



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Private Member's Bill — Stadia Liquor
Licence: Mrs Judith Cochrane MLA

15 October 2015

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Sammy Douglas
Mr Phil Flanagan
Mrs Dolores Kelly
Mr Adrian McQuillan

Witnesses:

Mrs Judith Cochrane	Northern Ireland Assembly
Mr Matthew McKibbin	Northern Ireland Assembly

The Chairperson (Mr Maskey): I welcome Judith to the meeting. You have been here before as a member of the Committee; this is probably unusual. Following the Committee's agreement last week to invite Judith here this morning to speak to her proposed Bill, we were reminded by the Drumbo Park people that they had made a similar request. The Committee gave a clear indication of its support; in fact, we wrote to the Minister at the time and probably on a number of occasions, stating that we were very supportive of facilitating the Drumbo Park people's request for a minor change that would enable them to conduct their business in an appropriate manner. I am making the point that the Drumbo Park people have made that representation to us again, this week, on the back of today's presentation.

Without further ado, Judith, do you want to take members through your proposals and the surrounding information?

Mrs Judith Cochrane (Northern Ireland Assembly): Thank you, Chair. Thank you for having me here this morning to brief you on the consultation document that I have put out. I will start by declaring an interest as a season ticket holder at Ulster Rugby and somebody who enjoys a pint.

I believe that you all have a copy of my consultation, which I placed in your pigeonholes last week so that you would all be fully aware. The background to my proposal really lies with the investment that the Northern Ireland Executive have made in our national and regional stadia, namely the Kingspan Stadium, Casement Park and the national football stadium at Windsor. The Committee meeting today is, I feel, quite well timed, given the success of the Northern Irish football team over the past weekend. I believe that, just as we saw the potential on the pitch be realised, we should realise the full potential of what lies off the pitch in the stadia themselves, and I believe that the proposals in my consultation can help to achieve that.

A significant sum of money has been invested in upgrading the stadia. They have been or are being developed in such a way that they are versatile in their use and will be fully equipped to host sporting, education, business, tourism and leisure events. My consultation, therefore, really questions the point in delivering state-of-the-art buildings and premises and competing for good, big international contracts with other areas in the United Kingdom and Ireland but then, potentially, hindering that process by limiting the operating conditions that we put on our stadia.

You will see from my consultation document that I have adopted a slightly different approach, in that I have not just simply asked a series of questions; I have really tried to take the reader through the current set-up and explain the change that was made to the Licensing (Northern Ireland) Order 1996 back in 2004, when we allowed our indoor arenas to be listed as premises that could be granted a liquor licence. I have tried to describe options and to consider the costs and benefits of each of them. At the end of the paper, I make a recommendation, which is essentially to mirror the 2004 legislation. The same rationale should be used for our new state-of-the-art stadia, which were not envisaged when the 1996 Order was brought in.

Just before I take you through the proposal in a bit more detail, I want to be very clear: I am not intending, in any way, to try to reform our full liquor licensing. I am not looking at opening hours, regulating off-sales, Easter opening or anything like that. This is a very specific change that I am consulting on and proposing to make, and I believe that we are still capable of taking it through in this Assembly mandate.

Briefly, if we look at the existing liquor licensing law, we see that the 1996 Order states clearly the types of premises for which a court may grant a licence: public houses, off-licences, hotels, guest houses, restaurants, conference centres, higher education institutions, places of public entertainment, refreshment rooms in public transport premises and seamen's canteens. In 2004, indoor arenas were added. My proposal is simply to add outdoor stadia to that.

As the Bill gets drafted, I would, as I say, add an outdoor stadium category, and it would be suitably defined. At the moment, my thoughts are that it would be defined as having a minimum of 8,000 permanent seats, which would take in Kingspan, Windsor Park and Casement. It could also be an outdoor stadium that has been designated by the Department as being of regional or national importance, which would essentially future-proof things. For instance, if an athletics stadium were built in 10 years' time that had only 6,000 seats but was seen to be of regional or national importance, the Department would have it in its power to designate that stadium under regulations, and it would, therefore, fall under this.

The existing safeguards in the Licensing Order 1996 would still apply to our outdoor stadia. That would include the fact that the sale of alcohol would need to be ancillary to the normal business carried out on the premises, meaning that an outdoor stadium cannot just open up to sell alcohol; it needs to be when the outdoor stadium is in use for an event, sporting or otherwise. It would be subject to the normal business being carried out on the general permitted hours; again, I am not proposing to change that. Any alcohol sold would have to be consumed on the premises, so there is no off-sales aspect to it. As with indoor arenas, the outdoor stadia would be subject to the provisions in the Licensing Order that are intended to protect children and young people under the age of 18. An additional safeguard that I propose to put in would be that a court would be given the power to put in any conditions that it considered appropriate on the licence whenever the venue applies for the licence. That would, for example, allow the court to respond to any concerns about, perhaps, the sale of alcohol at an event, particularly one with a young audience. Say you had your Schools' Cup final or something like that, you could make it clear in the licence that alcohol could not be sold at those events. It would be a licensing matter, but I have been very specific that a court can put in conditions.

Other than that, I have gone out to consult on the proposals. I have been in touch with the Department about my proposals, just to take their view on it. I am awaiting a response at this point. I know that the Committee already has a very good grasp of the licensing laws, having gone through the review a couple of years ago. At this point I am happy to stop and take questions.

The Chairperson (Mr Maskey): Thank you very much, Judith. Would you please introduce your colleague?

Mrs Cochrane: Apologies. This is Matthew McKibbin, who works with me.

The Chairperson (Mr Maskey): It is just so Kevin knows who he is. OK, Members, you have had quite a comprehensive run through that, albeit at high speed.

Mrs D Kelly: I commend you, Judith, for your initiative. You mentioned outdoor stadia, and we know that there has been considerable lobbying in relation to Drumbo Park. Will your proposals take account of such facilities, which are already in existence, and enable them to further develop their business potential?

Mrs Cochrane: I am fully supportive of the argument that Drumbo Park has made. It is a slightly different situation, though, in that they have an entertainments licence, and their problem is the hours allowed under an entertainments licence. There is a simple fix to the overall Order that could achieve that. However, I do not think that I can do that within the scope of my Bill, if I want to be realistic and make sure that this actually progresses before the end of the mandate. If I were to open it up and allow lots of other issues to be taken up, other than the licensing of outdoor stadia and stadia of national or regional importance, which is what I propose to do, that could become difficult. It would be up to the Bill Office to decide whether an amendment of that nature would fall within the scope of my Bill. If it came forward, I certainly would not be opposed to it; I am just being realistic about where I see this Bill going.

Mrs D Kelly: I will just come back on where the roadblocks to the Bill are. Do you not want to extend the focus of the Bill because of technical advice at this stage or because of political opposition?

Mrs Cochrane: I have made my consultation very specific, and I have done that for a reason. I know that there have been lots of other issues consulted on. I do not believe that the issue for Drumbo Park has been consulted on, and I think that it is very difficult to take something forward that perhaps has not been consulted on. I am not saying that someone could not go ahead and try to do that. My consultation is still open at the moment, but at this point it is not something that has been raised with me in the consultation. That is why I have not really considered it.

Mrs D Kelly: That is fair enough. Thank you.

Mr Flanagan: Thank you for the proposal and the presentation. It makes sense. Do you think that the consultation period that you are running is long enough? I know that you said that it is short because the previous Order looked at issues like this, but do you think that the consultation period you propose is long enough?

Mr Flanagan: As a private Member, I do not have to consult at all, but I feel that it is important that I do and that the issue is one that people will have an opinion on. I have a three-week consultation period, and I have already had 144 responses. I went to the Department and asked for a list of the people who responded to the previous consultation, so I could target all those people to make sure that I had taken their views. Have you been provided with the consultee list? I am not sure whether you have, but it shows that I circulated it to a number of health organisations, religious groups and church organisations. I will continue to push and make sure that I have enough responses back. As I have been opening the responses and dealing with them as they come in, should I feel that I want to extend the consultation period, perhaps for another week, I think that I would be able to do that and still have a draft Bill with the Speaker when I want to. As it is mirroring another piece of legislation, I think three weeks is OK.

Mr Flanagan: Dead on. Can you tell me how you will consult the residents around the three stadia listed? Ultimately, they will be the people most affected by it, more than religious groups or anybody else.

Mrs Cochrane: First, my proposed legislation is, essentially, enabling legislation to put provisions in place so that a stadium can apply for a licence. When the licence is applied for is the point at which the residents groups etc would be able to respond. It is a public consultation, and they are already able to respond. I have done letter drops in some areas — for instance in the vicinity of Kingspan, which is already operating with a licence — to take their views. It will be interesting to see what those come back with.

Mr Flanagan: I appreciate that it is a culture more associated with rugby than the other two sporting codes, but have you spoken to the IFA or the GAA to see if it is an option that they are particularly interested in?

Mrs Cochrane: Yes, both bodies, as well as Ulster Rugby, had input. I had a preconsultation with them, and all three are very supportive of it. Obviously, when it comes to the football stadium, they may choose to use a licence like this in a different way, because they are governed by other rules under UEFA etc, but they think that this would be particularly beneficial in order for the stadia to realise their full potential.

Mr Flanagan: How key is this proposed legislative change to making a successful bid to host the 2023 Rugby World Cup?

Mrs Cochrane: The current situation is that the stadium can apply for an occasional licence.

Mr Flanagan: Ravenhill.

Mrs Cochrane: At Ravenhill, yes. I think it is called Kingspan now.

Mr Flanagan: It has been bought over by corporate branding.

Mrs Cochrane: It is not Kingspan itself that can draw down the occasional licence, because you must be a full licence holder to draw down an occasional licence. The current situation is that it is the people who have the catering contract who draw down that occasional licence. That is another aspect, in that, in a way, you could probably say that we were discriminating against small businesses, because, at the moment, if those stadia want to apply for an occasional licence they need to have that link to a large organisation. Overall, Casement Park is vital to the plans around bidding for the 2023 World Cup. It is expected that the same rules, terms and conditions as apply at other rugby matches would be there for that.

Mr Flanagan: Finally, have you given any consideration to outdoor arenas as opposed to stadia?

Mrs Cochrane: Not really. They chose to use the term "indoor arenas" before, in 2004 I think. If they had envisaged that we would have three major stadia, they might have referred to indoor and outdoor arenas, and I would not need to be sitting here in front of you right now.

Mr Flanagan: But will your change solely apply to stadia? If somebody develops an extensive outdoor arena in the future, will it be excluded from applying for it?

Mrs Cochrane: It would need to be designated as an arena or stadium of regional or national importance.

Mr Flanagan: But does the whole thing about a stadium imply sport?

Mrs Cochrane: No. A stadium can be used for any purpose. If it is an outdoor stadium of regional or national importance, it will fall within the remit of the Bill.

Ms P Bradley: Phil has asked some of what I was going to ask. I have been to Ulster Rugby before, albeit that it has been a couple of years since I have been there. I understand the alcohol side of it. It is actually quite well behaved, as we know from attending those matches.

I welcome what you have brought forward, Judith. I understand the problems that Ulster Rugby has had in getting its licences and worrying about the timescale. You mentioned that in your submission. Have there been any occasions on which it has been turned down for a licence?

Mrs Cochrane: Not at this point, but there have been some days when the licence was granted at 11.00 am on match day. Time, resource and effort are put into that all the time, when they could be focusing on other things. They run a very tight ship, and I do not think that anything will change from that. Match night will still be very much the same as it is now.

Ms P Bradley: Also, I know from attending concerts and stuff in the SSE Arena how the sale of alcohol there works. To follow on from Phil's point, the likes of Kingspan, Windsor Park or Casement could be used at any time for any other event. There will be concerts. On holiday in America, I went to a large political event held inside a stadium. Lots of other options are available for using stadiums in Northern Ireland. This will benefit that also. The issue to do with 9.00 pm and children has been

discussed previously in Committee. How will the provision whereby children have to be off the premises affect your proposal?

Mrs Cochrane: This is the situation where it is 9.00 pm and the bar is still open. When the 2004 Order was brought forward, it included an exemption, and I propose that we mirror that. The standard safeguards around not being able to sell alcohol to children etc remain, but they are not tied in on that. It would be exactly the same as what is there currently for the SSE Arena.

Ms P Bradley: That is what we definitely will require for this, because, as we know, matches go on beyond 9.00 pm. You would not want that issue precluding people from attending. I look forward to the Bill's travel through time, and we will see how it goes. Well done.

Mr Campbell: I am trying to clear my head about what the distinction would be. If we set aside future potential people who would benefit, like Casement or others, for existing grounds — for example, rugby and football grounds — what is the difference between applying for an occasional licence and what the provision would be if your Bill went ahead, apart from repeatedly having to apply?

Mrs Cochrane: The occasional licence is applied for, as I said, by somebody who holds a full licence. Only somebody who already holds a full licence draws it down. At the moment, the catering company draws it down. In the actual operation, you will see little difference between what you are allowed to do with an occasional licence and what you are not allowed to do at the stadium. The extra aspect that comes in is around that exemption for tying into all the children stuff that the indoor arena has done, which you could not currently do with an occasional licence.

Mr Campbell: For example, the Kingspan Stadium has some experience of it but, because of the expanded ground, it is comparatively recent. At Windsor, there would be a slightly longer degree of corporate hospitality etc at games. I am trying to get into my head what the distinction would be on the ground for either those who are holding events or patrons who are attending. What is the difference between what happens now and what would happen if the Bill went ahead?

Mrs Cochrane: If the Bill goes ahead, all it does is allow a stadium to apply for a full licence —

Mr Campbell: Which somebody else can currently do.

Mrs Cochrane: Which somebody else can currently do, on an occasional basis. This will allow them to apply for a full licence, which will mean that it will be theirs and they will not be tied to having to tender for catering contracts only from large companies that have a full licence already. It will also allow an exemption whereby children will not have to be off the premises by 9.00 pm, which is the current situation if you have a children's certificate in place.

Somewhere like Windsor Park — the national football stadium — would still be governed by the UEFA rules, so it will probably be unable to sell alcohol before, during or after matches. So, if the stadium applies for a licence, it is more to do with the fact that it has another event that it wants to do. Windsor Park may not feel that it will benefit from this as much as, perhaps, the business model that is used at Ulster Rugby or, in the same way, as the business model used with the Giants in the indoor arena. However, they still feel strongly that it is important and will allow them to attract other events. I have made it clear that conditions can be put on those licenses; it is not simply an open licence. Conditions can be put on that licence so that, whenever they apply for a licence and state the types of events that they think they might have, the residents will be consulted etc, and the court will have the opportunity to put specific conditions —

Mr Campbell: Would most of those things apply to an applicant for an occasional licence?

Mrs Cochrane: Most of them would, yes.

Mr Douglas: I want to declare an interest: I am an honorary member of the Harland and Wolff Welders club. I just wanted to bring that in.

Mr Campbell: It is important to get that on the record, Sammy.

Mr Beggs: Where is its international stadium? *[Laughter.]*

Mr Douglas: Thank you for your presentation so far; you have done a lot of work. To be honest, from a Harland and Wolff Welders point of view, they see themselves as a regional organisation —

The Chairperson (Mr Maskey): We are talking about tankards here, Sammy, not tankers.

Mr Douglas: What differentiates a regional team from, say, Ulster Rugby or Glentoran or Linfield or whatever?

Mrs Cochrane: We are really talking about the size of the stadium. The definition that I am talking about for outdoor stadia at this stage — it will depend on what comes back from the consultation fully — is essentially that it will mean Kingspan, Windsor Park and Casement. That is the purpose behind the Bill. Those are the stadia that the Executive have invested in and that have the potential to attract major sporting events in Northern Ireland.

I appreciate that there are other, smaller clubs who think that they are of regional or national importance, but it is very clear. The reason why I do not simply want to name those three stadia in the Bill is that I want to future-proof it, because we do not know what may be built in Northern Ireland 20 years down the line.

Mr Douglas: I was thinking of Harland and Wolff Welders, which has a social club with a full licence. They are open to developing plans, as you know yourself, for multifunctional stadiums and such, so I am sure that they will also, as you said, look to future-proof along the line.

What has the general response been so far? You said that you have not yet had any response from the Department. Have you had any informal discussions that have given you an idea about where things are going?

Mrs Cochrane: Yes. The Department has been very helpful. I spoke to — I suppose he is the former Minister for Social Development as of today — about it when he was in post. The Department has been very helpful in answering any questions that I may have and in providing help through ensuring that I target the right people, because I understand the timescales around this.

I have had a number of consultation responses back so far and, understandably, there were quite a few from people from Ulster Rugby because that is, I guess, the stadium that is up and running at the moment and probably has the most direct influence. I quote a few of those comments:

"I have been going to Ravenhill since the 1960s when about 200 people watched the Ulster matches."

"During the 1980s, I took my own children to watch Ulster. They enjoyed the games, but the facilities were so poor, we spent as little time as possible on the ground and, through recent years, I have watched the stadium develop into a great family night out."

"I believe young people, seeing adults being able to enjoy a beer whilst watching the match, shows them how to enjoy it without negative behaviour."

Those are the types of response that come back. I have had a couple of others from season ticket holders who have said, "No, we would like to maintain the status quo. We think that it is OK". It reminds Ulster Rugby of their obligations, but it obviously does not deal with the fact that they need someone with a full licence to enable them to do that. There has been a very positive response at this point.

Mr Douglas: I was a resident in the Cregagh estate, and I have relatives who live there. Are you saying that your Bill will not change anything? If there is a match next Saturday night and this legislation has come through, it will not change anything for them; is that right?

Mrs Cochrane: It does not change anything. From the outside, people will see the same operations as they do currently. It just makes a big difference to the inside.

Mr Douglas: Finally, have there been any responses from the churches so far?

Mrs Cochrane: Not yet, but we have targeted them all, and I will be chasing them.

Mr Douglas: OK. Thank you, Judith. I wish you well.

Mr Beggs: Thanks for your presentation. You have a very challenging time frame here. I have my own private Member's Bill, the First Stage of which is due next week. You have said that you have a very short period for consultation: what makes you think that it will be adequate? Can you just go over that again?

Mrs Cochrane: As I say, first, this is not completely brand new legislation; it mirrors something that is already in place for an indoor arena. It is the same business model as operates elsewhere. A precedent has already been set for this. Secondly, just because you have a longer consultation period, that does not mean that you will get any more responses back. I have been very specific at really trying to go to people and make sure that I get their views on board. I am not just going to people who I think will say, "Yes, we like this"; I am specifically targeting the people who might not like it because I genuinely want to hear their views to see whether there is anything that I should be able to do.

Mr Beggs: Have you been given access to the previous consultation that the Department carried out?

Mrs Cochrane: Yes.

Mr Beggs: All the responses? Not just the names but the details?

Mrs Cochrane: I got the list of all the bodies who had responded before and even their email addresses, so I was able to directly target them individually. The Department has been very helpful in that regard.

Mr Beggs: How long ago was that?

Mrs Cochrane: That was a couple of weeks ago.

Mr Beggs: Sorry; I am relatively new to the Committee. I joined only this year. When did the first departmental consultation take place?

Mrs Cochrane: The departmental consultation on the liquor licensing review was in 2011-12, so it was a couple of years ago.

Mr Beggs: Right. It was four years ago. It just seems to be parked at present.

Mrs Cochrane: I understand that a Bill has been drafted on a number of measures but, at this point, is not forthcoming. That is why I am just going to propose what I have here. I would try to put in an amendment to that Bill. I think that this specific legislation is competent and can be taken forward within the timescale.

Mr Beggs: When do you hope to have legislation to introduce to the Assembly? I am conscious that, as all Committees know, we are approaching the deadline when there will be a limited period left for new legislation to be introduced.

Mrs Cochrane: My draft Bill will be with the Speaker on 2 November.

The Chairperson (Mr Maskey): Thank you, Roy. What, then, do you need the Committee to do? If the Committee is minded to do it, it will. If the Bill is referred, it will be referred here anyway. What, in effect, do you need the Committee to do if it is minded to support the Bill?

Mrs Cochrane: Essentially, the Committee Stage normally runs for around 30 days. I know that, coming down the line, there could be an avalanche of other legislation coming back from the Executive. The way that I have set out my consultation document clearly states exactly what I am doing or proposing to do in the Bill. At this point, from the responses I have had so far, I do not really see any changes needed to the proposal. Essentially, even from my consultation document at this point, I feel that the Committee could go ahead and take information from people. I could provide a draft Bill to you at this point, but I do not really want to do that until I have closed my consultation. If any of the standard timelines that we normally work within can be narrowed at any point, it would be

beneficial. If anybody has any questions afterwards or any points that they have to make, I am here and open to people coming and talking to me about it. The more Members are fully aware of this — I will continue to talk to other Members who are not on this Committee — the faster it can be taken through if there is support for it.

The Chairperson (Mr Maskey): I do not have a minimum time frame in mind that we would require from when we get notice to deal with it. With regard to scheduling, do we have to make a call for evidence or any of that?

The Committee Clerk: The Committee does not have to do anything with the Bill until it reaches Committee Stage. The statutory period for Committee Stage is 30 working days.

The Chairperson (Mr Maskey): Do we have to make a call for evidence?

The Committee Clerk: Judith says that she has already done that, so we could avail ourselves of that. Chair, I would just highlight that the Committee is looking at its forward work programme. It is prioritising two of its own Bills currently and may want to consider the evidence that it could take, if it were so minded to do so, in the context of those two pieces of legislation.

The Chairperson (Mr Maskey): We would have to do that anyway. Thanks for that, Kevin. I just wonder what the minimum statutory time frame is.

The Committee Clerk: There is not so much a minimum, Chair, as there is that you have 30 days in which to do it.

The Chairperson (Mr Maskey): I am just trying to work it out.

Mrs Cochrane: Chair, you could meet over recess and go through my Bill. *[Laughter.]*

The Chairperson (Mr Maskey): Will we go for a Sunday morning meeting, folks? That is not a problem; I will be here.

OK, Judith. Are you happy enough that you have made your case? I think that you have explained well the purpose of the Bill and the operational aspects of it. I wish you good luck in pursuit of your legislation. It will be good to hear of future developments soon. Is that fair enough?

Mrs Cochrane: Yes. Thank you.

The Chairperson (Mr Maskey): Are members content?

Members indicated assent.