



Northern Ireland
Assembly

**COMMITTEE FOR
CULTURE, ARTS AND LEISURE**

**OFFICIAL REPORT
(Hansard)**

Sports Law and Spectator Safety

22 October 2009

NORTHERN IRELAND ASSEMBLY

COMMITTEE FOR CULTURE, ARTS AND LEISURE

Sports Law and Spectator Safety

22 October 2009

Members present for all or part of the proceedings:

Mr Barry McElduff (Chairperson)
Mr David McNarry (Deputy Chairperson)
Mr P J Bradley
Mr Dominic Bradley
Mr Francie Brolly
Lord Browne
Mr Kieran McCarthy
Mr Raymond McCartney
Miss Michelle McIlveen
Mr Ken Robinson

Witnesses:

| | | |
|-----------------|---|---|
| Tom Haire |) | Northern Ireland Office |
| Gareth Johnston |) | |
| Ciaran Mee |) | Department of Culture, Arts and Leisure |
| Paul Scott |) | Sport Northern Ireland |

The Chairperson (Mr McElduff):

I welcome Gareth Johnston, who is the deputy director and head of criminal justice policy division at the Northern Ireland Office (NIO); Tom Haire, head of criminal law branch at the NIO; Ciaran Mee, senior sports development officer at the Department of Culture, Arts and Leisure (DCAL); and Paul Scott from Sport NI.

Mr Gareth Johnston (Northern Ireland Office):

Thank you for inviting us to explain the new proposals for the law on sports spectator controls. I will talk briefly about the origins and the rationale of the work that has led to the proposals and give you an overview of the four main areas that they cover. Following that, Mr Mee will say something about his Department's view of the links between ground safety and the offences and other measures that are in our proposals.

The origins of our proposals are in the reforms that DCAL is in the course of introducing under the Safety of Sports Grounds (Northern Ireland) Order 2006. Following earlier contact with Mr Edwin Poots, Mr Gregory Campbell, when Minister of Culture, Arts and Leisure, asked Paul Goggins, the NIO criminal justice Minister, to put in place new criminal law to complete the sports grounds safety regime. It is common that controls that are being put in place by one of the Departments need the backing of criminal offences and the criminal justice system to make them work effectively, and safety at sports grounds is no exception.

In the context of safety — for example, the law replacing safety barriers — we see the need for the criminal law to help prevent misbehaviour by some sports fans from escalating into public disorder at grounds or on the way to or from big sports matches. Serious disorder at matches is, thankfully, rare, but we all know that it can happen. The Northern Ireland/Poland match earlier this year and the Glentoran/Linfield league match in 2005 are two particularly striking and nasty examples, but there have been others.

The aim across DCAL's work and that of the NIO is to create a safe and welcoming environment at major outdoor sports matches. The proposals reflect that. I should acknowledge that new offences and new court powers will not deliver safety or good order by themselves, but they are a key part of the broader ambitions for enhancing spectator sports. The main task continues to fall to the clubs and the sporting authorities. It is important to emphasise that. However, we are proposing that the backup, at least, of the criminal law and the criminal justice agencies be available when needed.

Paul Goggins published our proposals, with Mr Nelson McCausland's full support, in July for consultation, and the consultation period runs until the end of November — a little longer than the usual 12 weeks to take account of the fact that it was launched in the summer holidays.

The proposals are what both Departments suggest are desirable measures in the interests of safety and order for fans, and also for the wider public. In formulating the proposals, we have had initial discussions with key bodies, most especially the three sports authorities. We want to engage with them again before putting specific legislative proposals to Ministers. The subject matter is of broad public interest and there are many others with constructive views and expertise to offer, most especially this Committee and Sport NI. In particular, the latter has knowledge of ground safety matters.

As to the details of the proposals themselves, there are four main parts, which are set out in sections 4 to 7 of the consultation document and summarised briefly in its annexe. Those proposals sit alongside the existing laws on behaviour, such as the laws on assault, public order, drunkenness and offensive weapons, but they provide additional and extra protections in relation to what happens in sports grounds or, in some cases, when travelling to or from sports matches.

The first group of new offences that are being proposed apply within grounds. They would outlaw offensive chanting, throwing missiles and going on to the pitch unless authorised. The pitch incursion offence is probably the most important of those, because one of the main effects of DCAL's new sports ground safety regime will be that, in emergencies, spectators should be able to move safely from their spectator areas on to the pitch. That measure, which follows incidents such as the Hillsborough disaster, means removing the existing barriers that keep people off the pitch, and, when we do that, the new offences will deter fans from going on to the pitch unless they are authorised to do so.

As regards offensive chanting, we want to address chanting that is sectarian or racist, in particular, though we also intend to cover disability and sexual orientation in line with section 75 of the Northern Ireland Act 1998. It is already against the law to stir up racial hatred or arouse fear on the grounds of race, colour or religious belief, but the proposed offence is designed to tackle the particular circumstances that occur inside grounds where a spectator or a section of the crowd is chanting. Importantly, that new offence is needed not only because such chanting can be offensive but because offensive chanting in a large crowd with opposing supporters could spark off serious crowd-control problems. Again, we are linking it all back to safety.

On missile-throwing, the law of assault is not necessarily adequate in the context of a sports

arena. It depends on whether the person harmed someone, was reckless about harming someone, or attempted to harm someone. It gets into all sorts of legal issues that are very well in everyday life, but in a sports ground an object may be thrown aimlessly towards an empty pitch. Our proposed law would allow someone to be prosecuted even in those circumstances. In other words, we are saying that objects should simply not be thrown inside a sports stadium.

Mr McCarthy:

What about a tennis ball?

Mr Johnston:

It depends on whether the tennis ball is authorised. *[Laughter.]*

The Chairperson:

Is it the case that it does not apply to fireworks? Is there some other rule for fireworks?

Mr Johnston:

There is the existing law for fireworks, which means that a person can only be in possession of a firework if they have the proper licence. Our feeling when we drafted the consultation paper was that that law was adequate, although we do need to make separate provision for flares. That point has been raised and, perhaps, it is one that the Committee will want to come back to. I am very willing to hear views on that, as on other issues. We want to ensure that people do not bring into the sports ground things that can be thrown, quite apart from actually throwing them. There are provisions in the proposals that would include bringing in beer bottles and alcohol containers as offences.

Secondly, there are several proposals to control the carrying and consumption of alcohol at certain sports events. We propose to outlaw the sale and possession of alcohol, not just inside the grounds, but in hired transport en route to and from the grounds for periods before and after matches. We have no desire to spoil anyone's enjoyment of sport, but we know that alcohol can be a key ingredient in exacerbating fan disorder, especially at crucial high-profile matches.

Thirdly, we propose to ban ticket touting for certain soccer matches in order to ensure that fans are properly segregated in football grounds and kept apart if necessary. Again, it is safety that drives those proposals.

Finally, the fourth main proposal is a football banning regime in the form of an order made by the court in convicting someone of a football-related offence. In addition to the penalty for committing that offence, the court would have to consider banning the person from attending football matches for up to 10 years. The ban would apply to matches involving local teams and teams covered by similar banning regimes in Great Britain. There would be a fully reciprocal banning regime covering Northern Ireland and Great Britain.

The Committee will have noted that some of our proposals — on ticket touting and football banning orders — apply only to soccer. However, we suggest that the other proposals should apply to Gaelic sports and Ulster rugby. For all three sports, the matches affected will be, in practical terms, those that are played in stadiums that require a certificate under the Safety of Sports Grounds (Northern Ireland) Order 2006, thereby linking closely with the safety agenda.

The sorts of matches that would be affected are set out in paragraph 8.3 of the consultation document, and are those that are staged at the largest football, GAA and rugby venues. We do not see the need to regulate activities at smaller grounds or for other sports that have not had the same issues or problems.

I hope that that gives the Committee a general overview of our proposals. We will, of course, be pleased to answer questions. I want to stress that this is a consultation exercise; we want to listen to the views and suggestions of all respondents, and the proposals are not set in stone. We want to offer Ministers advice that reflects all views and which will result in workable and successful proposals for sports law. We look forward to receiving the Committee's considered response.

As the Committee will know, Westminster Ministers hope that policing and criminal justice will soon be devolved in Northern Ireland so that legislating for our sports-related offences will fall to the Assembly. Paul Goggins's aim, therefore, is to work on the proposals so that they can be handed in good order and in an advanced state to the new Northern Ireland Minister of justice for his or her consideration.

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

I thank the Committee for agreeing to the NIO's request to allow DCAL to be represented at this

meeting and to explain how we see the proposals fitting into our wider safe sports grounds initiative. I am conscious of the Committee's time, so I will try to be brief in setting out the Department's position.

When Paul Goggins published the consultation paper in July, the Minister of Culture, Arts and Leisure, Nelson McCausland MLA, publicly declared his support for legislation in this area. He also made it clear at the time that he was happy for DCAL to assist the NIO in any way possible in developing and finalising the proposals.

Although the NIO is leading the consultation, DCAL has an obvious interest, as the legislation that has been suggested centres on disorderly conduct in the sporting environment. Such conduct, including hooliganism and offensive chanting, in and around sports grounds and events is disgraceful and deplorable and should not be tolerated in any circumstances. Furthermore, incidents of violence, sectarianism and other misbehaviour at major sports grounds have the potential to damage the image of sport in Northern Ireland. At the very least, such behaviour ruins the viewing experience of the majority of well-behaved fans, and there is evidence that it deters many people from attending games who might otherwise have considered going.

Even more seriously, disorderly, offensive and sometimes violent conduct by an irresponsible minority at sports events can present a serious public safety risk, particularly when that behaviour occurs at venues or events which accommodate large numbers of people at relatively close quarters. It is that safety aspect that I propose to focus on.

Ever since DCAL first began investigating the policy issues surrounding safety at sports grounds, the question of how best to tackle hooliganism and disorderly conduct, which sometimes takes place in and around larger venues, has surfaced repeatedly. Everyone recognises that disorder at sports grounds in Northern Ireland has rarely been on the scale of that experienced in Great Britain, but significant problems have been known to arise. Gareth Johnston has already referred to the public order disturbances that occurred before, during and after the Northern Ireland versus Poland game at Windsor Park in March; serious trouble also flared at last year's Boxing Day league fixture between Linfield and Glentoran at Windsor Park; and one of the most serious incidents in recent years was the violence that took place on the pitch at another Linfield versus Glentoran fixture at the Oval in 2005.

The history of disorder at sports grounds is by no means wholly confined to one set of clubs or to one sport, and missile-throwing, assaults and offensive chanting have been known to occur at other association football grounds and games. Indeed, similar difficulties also sometimes arise in Gaelic sports, and a Gaelic referee was struck in the face by a spectator who came onto the pitch after a club semi-final at Casement Park in 2004.

Public concerns have also been raised in the past over apparent sectarian abuse of individual players by isolated groups across a number of sports. There is no question that those types of incidents cause immediate injury to those individuals who are unfortunate enough to be the target of unruly spectator behaviour at sports grounds.

We have had discussions with a range of stakeholders on possible ways to combat those problems, and nearly all suggested that part of the answer lies in the introduction of anti-hooligan legislation in Northern Ireland, similar to that which is already in place for football in GB. Securing support for the introduction of appropriate legislation in Northern Ireland, and assisting the NIO in developing suitable proposals, has become an important element in the Department's safe sports grounds initiative. Consistent with all aspects of that initiative, DCAL supports a risk-based approach to legislation relating to disorder at sports grounds. The Department recognise that general legislation is already in place to deal with such matters as common assault, riotous behaviour and arousing hatred and fear. All of that is important and helpful, but we also require legislation that is more sports- and risk-specific. In the Department's view, legislation must be focused on certain types of dangerous and irresponsible conduct which all too frequently serve as the trigger for wider violence, disorder and public safety problems.

Like the NIO, DCAL believes that legislation in those areas should only be targeted where there is a need, and it does not believe in legislating unnecessarily where the safety and behaviour risks at grounds or events are much smaller, more manageable and easily addressed within current law. Similarly, any GB-type legislation that is replicated in Northern Ireland must be suitably adapted to the unique circumstances here. Many rightly point to the success of the GB legislation, but it is important to remember that that legislation has traditionally applied to football only.

Of course it is important that we have appropriate legislation to help address misbehaviour at football grounds, but misbehaviour is misbehaviour in whatever type of sports ground it occurs.

We therefore believe that legislation should extend to other sports, wherever possible, necessary and practical, and provided that due account is taken of their differing individual codes and circumstances.

It is DCAL's firm view that, before any final decisions are taken in relation to legislation, there should be extensive consultation with all stakeholders about whatever is proposed. That is vital in ensuring that the type of legislation that may be introduced in the future is correct, appropriate and acceptable to all concerned. It is for all of those reasons that the Department supports the NIO proposals as set out in the consultation paper. DCAL also welcomes the publication of those proposals and is grateful to the NIO for taking forward the process.

Mr Paul Scott (Sport Northern Ireland):

On behalf of Sport Northern Ireland, I thank the Chairperson, Deputy Chairperson and members for the invitation to address the Committee today.

First, I will set the legislation in context. It is very much a result of the Taylor inquiry and the recommendations that were made by Lord Chief Justice Taylor following the Hillsborough disaster. He made a number of recommendations, such as the introduction of public order legislation. Before Hillsborough, many of the grounds were secure but not safe. Hillsborough and Bradford City's ground were both very secure, but they were not safe. The Football (Offences) Act 1991 followed the Hillsborough disaster. It created three specific offences: invading the pitch without authorisation; throwing missiles; and being involved in racial chanting. That legislation has undergone a number of amendments. It now includes offences such as those that relate to banning orders.

It should be pointed out that public order legislation is part of a strategic approach to safety in sports grounds. It has helped considerably, although, sadly, it does not totally prevent disorderly instances — we all saw the West Ham versus Millwall soccer match on our televisions. In the main, however, it has been a major component in securing safety and also reversing the trend and changing a spectator sport in mainland GB from being quite a disorderly occasion into what is now seen as a very well-ordered activity.

We particularly welcome the proposals in section 4 of the consultation document, namely making it an offence to invade the field of play without authorisation, throw missiles or be

involved in offensive chanting. That is absolutely essential, given that a number of grounds will be designated in the new year. If the public order legislation were not in place, it would place a great burden on the operators of those venues as they try to abide by the requirements of the stadium safety legislation or the Safety of Sports Grounds (Northern Ireland) Order 2006.

We ask the NIO to revisit some of the content of section 5 of the document, particularly how alcohol is distributed and sold at major venues in England. As far as soccer is concerned, there seems to be local arrangements with licensing magistrates. Alcohol can be purchased in plastic containers until 15 minutes prior to a game. That is the advantage of getting fans in early. Generally, if fans are treated with a degree of respect, they will respond. In some matches, when the sale of alcohol has been withdrawn, that in itself has led to disorder. I specifically refer to the Wolverhampton Wanderers versus Cardiff City game of three seasons ago.

Alcohol can be purchased five minutes before, during and up to five minutes after half time, and again 15 minutes after the game has finished. With other sports, particularly rugby, alcohol can be purchased throughout matches. There is an unusual situation, for example, at Vicarage Road; if Watford play on a Saturday, alcohol cannot be sold at certain times, but then if Saracens play on the Sunday, alcohol can be sold throughout the match. The Northern Ireland Office should revisit what happens in England and consider putting in place a similar regime in Northern Ireland.

We also have some concerns regarding the use of fireworks, which have been a particular problem at venues in Northern Ireland. Indeed, last season a player was struck by a firework following a cup final, and last Saturday fireworks were exchanged between sets of fans at a match. We would like to revisit that. Sport NI supports the proposals with regard to the consumption of alcohol on coaches. Sadly, ticket touting has not been a particular problem at matches, but we support the proposals in relation to that, and also those relating to banning orders.

In general, we welcome the proposals, particularly in section 4 of the consultation document, and stress the need for them to be implemented as quickly as is practical. As I said, we ask that the NIO revisits the content of section 5.

The Chairperson:

Four members have indicated that they wish to speak. Now five have indicated — now six. It is like an auction.

Mr D Bradley:

I would like to focus on pitch incursions. A pitch incursion could be an individual straying on to the pitch, which has happened on many occasions and is easy for officials or the police to deal with quickly. Sometimes a small group of people can make a pitch incursion, and once again that is easy to deal with. However, on some occasions quite a large crowd strays on to the pitch. It seems to me that there is a certain tension between the requirement for ground managers to adhere to the future regulations on pitch incursions and open access to pitches.

I understand the reasons for having open access; they are very understandable. You referred to the Hillsborough disaster. However, on the one hand the barriers that separate the crowd from the pitch are being removed, but on the other hand you are saying that the management must stop crowds from entering the playing area. That seems to place a huge burden of enforcement on ground managers; I think someone mentioned that earlier.

As you know, at the end of various games in Northern Ireland, especially cup finals, there is a kind of celebratory pitch incursion to accompany the presentation of the trophy. There is a certain culture of that already. Have you given any thought to the tension between removing existing barriers for safety reasons and placing the onus on the ground managers to stop the spectators from straying on to the pitch? Have you thought about how that might be managed by ground managers? Is there any support or advice available to them that might help to change that culture for safety reasons?

Mr Scott:

Following the Hillsborough disaster fences were taken down, but that was coupled with legislation making invading the field of play an offence. Both of those things are needed, in conjunction with each other. A culture of celebratory pitch incursions does exist. Unfortunately, on occasion that has led to disorder, because the beaten team are not always in such a joyous mood. However, we have spoken to many venue managers, particularly at Croke Park, and those who represent the governing bodies, and, while it has to be said that pitch invasions still happen, they do not want them — for two reasons.

First, people have been injured trying to get onto the pitch by scrambling over barriers and crushing their way onto the pitch. Also, there is the fear that when people are on the pitch, they often slap players on the back, jump on their backs, etc. The players are highly prized individuals, and there is always the fear of injury. There have been a couple of examples of that having happened on the Continent.

Mr Johnston:

Our view is very much along those lines. Although it is recognised that a lot of pitch incursions have been for celebratory reasons, nevertheless, in our discussions with the sports authorities, there appears to be a growing concern about the implications of those incursions. We are willing to hear the views of those bodies, but our initial view supports the proposals.

There is a tension about removing the barriers. The criminal law has a declaratory role in telling people what is and is not acceptable. In this case, the new provisions would say clearly that people must not go onto the pitch after games. Rather than there being tension, we see the two as working together, in that if there are no fences, there is, at least, a clear legal statement that if people go onto the pitch they are at risk of prosecution.

Mr Mee:

The drift of the issue is to have more open access to the grounds for safety reasons. The cages not only present a safety problem in their own right, due to crushing; fencing can send out the wrong message to supporters. The fences are sometimes described as cages: they look like cages and they feel like cages to the people inside them, and that can send out the wrong message to supporters.

Mr D Bradley:

I am concerned that you are placing an unenforceable burden on the managers of sports grounds. It would be ideal if we could remove all barriers and if people remained in their places during the games. However, experience shows us that that is not the case. I wonder how enforceable the law would be if there were to be a large crowd incursion onto the pitch.

Mr Scott:

We saw what happened at the recent Millwall versus West Ham match. However, experience in

Great Britain has shown that, by and large, the last match of the season — particularly where teams are promoted or relegated — is the only other time where there can be considerable difficulty. At those times, as a strategy, it is generally accepted that a pitch invasion will happen. Although it is not condoned, other controls are put in place — enhanced stewarding, etc — to ensure that it does not end in disorder. However, there are times when it can happen.

Mr D Bradley:

Will the onus be on managers to prosecute individuals who are involved in pitch incursions?

Mr Johnston:

It is up to the managers to decide whether they want to invoke the criminal law in that way. Of course, I should stress that there is nothing in the consultation document that puts any legal requirement or any threat on managers if the pitch is invaded — they will not be committing an offence by allowing a pitch to be invaded. We feel that managers would welcome the added thrust that the criminal law would give to their desire, which is to discourage people from invading the pitch and to encourage them to find other ways of celebrating a win.

Mr McNarry:

The paper refers to “certain” soccer, Gaelic and rugby matches. What do you mean by “certain”? What does that include and exclude?

Mr Johnston:

After paragraph 8.3 of the consultation paper, there is a table that shows which behaviour is included in the provisions: for example, offences such as missile-throwing, chanting, pitch incursion, alcohol offences inside the grounds, and possession of bottles or flares. In soccer, we mean matches that are played in Northern Ireland by teams in the Irish Premier League, the first division and the Setanta Cup, as well as matches played in the Eircom League by teams from Northern Ireland, and matches involving the Northern Ireland international team.

The definitions for GAA and rugby are a little different. It is about matches that are played at venues that require a safety certificate under the Safety of Sports Grounds (Northern Ireland) Order 2006. Those are, typically, grounds that accommodate at least 5,000 people. Although the definitions differ for various sports, they have a similar effect. Based on the work that we have been doing, approximately 15 soccer grounds and 14 GAA grounds will be specified.

Mr McNarry:

You have defined the status of soccer teams, whereas all Gaelic and rugby matches are included.

Mr Johnston:

All matches that are played at certain grounds are included.

The Chairperson:

In the case of rugby, is it just Ravenhill?

Mr Mee:

Effectively, yes.

Mr McNarry:

You need to tidy that up. It needs to be explained to the spectators and the sporting bodies. Bad behaviour does not happen at Comber Rec soccer club, but I am sure that you are not thinking of its ground or other small grounds.

The document refers to “unauthorised” pitch invasions. Are authorised pitch invasions permitted? I can see how people could be invited onto the pitch; how do you police one and not the other?

Mr Johnston:

If there is an emergency at a ground, such as a fire in the stadium, a club could evacuate the stand and authorise fans to enter the pitch to get away from danger. Such a pitch invasion would be authorised.

Mr McNarry:

That is not really an invasion.

Mr Johnston:

The wording also applies in situations where an ambulance has to come onto the pitch because somebody has been seriously injured. That is the thinking behind the word “unauthorised”.

Mr McNarry:

I understand what you are trying to say. Laypersons know what they cannot do; however, will they be in trouble if they go onto the pitch when authorised? Is there a time when it could be permissible to come onto the pitch? Must advance warning be given? What happens in cases of exuberance, such as when a club has won a cup and asks supporters to join celebrations on the pitch? Is that prohibited because of a lack of permission?

Mr Johnston:

The word “unauthorised” is more about emergencies and people who have a legitimate reason to come onto the pitch, rather than about clubs allowing supporters onto the pitch to celebrate, which could lead to injury or attacks.

Mr Mee:

The wording in the GB legislation is “without lawful authority or excuse”. We could use that wording.

Mr McNarry:

I do not want to be a killjoy. I see what you are trying to get at. However, thankfully, not everyone who attends a football, rugby or GAA match is a hooligan. They are in a small minority, but it is costing us a lot of money to legislate for them.

In the background, are there implicit costs for policing at grounds? I know that massive costs are placed on sports grounds across the water. Do you have any thoughts on that? Is there something in the report, that I may not have picked up on, that is putting a major onus on sports grounds for marshalling? If you are going to come up with regulations, somebody is going to have to pay for it.

I want to make a plea on behalf of rugby and soccer — and my colleagues will understand that I do not know enough about the GAA to speak for it — and say that there is not a club operating in Northern Ireland that could afford the additional cost of marshalling, particularly to adhere to certain regulations. Has that been taken into consideration?

Mr Johnston:

We have done an assessment of that; paragraph 9.4 concerns the regulatory impact. We think that

if clubs are complying with the safety regime that is already in place, there should be little or no extra expenditure in addressing the additional criminal offences. The recommendations very much build on the existing safety regime.

Mr McNarry:

I understand what paragraph 9.4 says. However, I am challenging your assessment and making a distinction between safety and behaviour. Safety can be controlled; behaviour cannot. If it is decided that the way to implement the regulations is through additional marshals and police, will a hidden onus be introduced for clubs, thus putting an extra cost burden on them?

Mr Johnston:

No. The arrangements that are in place for safety, which include providing stewards, should be sufficient for this. There may be some additional costs for police to run the football banning order regime, but we expect those numbers to be quite small and we do not expect the cost to be substantial.

Mr McNarry:

What you say is being taken down by Hansard and may be used as evidence, so I hope that we do not have to come back to that.

I know that it is difficult to put into a report, but there is a view that, where grounds have spectator comforts, the risk of problems is greatly reduced. I know about rugby and soccer grounds, and far too many of them are crap. They are the pits, and not somewhere to take a family. Perhaps it is not in your remit, but is there any way in which you can put together a recommendation that we can defy bad behaviour by making the grounds more spectator-friendly? We need to return to a family atmosphere. If the place is simply dirty, why would anybody want to treat it any differently?

Mr Scott:

That is a point well made. We have only to look at what has happened in Great Britain post-Hillsborough, where the number of police and stewards has been reduced in recent years, yet attendances have steadily gone up. Clubs are very aware of that. After a match, the first thing that clubs do is check for graffiti in the toilets and remove it. Clubs know that when graffiti appears, the standard starts slipping, and that when the standard starts slipping, that has the

potential to lead to disorderly behaviour. In his report on the Hillsborough disaster, Lord Chief Justice Taylor made the point that if we treat people like animals, they behave like animals. Therefore, it is important that we have good facilities for people.

Mr McNarry:

I accept that. I fully support all the efforts that those clubs make and what they do, but they work in very restricted circumstances. If we are to introduce laws — and I can support this — we also have to say that if we can help the environment at the ground, it alleviates the need to implement such laws. Why do you not recommend that some money be made available for improvement for the spectators at all levels, and particularly for families and young people? We have to bring young people into these games.

Mr Mee:

Your point is well made. As a part of our safe sports grounds initiative and in the kind of programmes that Sport NI runs, we try to aim at more than minimum standards of safety. Comfort is an important part of safety and of good behaviour. We want to help clubs to address those issues.

Lord Browne:

First, I declare that I am a member of Linfield Football Club, but I attend the Oval on regular occasions.

Mr McNarry:

Only when Linfield are playing there, though.

Lord Browne:

No, no.

I accept that on many occasions of crowd disorder and bad behaviour, alcohol is a contributory factor, especially if there is over-consumption. However, I seek clarification on one point. Mr Scott mentioned that, in England, there are regulations on the sale of alcohol. However, I read in your consultation document that, in “viewing facilities”, it is recommended that drinking be less restricted before, after and during the game. What do you mean by “viewing facilities”? Is the marquee at Ravenhill considered a viewing facility?

Mr Scott:

No. We have in mind corporate boxes.

Lord Browne:

For example, at Windsor Park, where there is a glass partition, you would have less-restricted drinking? What about under the stand, where there is also a social club?

Mr McNarry:

We do not have any corporate boxes at Comber Rec.

Mr Scott:

Yes. In England, wherever there are corporate boxes one is permitted to drink at any time, but not within sight of the pitch. Therefore, you can go behind a screen and have a drink. It is corporate entertainment, but they do not want the general public seeing the people in the corporate boxes drinking.

Lord Browne:

Champagne?

Mr McNarry:

Prawn cocktail people, eh?

Mr Scott:

I accept that there is a bit of a fudge there.

Lord Browne:

You suggest that there should be drinking restrictions in the ground before the match. Should there be any drinking at half-time? That could contribute to crowd disorder, particularly if the match is not going the crowd's way.

Mr Scott:

It has not been a problem, and it is not considered to be a problem in mainland GB. The licensing laws are very different. Most of our grounds are not licensed at all. In England the grounds are

licensed, so one can drink for a limited period prior to the game. That is seen to be beneficial. Rather than drinking in an unregulated manner from off-licenses and carry-outs, people are encouraged to come early to the ground to drink the less strong beers. Sale of drink stops 15 minutes prior to the game, and one can get a drink again at half-time. The chances of getting more than one drink in that period, given the queues, are very limited. After the game, most people go home and drink is not really an issue.

Those rules enable clubs to gain revenue, and it is demonstrated that drinking can be managed. It is preferable to unregulated drinking outside the ground, with which people can come into the ground in a relatively sober state but their behaviour deteriorates after a few minutes.

With rugby and cricket, you can get drinks throughout the game. That is starting to lead to problems, as cricket games can last many hours.

The Chairperson:

Have you recently inspected the corporate facilities at Comber Rec?

Mr McNarry:

I will take you down to my executive box.

Mr McCartney:

The consultation paper says that all ticket touting will become an offence. There is some suggestion that it would only be an offence for matches where there is segregation. Someone might say that ticket touting is acceptable for matches that are not segregated. It should be an unacceptable practice.

The paper's summary on the proposals relating to flares says that the possession of flares will be made an offence, but paragraph 5.12 states that the NIO does not think that it is necessary to exclude flares. Can you clarify that?

Mr Johnston:

We intend to provide that flares cannot be brought into grounds. For fireworks, we feel that the existing law is sufficient.

Mr McCartney:

I read that, but the consultation document says that you do not think it necessary to exclude flares from grounds in Northern Ireland.

Mr Johnston:

The report says:

“we do think it necessary to exclude flares from grounds”.

Mr McCartney:

Sorry, OK.

Paragraph 5.13 refers to transport. How would that be governed? Who would decide that transport is being chartered to or from a particular game?

Mr Johnston:

On ticket touting, the aim is to send a message that ticket touting is unacceptable. Although that is driven by segregation and safety, the law that we propose will send a message that ticket touting is unacceptable whether the ground is segregated or not. However, we realise that someone might be unable to go to a match for which they have a ticket and that they might sell their ticket at its original price to a mate or a member of the family. Obviously, that is not a problem area; we will work with the lawyers to try to define ticket touting in such a way that allowances are made for those ordinary things between friends and within families. The overall message is that ticket touting is unacceptable.

You raised the question of what constitutes travel to or from a sporting event. Ultimately, that will be for the courts to decide in particular cases, but we will try to define that as best as we can in draft legislation. Effectively, it will cover hired transport, such as coaches that are used to take fans to a game and back.

Mr McCartney:

Do stewards have the legal power to remove alcohol from spectators who are approaching a ground?

Mr Scott:

Not outside the ground, but it is generally a term of entry that persons cannot carry alcohol into a ground. People who enter private property must abide by the requirements.

Mr McCartney:

So if there is no policing operation, stewards have the power to stop people with alcohol.

Mr Scott:

Indeed.

Miss McIlveen:

I note that enforcement will be via the criminal justice system. What specific role will DCAL and Sport NI, as an arm's-length body of DCAL, have with the proposals? Will they have merely a supporting role?

Mr P J Bradley:

Although chanting is not a physical object, it can still be an object of hate. I do not see any reference to flags and emblems in the proposals. Thankfully, it does not happen often, but when Protestants and unionists see tricolours displayed on terraces and in grandstands or when Catholics and nationalists see union flags draped around grounds, it is not conducive to harmony and a good ambience to promote sport for all.

Mr McCarthy:

On the issue of offensive chanting, which is particularly nasty; who is going to police that? I welcome the slow progress that has been made towards the introduction of a football offences Act here. When do you think that will be in legislation? Will there be problems if the legislation is not enacted soon after the certification aspect of the Safety at Sports Grounds (Northern Ireland) Order 2006 comes into effect on 31 December?

Mr Mee:

DCAL's role is primarily a supportive one; we do not have an enforcement role, but this will tie in and complement the overall safe sports grounds initiative and the red guide, 'Northern Ireland Guide to Safety at Sports Grounds', which contains a number of provisions in relation to stewarding, crowd management, policing, etc.

Mr Scott:

We certainly see it as complementing the 2006 Order. If grounds are certified, in practice it will be some months before certificates are issued, because the process includes a number of statutory consultations, but it will certainly be commencing in the new year. It will put venue operators under some pressure if the proposals in section 4 of the consultation document are not enacted.

Mr Johnston:

For our part, we are committed to moving forward with those proposals as quickly as possible after the consultation period.

Mr McCarthy:

When does that end?

Mr Johnston:

At the end of November. We hope that it will be possible to take the proposals through the Assembly as part of the first criminal justice Bill to be passed. We are committed to having these proposals ready to go through the processes when devolution takes place.

In answer to the point about flags and emblems —

Mr P J Bradley:

Sorry, I should make it clear that I am not talking about club colours. I would welcome any club colours on the terraces.

Mr Johnston:

Yes, the issue is with other flags. There is obviously provision in the regular law about flags and emblems.

Mr Tom Haire (Northern Ireland Office):

As with fireworks, there is legislation dealing with flags and emblems which would have an effect, as would the general law on incitement to hatred. As we said in relation to fireworks, it is a good point; we will consider the flags and emblems legislation and make sure that we build on it.

Mr Johnston:

If the Committee has any particular views on that, we are willing to hear them.

Mr D Bradley:

The consultation documents says, in relation to the equality impact, that a small number of males would be affected by the regulations. Who did you have in mind? I do not want individual names. *[Laughter.]*

Mr Johnston:

The people who offend against the regulations. That reflects a general issue in criminal law; people who offend tend to be young males. I am talking myself into a corner. We tend to find that in all issues of criminal law that we consider.

Mr D Bradley:

You also said that there will be open access to certain grounds. Which grounds?

Mr Mee:

Those would be grounds that fall under the remit of the 2006 Order; grounds that will become designated grounds when the legislation comes fully into force on 31 December.

Mr D Bradley:

Will there be a list of those grounds in the schedule?

Mr Mee:

Yes, they are listed in the designation order.

The Chairperson:

We have seen that list. You can be issued with that if you like, Dominic.

Mr McCartney:

David made a point earlier about crowd incursions. Will that issue be worked on with the associations? The biggest deterrent preventing anyone from going onto a pitch is if the association fines a club, or UEFA bans a club from tournaments. Will it be worked on with the

associations?

Mr Scott:

Very much so, and the governing bodies are fully supportive of the proposal.

Mr Mee:

Some of those bodies have codes of conduct, or are working on producing codes of conduct, in that area.

Mr McNarry:

I had to pop out for a minute, so perhaps this question has been answered. What is the arrangement for non-sporting events that are held at sports grounds?

Mr Scott:

Under the 2006 Order, there is a requirement to obtain special —

Mr McNarry:

Let us talk about the legislation with which we are concerned today.

Mr Haire:

Missile-throwing, alcohol-related offences and so on are generic offences, so the law is applied to designated matches.

Mr McNarry:

Who is accountable for what happens at a non-sporting event that is held at a sports ground?

Mr Scott:

Two people: the certificate holder and the event organiser. If the certificate holder has done all that can reasonably be done, responsibility falls on the event organiser; a pop promoter, for example.

Mr McNarry:

So the law is universal, then?

Mr Johnson:

The safety provisions ought to provide a good basis for any event, whether sporting or otherwise. Incidents of chanting and so on tend to occur at sports events rather than at pop concerts. That said, laws on offences such as assault and incitement to hatred apply to all events.

Mr McNarry:

People sometimes intrude onto a ground having been enticed by a pop star. They go doolally, and it has nothing to do with drink or anything else. Does it apply in that circumstance?

Mr Scott:

Dozens of pop events are held at the major soccer and rugby grounds, and that has not been a problem.

Mr McNarry:

If you went to some of those concerts as a spectator, you would be in a better position to decide whether it is a problem. Some of the behaviour is appalling.

The Chairperson:

Have you been along yourself, David?

Mr McNarry:

Yes, I have.

Mr McCartney:

Were you the one who was pulled for going over the barrier?

Mr McNarry:

Yes; that happened the last time that Elvis was in Belfast. *[Laughter.]*

The Chairperson:

I thank Gareth, Tom, Ciaran and Paul.