



Northern Ireland  
Assembly

Committee for Communities

# OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs  
(Amendment) Bill:  
Local Government (Community Safety) Briefing

20 October 2016

# NORTHERN IRELAND ASSEMBLY

## Committee for Communities

### Licensing and Registration of Clubs (Amendment) Bill: Local Government (Community Safety) Briefing

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

Ms Michelle Gildernew (Deputy Chairperson)  
Mr Steven Agnew  
Mrs Naomi Long  
Ms Nichola Mallon  
Mr Fra McCann  
Mr Christopher Stalford

**Witnesses:**

Mr Michael McCrory	Mid Ulster Council
Councillor Debbie Coyle	Northern Ireland Local Government Association
Ms Karen Smyth	Northern Ireland Local Government Association

**The Deputy Chairperson (Ms Gildernew):** Karen, Debbie, and Michael McCrory, you are all very welcome. You are going to brief us on the licensing and registration of clubs. Who wants to kick off? Debbie, it is you.

**Councillor Debbie Coyle (Northern Ireland Local Government Association):** I thank the Committee for the opportunity to discuss the changes proposed to the licensing legislation in the recently introduced Licensing and Registration of Clubs (Amendment) Bill. First, my colleague Councillor Frances Burton, has requested that I make an apology for her this morning; she was very keen to give evidence but has been unable to attend for health reasons.

**The Deputy Chairperson (Ms Gildernew):** OK, we are sorry to hear that.

**Councillor Coyle:** As a district councillor and a member of Fermanagh and Omagh policing and community safety partnership (PCSP), I am deeply aware of the balance that the finalised legislation will need to achieve. We need to ensure that our night-time economy and local hospitality businesses are supported, but, at the same time, we must protect our communities from the impact of the misuse of alcohol, particularly the antisocial behaviour that can result. I encourage the Committee to take a pragmatic approach and to consider how best to ensure that a local view is taken when licensing decisions are made.

It is my view that it will be tremendously difficult to achieve a one-size-fits-all approach to licensing, as the circumstances for individual applications can be so very different. I therefore encourage the Committee to explore how the PSNI and councils can work together effectively to achieve locally appropriate solutions, ensuring that the needs of businesses and local residents are met. It will be essential that the greater flexibility introduced by the legislation is supported by first-rate codes of

practice and guidance to ensure appropriate local application. I would now like to handover to Mr Michael McCrory, the community safety manager in mid-Ulster, to discuss the key community safety issues put forward by my colleagues in the Bill.

**Mr Michael McCrory (Mid Ulster Council):** Thank you for inviting me. The following issues have been highlighted by PCSPs across Northern Ireland, further to the Committee's call for evidence. Police and community safety monitors are keen to work with relevant partners to foster a more responsible approach to alcohol consumption, particularly with young people. We recognise that measures need to be put in place to begin the change of the drinking culture in Northern Ireland. I will go through each of those measures.

Part 1 is on licensing and on clauses 2,3 and 4. We highlight the need for balance in decision-making and encourage the Committee to seek imaginative solutions for tackling issues such as noise from customers leaving pubs and nightclubs. Council environmental health officers can tackle noise emanating from premises, but as soon as the noise is outside the premises it is a policing issue. That requires particular consideration if licences are extended and, coupled with the extended drinking-up time proposed in clause 5, could result in high levels of street noise at or after 3.00 am. The Committee may wish to explore the length of the licensing period, which is currently five years, and also the potential for an enforcement regime to clamp down more effectively on premises causing ongoing problems.

In relation to clauses 7 and 8, it is the view of PCSP officers that a change to the legislation to allow young people to attend functions on licensed premises requires robust controls to be in place to safeguard against the consumption of alcohol. The powers and penalties available to those who will have to police this new provision must be sufficient to act as a deterrent to anyone who chooses to flout the law. A particular issue could develop around 18th birthday parties, for example. On clause 9, PCSP officers would like to highlight to the Committee the view that the current practice of taxi companies and delivery services other than supermarkets delivering alcohol will require careful consideration. On clause 12, we are particularly concerned by the growth in the practice of preloading prior to entering licensed premises, which we believe is a result of cheaply available alcohol from retail outlets. We are pleased to see the measures in the Bill, but I will come back to the issue of carry-outs, which is not included in the Bill.

Moving to clause 13, a voluntary code is in place outlining the basic standards involved in the promotion, retail and service of alcohol. The move to an approved code of practice is welcome, as it will give a legal basis for improving practice. As NILGA states in the written evidence, it is important that all relevant stakeholders be consulted on the details of the code, particularly PCSPs and councils. Part 2 of the Bill is on the registration of clubs. PCSP officers wish to highlight to the Committee the view that the more frequent introduction of larger numbers of non-members to members' clubs may cause issues and may require further consideration, for example, in relation to the need for security industry-approved door staff.

There is another important issue that we have raised in the NILGA written evidence and which we again wish to highlight: we would be grateful if the Committee would consider some means of dealing with the preloading of alcohol on buses travelling to nightclubs or large outdoor events, similar to the constraints placed on football fans travelling to matches. This is a serious issue for towns such as Cookstown, as preloading results in antisocial behaviour concerns, both in the destination town and at stop-offs on the way. This should perhaps be focused on the individual's rather than the driver's responsibility, due to their having to drive the bus and also the searching aspect of it.

Moreover, whilst not directly included in the proposed legislation, the Committee should consider the safety of customers trying to get home late at night. Taxi provision, particularly in rural areas, is extremely limited in the early hours of the morning. Additionally, in Belfast, the pressure on taxi services when all pubs and clubs close at the same time indicates that there is merit in the industry, councils and the police working together to foster a staggered approach to closing times. Thank you very much for listening. We are happy to answer any questions that you may have.

**The Deputy Chairperson (Ms Gildernew):** Thanks, Michael. Thanks, Debbie. Before we kick off, I noticed that you have identified that the proposal in clause 1 is too limited. You are in support of standardising hours on Thursday and Saturday at Easter as a minimum. Would you consider seeing the laws further liberalised over Easter? In your written contribution to the Committee, you talk about confusion for visitors, so, obviously, at local government level, you are identifying that there is confusion for people around Easter opening times. What is your preferred option on Easter?

**Ms Karen Smyth (Northern Ireland Local Government Association):** Without having a wider consultation of the sector, it is difficult for NILGA to come up with a particular policy position. I highlight to the Committee the fact that we are aware that supermarkets, for example, can open from 8.00 am on Good Friday, so, if someone wants to drink alcohol on Good Friday, they can do so before 5.00 pm. We encourage the Committee to consider that issue. I understand that people may have sensitivities with the issue of 11.00 am to 3.00 pm, but it is something that the Committee needs to consider. That will be a decision for the Committee. We do not have a specific strong policy on that at present, but I can certainly go back to councils to see whether there is any emerging view. My colleagues who are going to come forward with the licensing and economic development evidence in the next session may have further evidence to contribute in that regard.

**The Deputy Chairperson (Ms Gildernew):** Thank you. Before you came in, we had a considerable discussion with the PSNI about the one hour of extra drinking-up time. In your paper, you suggest:

*"twice a week would be a moderate increase that would help deliver staggered closing and attract people out of home drinking into licensed premises."*

So, you are suggesting that the additional hour is a good thing, but you are saying that it should be restricted to premises that are not in a residential area.

**Ms K Smyth:** The Committee would need to consider how it is applied practically. Again, my colleagues from the councils' licensing forum will give you more information on that in the session to follow. However, we know that if licensing hours are extended as proposed it could cause serious issues in places such as Cookstown, Aghnacloy or Hillsborough, where pubs are situated in residential streets. My colleagues who are concerned with licensing and economic development will have some suggestions for the Committee as to how that can be worked out locally. The Committee has to apply what it puts into the legislation for the region, and that is why we suggest that the further use of codes of practice and guidance might be a way forward on specific issues in specific areas.

**Ms Gildernew:** Presumably, if there was a bit extra drinking-up time, people would stay inside. I live in the Brantry and my nearest town is Dungannon. If I do not have a taxi booked to take me home, I am not getting one. The taxi drivers all know that I live in the sticks and by the time they drive out to my house and back again they could have taken 40 people home. That is no exaggeration. Unless I know how I am getting home, I am not getting a taxi, at least not until the very end of the night. If there is a bit of extra drinking-up time then, presumably, the finite number of taxi drivers, in whatever town it is, have more time to get people home and those people are not milling about outside the premises waiting for a taxi. They are inside where, as Michael said, there is an ability to control the noise. If everybody is turfed out at the same time, there is a limited number of taxis and there will be noise and nuisance factors for residents. Surely that would allow people to stay on premises without fear of prosecution and not be a nuisance to the community around the licensed premises.

**Ms K Smyth:** That is a fair point, Deputy Chairperson. This morning we had discussions about the situation where, even if everybody is put out of the premises at the same time, there is the temptation to walk home in a vulnerable condition or, potentially, to drive in a very vulnerable condition, which would put other people in danger. If we can work out an arrangement to stagger the times at which people leave a premises, whilst keeping noise at a minimum, which is the other consideration, that would be a win-win situation.

**Ms Mallon:** I have a question about licensed premises on residential streets, but I will raise it with your colleagues in the next session. I just want to tease out your thinking on the licensing of party buses. I am not sure whether the licensing of buses falls under the remit of the Department for Infrastructure; however, I know that previous Environment Ministers grappled with the issue but could never get anything over the line. How do you envisage the licensing of party buses? Does that fall within the scope of the Bill? That is something that we could look at separately. What would that look like?

**Mr McCrory:** The challenge for us, especially in Cookstown, is that you might have 40 buses coming up, and, initially, we had problems with people literally falling out of them. Then you have antisocial behaviour, such as public urination and the associated complaints that the police have to deal with. Where there is underage drinking the police can confiscate the alcohol on a bus. That should be the personal responsibility of anybody using it. We had a pilot project, No Boozing on Board, and the police undertook checkpoints outside the town in agreement with the majority of the local coach drivers.

We emphasised the safety of not drinking on the buses. It reduced the amount of drinking on buses, but there are coach operators whom we do not work closely with, and they were not keen on this at all. When there was no legislation to back it up it started to fall through, and there was an increase in the amount of alcohol taken again. Extra police resources were needed to have three stops outside one town as well, and we could only do it over the summer when it was highlighted.

That is the problem: when they turn up and they come off the bus fully drunk into the premises. Sometimes, they can be refused entry, and if that happens they end up walking the streets because they cannot get home and all their friends are in the premises. So it is an extra problem that can create criminal damage, antisocial behaviour and extra time spent by the police dealing with these people. To us, in the Mid-Ulster PCSP, one of the areas that we are looking at is how can we reduce the alcohol consumption of people coming out of nightclubs. Consumption was reduced, as was evidenced over the summer, and that did reduce problems and was of benefit.

It is how that could be enforced or legislated. The bus driver is driving people here, and they have to look after the safety of the bus. If I were to go on a bus with a half bottle of vodka in my jacket pocket, or if I was female in my handbag, the bus driver cannot search me. I could secretly be drinking on the bus.

**Ms Mallon:** It could be in a soft drink bottle. I am not speaking from experience. *[Laughter.]*

**Mr McCrory:** Yes, you have that.

**Mr F McCann:** I have never heard of that one before.

**The Deputy Chairperson (Ms Gildernew):** Yes, you can put gin in a Ballygowan bottle. I am not speaking from experience either. *[Laughter.]*

**Ms Mallon:** Is licensing the operator the best way of tackling that?

**Mr McCrory:** No, because you could do it that way, but the challenge to that is that a bus driver has to be the safety of the passengers in getting there. Yes, it may deter them from stop-offs and getting alcohol on buses, but the responsible ones would not want to do it. If I am sneaking alcohol on a bus, how is the bus driver to enforce that, where the police do come onto the bus and find that you have been consuming alcohol then it is the individual responsibility that they will deal with. That may be the optimum method that we have looked at in mid-Ulster.

**Ms K Smyth:** Some buses are kitted out to have parties on board, and I have seen taxis with disco lights and boom boxes. That is a grey area that we have highlighted in the written response. We have not gone into detail about suggestions as how to deal with that, but what I can do, if the Committee wishes, is report that to the local government licensing forum to see whether it has any ideas about how that could be addressed.

**The Deputy Chairperson (Ms Gildernew):** That would be helpful. Some buses have poles in them for pole dancing. So I hear. *[Laughter.]*

**Ms K Smyth:** I bow to your greater knowledge. *[Laughter.]*

**Mr Agnew:** Thank you for the information so far. The issue of entertainment licences, and we have just heard the PSNI's view of the difficulties as they see it, and the difficulties of these places staying open beyond the liquor licensing times. What is your experience from a community safety point of view, and how big an issue is it?

**Mr McCrory:** From a community safety point of view, there is the challenge of keeping it open later. To be honest, however, that would be council legislation looking at the issue of each premises and individual case. The police in mid-Ulster oppose anything after 1.00 am due to the extra resource, and the complications of people hanging around the town later. Coming from the community safety issue, you are probably extending the resource that they will have to put into a town, and possibly some of the complaints.

**Mr Agnew:** The police's views are considered at a local level before deciding.

**Mr McCrory:** The police will take their views to the council on each individual premises; that is standard across each council area. We look at the community safety issues for the night-time economy. What are the problems? That is what we will be dealing with. Whether it stays open until 1.00 am or 2.00 am is, ultimately, a matter for the council and the licensing forum after hearing views. The police also give their views to the council.

**Mr Agnew:** Have councils the power to decide that somewhere can have an entertainment licence until 7.00 am? It might be unlikely.

**Mr McCrory:** Can I defer that question to Patrick, and he will answer it later? I am not a specialist on that.

**Mr Agnew:** Moving on to the extra hours and the extra hour's drinking-up time. It says in your submission that you would support the industry's call for 102 nights rather than 12 nights. I imagine there being very mixed views in councils on that. How does NILGA come to a view?

**Ms K Smyth:** The written response says that we think that the suggestion in the Bill may not be enough, and we are aware that the hospitality industry has suggested 102. My colleague from Belfast City Council licensing might later reflect the Belfast view. Given the timing, many councils have not had the opportunity to consider what they think yet, and that puts us in a very — not vague position — but it would be difficult for me to give a definitive view. We as officers have had conversations with officers in the sector, and we have perhaps stopped short of saying 102 nights.

**Mr Agnew:** It states:

*"NILGA considers the extensions proposed within the Bill as being insufficient to address the desired change".*

**Ms K Smyth:** Yes, absolutely. Again, I imagine that it may be appropriate for the Committee to look at the overview and give the maximum that it feels is appropriate. Then, for areas where there is a high level of residential housing or whatever, do that through codes of practice, guidance and local application. It is the key to all of this. Have the council, the police, residents and the industry sit down together to look at what is doable and appropriate in certain local areas, because a lot of this will be focused on areas. Particular areas will have particular issues. For example, central Belfast will not need to take on board the same considerations as premises on the Ormeau Road, the Antrim Road or wherever that are closer to houses and will therefore need to look at things slightly differently. In town centres across Northern Ireland, where you have pubs on the high street and people living there, that is a key issue. There is a need to be sensible about this.

**The Deputy Chairperson (Ms Gildernew):** Yes. It is what we want: a sensible, pragmatic, common-sense solution to this. I suppose that we cannot ignore the point about fast-food outlets. I will express an interest here: I have left the pub because the chippy is about to close.

**Mrs Long:** We are getting a fantastic insight into your weekends, Deputy Chair, I have to say.  
[Laughter.]

**The Deputy Chairperson (Ms Gildernew):** You are welcome to come out with me any time, Naomi.

The pubs can close and people can disperse, but if they go to the kebab shop or wherever, the neighbours around there will also complain. That is all part of the package that we have to ensure. Although it is outside the scope of the Bill, from a NILGA point of view, it is part of the issue.

**Ms K Smyth:** It goes back to what Michael outlined earlier. If it is a case of noise within a premises, the councils can deal with that. Once the noise hits the street, it is a police issue. I imagine that the police have given you a very good indication of what their resource capabilities are. It is about working together as statutory bodies at local level to sort out particular issues and who gets licensed for what on an ongoing basis.

**Mr McCrory:** The issue of fast-food outlets has raised its head. In particular areas, such as Cookstown, there are not any local residents living close to them, so you do not get any complaints to put a closing order on them. Some of them may stay open until 4.00 am and attract people travelling from other areas to stop in the town. We had that in Maghera years ago. Even though all the pubs

were closed, it got very busy at 4.00 am, because the fast-food outlets stayed open. That led to complaints there, which enabled us to put some closing orders on them. That is associated with the problems that we would get with the night-time economy if the situation gets out of hand and unruly.

**The Deputy Chairperson (Ms Gildernew):** Yes. Has anyone else indicated to ask a question? Christopher or Fra? No? You are afraid of me picking up on your weekend habits. *[Laughter.]*

**Mr F McCann:** I do not want to give out that information, Deputy Chair. *[Laughter.]*

**The Deputy Chairperson (Ms Gildernew):** I think that is it. Kevin, is there anything else that I need to ask while Debbie and the team are here?

**The Committee Clerk:** No, Chair. We will follow up with them.

**The Deputy Chairperson (Ms Gildernew):** OK. Thanks very much, all of you.