



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs  
(Amendment) Bill:  
Northern Ireland Hotels Federation

13 October 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Communities

### Licensing and Registration of Clubs (Amendment) Bill: Northern Ireland Hotels Federation

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

Mr Colum Eastwood (Chairperson)  
Ms Michelle Gildernew (Deputy Chairperson)  
Mr Andy Allen  
Ms Nichola Mallon  
Mr Fra McCann  
Mr Adrian McQuillan  
Ms Carál Ní Chuilín  
Mr Christopher Stalford

**Witnesses:**

Ms Janice Gault	Northern Ireland Hotels Federation
Mr Ciaran O'Neill	Northern Ireland Hotels Federation
Mr Linus Murray	O'Reilly Stewart Solicitors

**The Chairperson (Mr Eastwood):** With us today are Ms Janice Gault, the chief executive of the federation; Mr Ciaran O'Neill, the president of the federation; and Mr Linus Murray of O'Reilly Stewart Solicitors. You are very welcome. Will you give a presentation and leave yourselves open for some questions at the end?

**Ms Janice Gault (Northern Ireland Hotels Federation):** Thank you for having us here to speak to you about licensing. The Hotels Federation represents about 90% of the hotel stock in Northern Ireland. We are keen for licensing to be revised in three primary areas.

First, for underage events — formals and other events of that nature — we would like a code of practice put in place that is workable, not bureaucratic, and cost-effective. Our members face a situation at the moment in which they are, effectively, breaking the law.

The second issue is the removal of the children's certificate and the ramifications of children being at family events — weddings, funerals and other events — after 9.30 pm. We are conscious that there has to be responsible trading around alcohol and that children on those premises need to be protected. We are very keen to see a workable code of practice for that.

The third element is tourism. There has been some work on changing the law on timings at Easter. We would like to look at larger events that attract tourists but do not necessarily fit into our current licensing corollary to see whether there is a means of facilitating those within the current framework.

**The Chairperson (Mr Eastwood):** Thank you. Will you elaborate a bit on how we manage the issue of children at events, particularly family events such as weddings? Where does the Bill fall short, if it does, in dealing with your concerns? Your members' business and that of pubs is different: you tend to have school formals, weddings and everything else. Will you elaborate on your view on that, where the Bill takes us and whether it takes us far enough?

**Ms Gault:** There are two aspects. I will park the formal side and deal with that in a minute. The first issue is weddings and family events. Come 9.30 pm, it is currently illegal for children to be at weddings. If the PSNI were to police that, it could charge most hotels every weekend with having children at a wedding after 9.30 pm. I do not think that any parent wants to put their children in a bedroom and leave them there. We are not talking about children running around a bar; the events are in the function area. Some way of facilitating children until a specific time would certainly make things easier. We have looked at other jurisdictions where children seem to be encouraged to remain in that sort of environment. We are left in a position where they are not, so putting in place a code of practice that is specific to a family event or a family celebration would be one way around the problem. That code of practice should be for a specific area within a hotel. Our members do not want children in bars at 11.00 pm, but that is becoming an issue at events. It has been highlighted to our members that, if children stay later, they break the law. That is a problem for us.

On the under-18 events, we have run formals successfully for about 10 or 12 years. We put in place an informal code of practice. As part of that, a teacher had to make the booking and be involved, and the event had to be directly related to a school. Additional searches were made, and it was made clear to staff that, if there was to be an alcohol bar in the room, people had to be carded. Most went for a soft-drink function but also briefed their staff who were in the bar area of the hotel to ensure that young people could not get alcohol at another point. We are happy to go with either of those two options for formals. Since April last year, the case against the Glenavon Hotel has cleared up a grey area. Before that, we worked very successfully with the PSNI on those events. We spent a lot of time ensuring that formals took place in a controlled and responsible environment, and we would very much like that to return.

**The Chairperson (Mr Eastwood):** Does the proposed legislation deal with your issue?

**Ms Gault:** The proposed legislation deals with certain parts of it. Our concern is that there seems to be another court process or something else to go through. We would like to know how that would work. Will it be part of the licence that is applied for? Will it be a special occasion licence? What type of properties will it cover? Will it be very clear? Having operated in a grey area for about 15 years, we think that it would be nice if it was straightforward and black and white. None of our members wish to break the law, but they consider formals to be an important income stream for them in the off-season.

**The Chairperson (Mr Eastwood):** Formals will happen anyway, whether they are in, for example, Donegal or Derry. That is the point, is it not?

**Ms Gault:** Being from Derry, I know that about £120,000 is tied up in formals over the winter. The current situation is that people go to their formal at 3.00 pm, leave the hotel at 9.00 pm and then go to other premises. Alternatively, they have the event across the border. It is the same for Enniskillen, Newry and a lot of other places, and we would like to try to maintain that business in the North.

For us, there is a larger, emotive part of this: a lot of people form an emotional relationship with a hotel at their formal. It is the first place they go to as an adult, and a number of them meet their future husband there, although that may not be the person whom they took to the formal. They form a relationship. If that does not happen when they are aged 17 or 18, we may miss out.

**Mr Ciaran O'Neill (Northern Ireland Hotels Federation):** It is a difficulty for our members, the hotel owners who have been running those events for 12 or 13 years while the message was grey. Then, in April, the message came out that they cannot run them. If you budget for a bank, you budget for cash flow. Our members have had a severe chunk of their revenue in an off-peak period removed. This year, we saw something that we did not want to see, namely the issue being played out in the press and on 'The Nolan Show', with Ministers coming on to defend this grey legislation. Our members do not want to go back to court every September and apply for five formal licences. The legislation is leaving us exposed.

**The Chairperson (Mr Eastwood):** Is it your preference that it is built in to your —

**Mr Linus Murray (O'Reilly Stewart Solicitors):** I practise licensing, so I am in front of the courts regularly making licensing applications. The first thing to point out is that, in my experience, the majority of the courts and judges are very particular when granting a children's certificate. The emphasis is on making sure that the area granted is in a suitable environment for children. That is the legislation as it stands and as it is enforced. Having looked at the legislation, I am saying that it needs to make very clear the circumstances in which children will be permitted to be on licensed premises. At the moment, if you have a children's certificate, it stays on the licence, whether it is a pub or a hotel licence, until the licence is renewed, which is every five years. Without talking myself out of work, that is how the process should work so that it is not overly administrative or costly. When a licence is granted or applied for, the parameters of a children's certificate, if it is on that particular licence, whether it is a hotel or another licence, should be clear. That would be renewed every five years, as in the current legislation.

**Mr McQuillan:** I was going to ask about the formal situation, but you explained that very well, Janice.

Your opening statement mentioned larger events, which are not legislated for in the Bill. What sort of events are you talking about?

**Ms Gault:** MTV came to Belfast about five years ago, for example. Part of their thing is that it is a very late show, and they run a series of aftershow parties, but we could not get round the legislation so that those could be held. This weekend, we have the BBC Good Food show, and they cannot serve any form of alcohol at that event. We are about to go for the Rugby World Cup in 2023. When the Heineken Cup semi-final was held in Limerick on Good Friday, for example, publicans there took the decision to open. It is not really about drink; it is about the social element of it. We fear that, if we cannot find legislation that works, it will put off large events like that coming to this region. The next stage of the all-island bid for the Rugby World Cup is in October, but, coming up to that, a lot of teams might decide to come here.

We are in the middle of the Year of Food and Drink, and it would have been nice to see certain elements of that. Some food naturally marries with alcohol. Effectively, you cannot have a wine and cheese festival unless you find a way of manipulating the licence, and people are doing that. We saw one outside caterer use a charity licence to stage things, which is certainly very creative, but we would like that element to be removed so that what people can do is quite straightforward. I do not think that anybody is asking for 24-hour licensing for 365 days of the year and for every event, but, for those special events, there should be a methodology that is clear and straightforward so that people know that they can or cannot get a licence.

**Mr Murray:** I was involved in the MTV event, so I had to persuade the MTV lawyers. They found our licensing laws strange, so I had to try to convince them that we could hold an event in a hotel, which was a difficult process. Alternatively, they were just going to take it to another venue or build up something from scratch.

The use of occasional licences is another issue that I find coming up. The courts take different interpretations, but I think that there has been misuse of an occasional licence. An occasional licence, by its very nature, is used for charitable, benevolent or social purposes; it is not to be used for profit making. We need certainty so that all of these various events can take place, and, as Janice said, legislation has been interpreted to fit certain events.

**The Chairperson (Mr Eastwood):** Tell me about Limerick and Good Friday. How did that work?

**Ms Gault:** They opened.

**The Chairperson (Mr Eastwood):** What happened?

**Ms Gault:** They were not arrested. Either a blind eye was turned or everybody was charged but did not go through the courts. They simply said that they were opening and they did — not that I urge publicans of any nature to break the law. They simply opened. The Southern law on Good Friday is significantly different from ours; you are not allowed to open at all. Hotels in the South are allowed to serve drinks to their guests after 5.00 pm, much the same as us. The pubs opened; they went ahead and did it. They said that it was a huge thing for them and that it was money that they could not afford to let go. There was a whole thing around off-licences and stuff like that as a way of getting round it, but, in the end, the publicans just decided that they would open. They left it as a personal choice, and I assume that there was a certain amount of turning a blind eye.

**The Chairperson (Mr Eastwood):** I imagine so.

**Mr F McCann:** I just want to touch on that point. Many presentations that we have had mentioned Easter. I think that most people here recognise that that is a crucial time of the year for tourism, hotel beds and entertainment. You said that, ideally, you would like flexibility, but nobody tells us what it is they would like to apply over Holy Thursday, Good Friday, Easter Saturday and Easter Sunday. What would be your ideal situation or circumstances? You spoke about the Rugby World Cup and people turning a blind eye, but that was a one-off event. We need to look at the 52 weeks of the year, and the key periods during the year, especially Easter.

**Mr C O'Neill:** Before Janice goes into the laws and hours, I will talk as the operator of a hotel. Hotels are not impacted as much as the bars at Easter because we have residents. The problem is that the hotel model now is that people come not only to stay but to use the facilities in the area. It is all about the businesses in your area. If you send a message to people that you are not open for business, they will not come to your region. Hotels over the Easter period are not impacted as much as bars because of residents, but there is a knock-on effect. If people see that an area or region has restrictions, they will not come and celebrate at that time.

**Ms Gault:** We are perceived as a Christian environment, and Easter is a big Christian holiday. It is really whether it is appropriate to have normal trading hours over Easter. Ideally, that is what we would like over that period.

As Ciaran said, hotel legislation is different. Guests and their guests can drink all day on Good Friday. In some ways, maybe we are talking ourselves out of a very busy day, but the other side of this is that we cannot lock people into our hotels for 24 hours. We want them to go out and see other things.

Part of this has to do with the type of society. A society changes and moves, and we may have to recognise the changes in relation to this. Easter is the start of the tourist season, and we would like it to be seen as such. People come to us and say, "There's nothing open", and it is difficult to say why people should go somewhere when nothing is open.

**Ms Gildernew:** You are all very welcome. You can serve alcohol to guests at Easter. My birthday is during Lent and has fallen on —

**Mr F McCann:** She has four birthdays a year. *[Laughter.]*

**Ms Gildernew:** I have just the one, but it falls occasionally on Good Friday. If I went to the Glenavon Hotel on Good Friday and was not a guest, I could not have a glass of wine with my lunch. Unless you are a guest in the hotel —

**Ms Gault:** You have to be a resident. You have to be a guest in the hotel or the guest of a guest.

**The Chairperson (Mr Eastwood):** How many guests is a guest allowed?

**Ms Gault:** As many as you want, funnily enough. You could have 200. A lot of this is based on the contract that takes place. If you buy a drink, the contract is between you and the hotel, and the bill goes on a room charge or the guest pays for it all.

There is one area that is quite difficult. In times gone by, people did not get married during Lent, but Good Friday is, shall we say, a reasonably priced day on which to have your nuptials. Therefore, people now get married on Good Friday. Until 5.00 pm — if anybody has a daughter, I do not recommend this — you have to have an open bar that the bride and groom pay for in order to get out of the licensing difficulties.

**Mr C O'Neill:** People coming to Northern Ireland see our country as having restrictive licensing hours and finishing times. Recently, I was away, and people who were coming to Northern Ireland asked me what time the bars closed. I said 1.00 am. They were talking about Portugal, where they go out at 3.00 am, but they do not abuse drink. People see our current licensing laws as restrictive. If we had normal licensing laws over the Easter weekend, we would not be not that bad. Normal licensing hours over Easter would probably make common sense and send a less confusing message to anybody coming here.

**Ms Gildernew:** You are on the same page as Hospitality Ulster on the children's certificate, which is that it should be incorporated into the ordinary licensing arrangements.

**Ms Gault:** Yes, but the difference is that we would like some means of incorporating children into other events, recognising that hotels stage a range of family events at which children have a place. A child is somebody under the age of 18. People want their children with them at these events, and it is quite a difficult one for us to deal with, particularly as we are now asked about it. People have turned round to our members and said, "Oh, we can go to Donegal and the kids can stay at the wedding all night. Why would we come here?". The other side is that others say, "You go to Donegal and the children stay at the wedding all night, so we will stay here". It is important for us to recognise that children have a role in family celebrations.

**Mr C O'Neill:** In most hotels, the bedrooms are drawn as being in the licensed area. The nature of the law is such that, in theory, you should take children out of their bed at 9.30pm and escort them from the hotel because they are in a licensed part of the premises. At a formal or wedding, that is an absolute nonsense.

**The Chairperson (Mr Eastwood):** I know that hotels have a residents' bar, but that is particular to residents and their guests. Have you a view on the one-hour extension on 12 days a year that has been offered to licensees?

**Ms Gault:** It is really up to the premises. If people ask you for it and want to pay for it, that is fine. It is an extension that is offered. Some of our members use all 12 days; some do not. Most look at it as a way of adding to events. For a lot of events that take place in hotels, the extensions are a good thing, but it is a question of how they fit into the overall scheme of things. If you were to put 50 days in the Bill, people might use all 50; if you put in 100 days, they will use 100. Why not just change the licensing hours so that they are slightly longer?

**The Chairperson (Mr Eastwood):** OK. Is there anything else that you want to get across?

**Ms Gault:** The only other thing you have mentioned in the changes is the issue of clubs. They will now be able to advertise events. The very nature of clubs is that they are membership-driven. When clubs advertise wedding fairs, dinners, funeral packages — we have had such situations — that presents a considerable challenge. We noted that, on one day a year, children are to be allowed to remain in the licensed area of a bar for a prize-giving until 11pm. We struggle with how that would be policed. Will there be 10 days of prize-giving? Will there be a list of who attends them? That legislation seems strange. Also, underage children are to be allowed to stay until 10pm in licensed areas of clubs. We query that coming into the legislation. Does that make clubs a more attractive destination given that their slightly different cost structure often makes them cheaper?

**The Chairperson (Mr Eastwood):** That is useful. Thank you very much, folks.