asked that because you gave the impression that, to some extent, you were led by them and that you took great cognisance of their views.

Mr Mee:

Yes.

The Chairperson:

But, they did not request the legislation.

Mr Mee:

No.

Mr McNarry:

It is interesting that it might have taken sport to nudge John O'Dowd and I closer on at least one view.

Mr O'Dowd:

May I change my mind?

Mr McNarry:

That is progress, but we will not dine out on it yet.

Mr O'Dowd:

No, not yet.

The Chairperson:

One swallow does make a summer.

Mr McNarry:

I am very interested to hear your comments. Have you any others? *[Laughter.]*

We have had nearly four hours of listening and, I emphasise, learning. It has been good. I am not convinced that I can take a hard-and-fast decision or even anything approaching it tonight. There is a lot to digest and take on board, and I need time to reflect. I congratulate everybody who is still awake, and I thank them for their excellent contributions.

Mr Johnston is not convincing me that there is any real movement. I need to find that out, and I do not think that we will find that out tonight. When might we find out from the officials whether the Minister is not only up for considering changes but for advising us on the territory in which he might make changes? If he is not, we might as well know that, and then we, as a Committee and individuals, can get on with how we will tackle the Bill.

The Chairperson:

I suspect that we will not know for a while. The process that we have started today will go on for

some time.

Mr McNarry:

I was referring this particular section of it.

The Chairperson:

The Committee does not need to make any decisions on any aspect of that today, and we will not do so. The organisations that took the time out to present their case to the Committee and take our questions are listening to the response from the departmental officials. It is only proper and right that they should be given the opportunity to make a written submission on the aftermath of their evidence.

Mr McNarry:

I welcome that. At least that is progress.

Mr A Maginness:

May we make general points now?

The Chairperson:

I am dealing specifically with this issue. As we go through, members can come in at the appropriate time to raise their concerns about an issue.

Mr Givan:

I have a point about the need for the legislation. If the Assembly passes the legislation, who is going to enforce it? Who will be placed under an onus to do that job? If stewards at matches have not been doing that until now, what is the evidence to suggest that they will do it once it has been legislated for?

Mr Johnston:

Ciarán may want to say something about that as well. The hope is that stewarding has come on so much in recent years. The hope is that if stewarding is being done in a way that complies with the safety legislation that has been enacted, there should not be much more that needs to be done

to address any of the needs from the legislation.

Mr Mee:

The new safety legislation requires certain standards in stewarding. As you heard, some of the sports use professional stewards because they are required to have appropriate quotas of properly trained stewards.

Further education colleges and so on provide courses for stewards, so there is a new approach on the safety side towards the professionalisation of stewarding. We think that that will help with the enforcement of this. Some of the sports representatives talked about the fact that effective enforcement comes partly from good event management by the organisers and between the police and the clubs. We want the match organisers to rely on the police only when they absolutely need to.

Mr Givan:

If someone in a stand heard someone else engaging in offensive chanting but a steward did not do anything about that, would the steward have to respond if the person who heard the chanting then said, "That individual just said something that should not have been said."

Mr Mee:

The steward would have to make a judgement call in that circumstance. However, stewards should certainly be looking out for issues that have the potential to trigger wider crowd problems. If the issue is offensive chanting, the stewards and clubs should certainly be aware of it.

Mr Givan:

I am concerned about how we are going to police this if it is brought in.

The Chairperson:

Mr Johnston, will you comment on the clause that deals with the possession of drink containers? How will that work in practice?

Mr Johnston:

The clause refers to containers that are capable of causing injury. As I understand it, the practice

applied in England and Wales and at non-sporting events in, for example, the Odyssey, is that plastic bottles of water or Coke are handed over with no tops on them. So, if someone gets carried away and decides to throw a bottle, the liquid would spill out and the bottle would hopefully not do anyone too much harm should it hit them. Furthermore, all cups will be either plastic or paper.

We think that the practices applied elsewhere can be carried on and used at matches here and that they should fit within that definition of drinks containers, which bans only the ones that are capable of causing injury. We are very happy to look at whether we can provide some guidance to clubs to assist with that. There is certainly no problem with a child coming to a ground with a carton of juice or a plastic bottle of Coke with no top on it.

Sir Reg Empey:

Unless it is frozen.

Mr Johnston:

I had not thought about that. It may be that there is a little bit of a need for slightly different practices. However, we think that we can cope with that. People will still be able to enjoy soft drinks and everything else at matches.

The Chairperson:

Mr Johnston, you are losing me here. Are you saying that people are going to be asked to take the tops off any bottles before they go into the ground?

Mr Johnston:

That is what happens elsewhere and in the likes of the Odyssey. If someone buys a plastic bottle of Coke, it will be handed over to them with no top on it.

The Chairperson:

What would happen if I came to the ground with a bottle of Coke?

Mr Johnston:

You would be asked to take the top off.

The Chairperson:

They will ask me to do that? Right. I will hand over the top, say, "Have a nice day", and go on ahead with my bottle.

Mr Johnston:

You will hand over the top. Yes.

Sir Reg Empey:

They will take the top off even if you do not want the drink at that time.

Ms Ní Chuilín:

People can buy a soft drink in the grounds.

Mr Johnston:

The top would be taken off.

Ms Ní Chuilín:

They would take the top off? Would they pour the drink into a plastic cup?

Mr Johnston:

They would either take the top off or pour the drink into a plastic cup.

Mr Givan:

If a bottle is unopened and has its top on, would that not ensure that there is no alcohol in it?

Mr Johnston:

A plastic bottle was sitting over there. It is gone now.

Ms Ní Chuilín:

It has been removed for your safety.

Mr Johnston:

A 500 ml plastic bottle that is filled with water weighs 0.5 kg. I believe, from what I learned in physics, that I am correct in saying that. That is a fair weight with which to bump somebody. So, some precautions are needed. Taking the tops off bottles should mean that they are not dangerous.

Mr O'Dowd:

It does not say that in the legislation. *[Laughter.]* Clause 42(2)(a) refers to:

“a bottle, can or other portable container (including such an article when crushed or broken) which -

(i) is for holding any drink, and

(ii) is of a kind which, when empty, is normally discarded or returned to, or left to be recovered by, the supplier”.

Mr Johnston:

Clause 42(2) states that:

“This subsection applies to any article capable of causing injury”.

That is the key point. Our contention is that a plastic bottle that has no top on it is not capable of causing significant injury.

Mr O'Dowd:

That is a wee bit like the definition of when someone is drunk, which is not defined by law.

Mr Johnston:

It is the usual problem. If, in primary legislation, you start to say that you can have this, but you cannot have that, the result is that you will leave something out that causes problems further down the line.

The Chairperson:

Right. Let us move on.

Ulster Rugby requested that it is not included under clause 43. Let us hear your comments on that.

Mr Johnston:

I welcome the fact that that was our only disagreement with Ulster Rugby. That was acknowledged. We recognise that it is an ongoing issue for the IRFU and for supporters. We will approach them, if we have not done so already, about a further meeting specifically on that point. We are happy to discuss it further.

The background to the inclusion of rugby was the safety at sports grounds policy and legislation. That was why rugby was brought under those provisions in Northern Ireland. I am conscious that the legislation will be with us, quite possibly, for 20 years or 30 years. We are providing not only for the safety of current supporters, but for the safety of supporters in the future.

We have proposed to take the powers relating to alcohol, but not to commence them without further consultation with the Committee and the sports bodies. That is the case for all three sports. Today, we heard from the football body about its concerns over the periods during which alcohol would be banned: the two hours before and the hour after a game. Again, we are quite happy to talk more to the football body about that.

If we are saying that we would not commence powers now in respect of rugby, or if there is no immediate intention to do so, I guess that the Committee would question why we would take the powers at all. We would do so for two reasons. First, is to look to the future. What is the case now may not be the case in 20 years' time. Standards of behaviour now may not necessarily be standards of behaviour in 20 years' time. Across the water, that has been seen in cricket.

Secondly, it is to encourage fans and supporters to continue to show good behaviour. If they continue to drink and behave responsibly, there is no need to introduce further legislation. If they

do not, however, there is the possibility that more restrictive legislation could be introduced. If the powers were commenced, there is flexibility with the times during which the alcohol ban would apply. The key point is that we need to put legislation in place that looks to the future. That is why we want to take that provision even if there is no immediate intention to apply it to rugby.

The Chairperson:

In looking 20 years ahead, you are taking a fairly long-term approach. There is always provision to amend legislation.

Mr Johnston:

Indeed. However, the message that it sends is important. That message is that we are introducing the provisions on alcohol in response to need. There may not be a need for those provisions in rugby at the moment, but, if that need arises, they could, in principle, be introduced very quickly.

The Chairperson:

Are you agreeing that the legislation could be amended?

Mr Johnston:

Yes; we could amend the legislation.

Sir Reg Empey:

What about drugs? We may as well include those.

Ms Ní Chuilín:

Steady on, Reg.

Mr A Maginness:

Do the provisions include corporate hospitality?

Mr Johnston:

We have exempted private viewing facilities. Corporate hospitality in rooms to which the public

do not have access will not be covered; that is on the statute book.

Mr A Maginness:

The point was also made that, in England and Wales, different rules can apply for different sports that are played in the same stadium. The no alcohol rule applies at soccer matches, but spectators are permitted to consume alcohol in view of the pitch at rugby matches. How is that drafted? Could you draft something similar here?

Mr Johnston:

That is down to the fact that the legislation in England and Wales covers only football; other sports are not covered. I received feedback that that leads to confusion among fans. If they are there on a Saturday, they can drink; if they are there on a Sunday, they cannot, or vice versa.

Mr A Maginness:

So, it is football specific in England and Wales.

Mr Johnston:

Yes.

Mr A Maginness:

Is there no law that covers rugby?

Mr Johnston:

The ordinary drunkenness laws and so on cover rugby, but there is no specific provision.

The Chairperson:

The IFA sought clarification on the position regarding alcohol in corporate facilities at football games. I might be taking that issue out of sequence slightly, but perhaps you will comment on it.

Mr Johnston:

Private viewing facilities are exempted from the legislation. A corporate box, for example, to which the general public do not have access, is not covered by the legislation.

The Chairperson:

Schedule 3 on page 80, namely regulated matches, makes no reference to Ulster GAA.

Mr Johnston:

Yes. We worked with the draftsman on that point. However, we are happy to revisit it with the draftsman to ensure that it is completely covered.

Mr Mercer:

The other organisations, the IFA and the IRFU, are defined in schedule 3 only because it goes on to mention those bodies specifically. The Bill refers to Gaelic games but not the GAA, so there was no need to include a definition of the GAA. That is the explanation, but we will look at that again.

The Chairperson:

You will revisit that.

Mr Johnston:

Yes. Following that, I would be happy to write to the GAA and copy that to the Committee if that would be helpful.

The Chairperson:

Will you comment on the view that Ulster GAA governance bodies should have more autonomy to control the possession of alcohol at matches rather than there being blanket legislation?

Mr Johnston:

That comes down to the general points that we have made about the part of the legislation that deals with alcohol. We will consult the bodies on exactly how the provisions are commenced and how they will be applied in the period before we come forward with a commencement Order.

Sir Reg Empey:

I am concerned that we are losing the run of ourselves. A lot of this is well-intentioned, and,

clearly, there is a problem that has to be addressed; we understand that. It is like planning. We have lots of planning laws, but they are not enforced. You will need armies of people to enforce a lot of this. That is my worry. It is not entirely clear who those people will be. There will be stewarding, and I think that we are in favour of that. I have always supported that. However, that will, in many instances, translate into a situation in which the PSNI will almost have the role of standing in front of a court and saying, "It was him." I have concerns about the enforcement issues. We need to look at that, because there is no point in introducing legislation, if it is going to be flouted or if it cannot be enforced. I am not entirely clear on that, but it is something that we will have to look at generally as we go through this exercise, and we must not simply confine it to sport.

The Chairperson:

Yes. I suspect that we could say that about most legislation. It is down to enforcement. Are we getting into a situation in which we will have a maze of legislation that is unenforceable?

Sir Reg Empey:

That is my worry.

Mr Johnston:

In many ways, it is no different from any other legislation or from situations that occur every day. For instance, there can be trouble in shopping centres, amusement arcades and nightclubs, and, in those instances, there are many situations in which stewards or security guards are the first line of defence. The GAA representatives raised concerns about instances in which they will need to liaise with and give evidence to police, if there is going to be a prosecution. When we talk about enforcing the sports legislation, I am not sure that we are talking about situations that are completely alien. If you had asked me the same question 10 years to 15 years ago, I might well have had concerns about the sports, how effective the stewarding was and whether they were in a position to provide that first line of defence. The advances that Ciarán outlined give me more confidence that this would be enforced to the extent that it needs to be enforced by the criminal law, bearing in mind that the match organisers and stewards are always the first level.

Mr Mee:

It is important that we do not see that in isolation. The IFA and a number of others talked about the wider package, which includes issues around safety and the concept of good safety management and good behaviour fitting in with that and creating the kind of safe, welcoming and comfortable environment that this is partly intended to deliver. I stress that the issues should not be looked at in isolation.

Sir Reg Empey:

I think that that is a fair comment.

The Chairperson:

We have a fairly lengthy agenda after this, so I am going to speed the meeting up a bit, because we are going to have to be more precise and a wee bit swift.

Mr Johnston:

I would like to make one point in response to something that Mr McNarry said, though he will not have a chance to hear it. There was a concern about whether we are being responsive enough and whether we are taking on board the things that we are hearing. If I have given any other impression, I will be getting the sharp end of my Minister's tongue when I go back, because his concern was very much that the Committee be assured that we will take the concerns into consideration. The fact that there will no longer be provisions for alcohol in private viewing facilities is a change. We have said that we will look again at the issues around sectarianism and how that is defined. I referred to the GAA designations. The flexibilities about alcohol and the way in which the parts of the Bill that relate to alcohol will be introduced are rather different from the stricter position on which we consulted. We are going to look again at the points that the IFA raised about banning orders in relation to Scottish matches and civil banning orders.

I hope that I am giving an impression that there are points that we are continuing to hear and are taking back. We will be bringing amendments. If there are other matters that, having considered the issues that have been heard today, the Committee wants to bring to us, we will be happy to take those specific proposals and come back with specific responses.

The Chairperson:

The IFA representatives said that the timings for the possession of alcohol are somewhat excessive.

Mr Johnston:

The proposal is that it be prohibited for two hours before and one hour after a match. We have put in the Bill the opportunity to substitute other periods. That was done in response to concerns that we heard at consultation stage.

The Chairperson:

You heard it said that clause 49 is sufficient to deal with drunken individuals and that there is no need for any further clauses.

Mr Johnston:

The problem is that that deals only with people once they are drunk. Part of the aim, I guess, of the legislation is to stop people getting drunk in the first place.

The Chairperson:

Are you saying that it is also to stop them getting more drunk?

Mr Johnston:

Indeed.

The Chairperson:

What need is there for more legislation to deal with alcohol on transport? Why not just use the existing legislation?

Mr Johnston:

Again, it is about what the existing legislation covers. It bans consumption in vehicles, but only consumption. We are proposing to cover possession and to put some responsibility on the owners of the vehicles, who, after all, are making a profit. We feel that there should be some responsibility on them not to permit drink to be brought on board. It is about addressing gaps in

the existing legislation.

Mr Haire:

It is an issue across the three sports. I am not saying that it applies to them all, but, for example, the GAA has said that alcohol on transport is an issue for it. We are trying to provide a package that will deal with different circumstances.

Mr Mee:

When we talked to them in the past, some of the sports raised the issue of people buying alcohol on the way to a match and arriving with it at that match. If, perhaps, they cannot gain admission with it, that can lead to problems at the turnstiles.

Mr Johnston:

It may be that on such occasions, those persons do not go into the match, but go off and drink it and cause trouble when everyone else comes out. We hope that it is not a very big restriction on people's liberty. People can still nip down to the off-licence, buy as much as they want and go home. People who want to buy a couple of bottles of whisky as Christmas presents can still do so at home rather than when they are in Glasgow watching a match.

Mr O'Dowd:

It is actually an economic policy, then, with the aim of driving up sales in the North rather than anywhere else. It is nothing to do with how much people want to drink; it is to do with legislation for legislation's sake. I cannot see the PSNI setting up a flying squad to zoom up and down the motorways following buses to see whether someone is drinking.

Mr Johnston:

There has been concern expressed by —

Mr O'Dowd:

To save having a dispute or an argument, could you present the Committee with papers that show how many arrests and detentions have arisen from drink being taken on public hire buses that are going to and from matches?

Mr Johnston:

I will certainly speak to the police to see whether we can get some information on that.

Mr O'Dowd:

As this piece of legislation is deemed urgent, I am sure that you have done research and have received background information.

Mr Johnston:

I will have a look and see what we can get or produce.

The Chairperson:

The removal of the reciprocal system of banning orders throughout the UK, which the IFA strongly supports, is disappointing.

Mr Johnston:

There was a legislative competence concern, as we have seen with other subjects, around whether it was possible for the Assembly to make legislation that has extraterritorial effect. That is a point that we are addressing with the Attorney General's office. If there is the potential to bring that provision back, we certainly will. In legislating for that, it may be that we need to look more broadly than the current Bill. However, we are addressing the issue and our desire is to make that provision.

The Chairperson:

Mr Johnston, the more that I heard from the organisations that presented their cases today, and the more that I listen to you, it strikes me that this legislation seems to have been lifted directly from England and Wales and has very little to do with the situation in Northern Ireland.

Mr Johnston:

Of course, the legislation in England and Wales covers only football, and we have taken it more broadly than that. We have heard the pros and cons of that —

The Chairperson:

Wait. Football matches in England get crowds upwards of 70,000. We are not dealing with those sorts of crowds here.

Mr Johnston:

But, we are dealing with situations of crowd trouble. We have seen in the past that a small number of people have caused problems. We feel that we need to regulate that.

The Chairperson:

Yes, but your legislation deals with wide-scale hooliganism that is likely to breakout. Maybe I am totally wrong or am living somewhere else, but I suspect that there is not going to be a massive surge in hooliganism at rugby or IFA matches on Saturdays. I accept that there are incidents, but, by and large, that is not happening.

Mr Johnston:

A lot of criminal law is not about dealing with things that happen every day of the week but about dealing with excesses of bad behaviour.

The Chairperson:

Something that will not happen, is that what you are saying?

Mr Johnston:

No, it is about dealing with excesses of bad behaviour and having the means to do so. It is also about the message that is sent out. When whatever is enacted is enacted, we, the sports bodies and Sport NI will probably need to think further about communications and about what messages we are sending. We need to try to make sure that those messages amplify the positive work that is going on elsewhere, rather than act against it.

Mr Mee:

Some of the research that we have done on other policies and strategies, particularly our soccer strategy, suggests that a lot of people are not attending games because of the perception that there is a lot of hooligan behaviour out there. That behaviour may not be on the scale that it has been

in GB in the past, but it takes only one ugly incident to cause a lot of disproportionate damage; for example, the international game between Northern Ireland and Poland or some of the incidents that Sport NI mentioned. That is the particular concern that was fed to us by the IFA and others.

The Chairperson:

I hear what you are saying. However, I honestly think that you are trying to put legislation in place for something that we think might happen 20 years or 30 years down the road. I am not sure whether that is the right approach.

Mr Johnston:

I made those comments in respect of rugby. However, we have heard examples today of relatively recent problems in other sports. Those problems are not caused by the majority of fans, but are problems that we need the right legislation in place to deal with.

The Chairperson:

We will move on to the issue of ticket touting. Ulster GAA raised the issue of whether the enforcement clauses for ticket touting could actually be applied.

Mr Johnston:

The phrase in the legislation is “authorised in writing”. Ulster GAA’s concern was about passing tickets on to friends or buying half a dozen tickets for your friends and then getting the money back from them. The amalgamation made a comment about the requirement in the legislation being for written authorisation, but that can simply be written authorisation on the back of the ticket or in the terms and conditions that are published that apply to ticketing. So, it is not that you need to get an individual letter saying that you are allowed to do that.

The Chairperson:

An issue was raised that some football matches that fall under the legislation will not be ticketed matches; therefore, the ticket touting clauses cannot apply even though they probably should.

Mr Johnston:

There is a clause hidden away somewhere that makes clear that it is only for ticketed matches.

Mr Haire:

It applies only to regulated games, but, obviously, it can apply only to ticketed games.

Mr Johnston:

Our expectation is that, if a game is not ticketed, it does not have to become ticketed because of the ticket touting legislation.

The Chairperson:

Thank you for coming here today. We will definitely be talking to you again. If anyone in the Public Gallery who made a presentation to us has any issues that they want to come back to the Committee on in writing, please feel at liberty to do so, and we will give you a fair hearing. I thank all those who have attended here today.

Mr Johnston:

I thank the Committee for its patience this afternoon. As departmental officials, we have also valued hearing the views of the various bodies. We have spoken to them before, and we have had written consultations from them, but sometimes views develop. Therefore, it was useful to have this afternoon's session.

The Chairperson:

Thank you very much.