



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Licensing Bill: Mrs Judith Cochrane MLA

7 January 2016

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Stewart Dickson

Witnesses:

Mrs Judith Cochrane Northern Ireland Assembly

The Chairperson (Mr Maskey): I welcome Judith Cochrane to this morning's meeting. If you are content, Judith, we invite you to make your presentation.

Mrs Judith Cochrane (Northern Ireland Assembly): I thank the Committee for having me here this morning, and I wish you all a happy new year.

I propose to recap briefly the purpose of the Bill. I will talk about the outcome of the consultation, because, the last time I was in front of you, the consultation period was still open. I will mention the changes that were made to the proposal, based on the outcome of the consultation. I will then mention a couple of potential amendments that I am thinking about, which are based on further discussions that I have had with a number of people, including residents and the Attorney General, since the consultation period closed.

The legislation regulating the sale and consumption of alcohol in Northern Ireland is contained in the Licensing (Northern Ireland) Order 1996, and arrangements have changed little since then, despite the fact that, 20 years on, Northern Ireland is a very different place. We now have a proud record of hosting world-class events, but we could be prevented from maximising some opportunities because of current licensing legislation for our stadia. The Northern Ireland Executive certainly believe that they are important facilities and have invested over £110 million in them. The current arrangements need to be looked at to ensure that they can realise their full potential. I feel strongly, however, that licensing laws need to be balanced between the need to protect public health and the need to operate a business. This balance was struck when the Licensing (Indoor Arenas) (Northern Ireland) Order 2004 came through. My Bill originally came about very much to mirror that type of legislation.

I have given members a copy of part 2 of the consultation report relating to the responses to give you a little bit of background about the consultation. I drafted the consultation in such a way as I almost did an economic appraisal of the options and proposed what I felt would be the best way forward. I was testing local opinion on the creation of a new category of licence for outdoor stadia that are

deemed to be of regional or national importance and on the relaxation of restrictions on the presence of young people in licensed areas after 9.00 pm so that outdoor stadia could be put on the same operational footing as indoor arenas. That was all set out very clearly in the consultation document, and people were simply asked whether they agreed with the proposal to extend the licensing law for stadia, whether they agreed that the courts should be able to attach conditions to any such licence and whether outdoor stadia should have the same opportunity as other premises to seek an order for additional permitted hours.

The consultation period originally ran from 2 October to 31 October. It was then extended to 9 November because, due to a family illness, I was a little late in delivering some letters, so it was to allow that to happen. However, any residents to whom I spoke knew that they could send me information at any point, even if the consultation was formally closed, and I have continued to engage with people on that basis. I also targeted specific people and bodies that had responded to previous liquor licensing consultation by the Department. I tweeted regularly on the matter, and the 'Belfast Telegraph' covered it, so, despite what some people might think, it was well publicised.

A total of 276 responses were received at the time of closing the consultation. I have received additional responses, which I am still listening to and discussing in order to see whether further changes need to be made. I have provided a map that gives you an idea of where the stakeholders responded from. That shows a fairly good range right across Northern Ireland. This certainly seems to be of public interest, and I imagine that, if people quite far away from the stadia were able to comment, it shows that it was well enough publicised.

On the basis of the consultation, the main point made by those opposed to it was around the additional hours. One proposal is that a stadium could apply for a permanent licence until 1.00 am, and it is clear from the consultation that people are not for that. Compared with the indoor arena, the stadia are located in more residential areas, so, before drafting the Bill, I removed that, which would have been article 44. If you refer to the consultation responses, you will find that five or six of them did not want that included. They were against it, but, now that it has been removed, I imagine that, if you went back to them, they would be happy enough. That was the main change to the Bill, and we debated the principles at Second Stage.

I may make a few other amendments, and I draw your attention to clause 2, which refers to the definition of an outdoor stadium. One of the responses was from the PSNI, which is supportive of the Bill and of having a specific licence for stadia. They raised the definition of a stadium with me. People had also asked in Committee whether that should be changed, so I intend to include the names of the three major stadia in the Bill. As the Bill is drafted, it refers to any outdoor stadia that have been:

"designated as a regional or national stadium in regulations, subject to negative resolution, made by the Department ... or which are structurally adapted"

and so on. I propose to remove clauses 2C(i)(a) and 2C(i)(b) and to name the three stadia, but, in order to future-proof the Bill, also to allow for the Department to add in other stadia. That should add clarity regarding comments on that issue. That is one of my proposals.

The other issue relates to clause 4, which deals with the attachment of conditions to licences. I received a letter from the Attorney General before Christmas, and I had a meeting with his office over that period to discuss what his concerns might be. His concerns are more about our overall liquor licensing regime. He does not feel that it satisfies the requirements of the European services directive, but, overall, even though my Bill grafts onto the existing licensing structure, he would not be minded to refer it to the Supreme Court if it were to go through. His view is that, if there are services directive issues, it would be better if they were raised in a concrete case or through a fundamental review of the liquor licensing regime. He also recognised that my Bill filled an obvious gap and that, in some respects, the absence of a requirement to surrender a licence is less restrictive than the general regime. I raised the definition of a stadium with his office, and he agreed that it would be better to deal with it in the way that I have mentioned. He also had an issue with conditions to licences, which he feels is restrictive. However, in trying to strike a balance between public policy health issues and the protection of young people, I think that it is important to allow that to remain in place.

I may make other slight amendments. At Second Stage, Mr Allister asked whether I would put certain things in the Bill, and one of the two items that I was looking at was around events that are geared primarily towards under-18s. In the case of an outdoor arena licence, I may consider that, at any sporting events geared towards under-18s, the licence would not be operational, and I am looking at

how that might fit in under clause 4. I will come back to my other point in a second, because I cannot remember what it is.

As far as other aspects of the Bill are concerned, one issue that had been raised during the consultation was the additional permitted hours under clause 6. I removed the proposal to apply article 44, which would have allowed a permanent licence to be in place until 1.00 am. The additional permitted hours that I have included, which refers to article 48 of the 1996 Order, is specifically to do with functions. That would allow a stadium to apply for an order to say that a certain part of the stadium is suitable for functions. I know, for instance, that there are conferencing suites at Windsor Park. A stadium would first have to apply for the order to say that there is a specific area that is suitable for a function, and it could then apply for a late licence in that area for a function up to six times a year. It is important that that is left in. This is not about staging massive concerts or the whole stadium being used for a certain length of time but about a specific area in a stadium. In Ravenhill/Kingspan, the area that I imagine would be looked at is the Mount Merrion side, which has the restaurant. It also faces into the stadium rather than out into the residential area behind. It is not the side on which houses back straight onto a bar. When I explained that to some of the residents who had raised concerns, some said that that made sense while others said that they still did not like it

I draw your attention to some of the comments that I received from residents. There has been a real mix. Some came forward with very specific issues on the Bill and have been able to listen and to decide whether they are happy with it. Others have sought to put me in the media. I was taken onto U105 by a Mrs Delargy, but the microphone was cut off, so I was not always able to respond. It was left in a situation where it was suggested that I had not consulted anybody in the area, which is not the case. My consultation responses say, "I received a letter from Judith Cochrane". I feel that some of those things are slightly unfair. I feel that I have been as open and transparent as possible with all aspects of the Bill, and I thought that that was pretty poor. I can pass around a handout of some of the online bullying that resulted from that.

Some residents are clearly quite riled, and perhaps some do not fully understand the Bill's proposals, which are quite technical in nature. Some are clearly just opposed to anything to do with Ulster Rugby, for instance. I have spoken to residents who were previously on a residents' committee. Some of them said that a committee was set up around the time of the stadium development that worked quite well and managed to achieve different things. One of the consultation responses mentioned that perhaps a body like that should be set up. I understand that that committee was disbanded partly because most of the issues had been addressed and partly because there was a bit of a falling out between residents, with some feeling that others were being completely unreasonable. There is a mix of views, let us say, from people in the area.

I know that the Committee has received some additional responses, all of which I also got by email. They said that there is still an issue with antisocial behaviour by people leaving the ground. I have had discussions with the police and stadium management specifically in relation to the Kingspan area — people wrote to me about that — and I can say that, if these things are happening, they do not seem to have been reported. Residents have said that, on a couple of occasions, people have urinated in gardens, but there does not seem to be a record of that being reported. There have been issues about plastic pint glasses being left in gardens and that kind of thing. As somebody who attends Kingspan, I know that there are bins and that stewards and police are out on the street. I know that they do their best. There will always be one or two who do such things, but perhaps, if the Bill goes forward and the stadium applies for and gets its full licence, meaning that children being in certain areas after 9.00 pm as they are before 9.00 pm is dealt with, some stewards could be freed up from the job of preventing children from crossing a line on the ground, which could allow them to focus further on that issue.

One key response came from Hospitality Ulster. It said that a full licence could protect people more than an occasional licence, because conditions could be put on a full licence. There would be more of a risk to the stadium, because it would hold the licence and there would be formal opportunities for people to object. I talked about conditions to licences, and there is an opportunity for a court to put a condition on a licence at the start. There is also an opportunity, which is mentioned in new article 77B, whereby, at any time during the operation of a licence, the district commander can apply to put further restrictions on it. That would not be the case for all licences, but it has certainly been put in place for indoor arenas, and that is important in trying to make sure that we balance the needs of a stadium with the needs of residents.

At this point, I am happy to take questions.

The Chairperson (Mr Maskey): Judith, thanks very much for that.

Mr Dickson: I thank Mrs Cochrane for the work that she has put into the preparation of this private Member's Bill, which is an extremely difficult and tortuous course, as is evidenced by the work that she has put in. Most if not all responses have been about Kingspan. What responses have you had from residents in areas where there are stadia like Casement Park — that is an issue because of uncertainty about its development —and Windsor Park?

Mrs Cochrane: Not everybody included their full address. A lot of people responded by saying that their address is in Belfast. I have tried to have conversations with people whom I know in the area. As I said, the issue was in the media. It has been tweeted about and targeted at football groups and people who attend matches. It has been done by speaking to people and to some businesses in the Lisburn Road area and so on. The feedback has been that people see this as beneficial. They feel that, at the moment, because alcohol cannot be sold in the stadium in a controlled environment, there is a lot of preloading of alcohol and, consequently, antisocial behaviour. Lots of bottles, cans and so on are left on the streets, and people are drinking before they go down to a match. There is nobody there to say, "You've had too much". There are police in the area, but some people who live there have attended matches at Kingspan and seen how that stadium operates. People are not tanking up to the same extent before they go to a match. Some bars in the area feel that there is a real surge of people drinking beforehand to try to get as much into them before they leave to go down to a match.

Mr Beggs: Additional permitted hours and late licensing is of particular concern to residents in the area. If I picked you up right, you propose to address that by restricting a section of the stadium that will be covered by such an application.

Mrs Cochrane: I have not proposed to do that; that is the current law. I have removed article 44 from my original proposal, so there is no reference to that article. That article would have allowed a stadium to have a full late licence. Article 48 is included in the Bill, which is to do with suitability for functions. If a stadium applies for a licence and states that there is an area that is suitable for functions, it can apply, under article 47, to have a one-off late licence for that function. The alcohol served would have to be ancillary to that function, so it would be a very specific tight area. Premises must meet certain criteria in order for a court to say that an area is suitable for functions, part of which is that it needs to be a restaurant area. That is why I am saying that, if a stadium were to apply for that aspect, it would be for its corporate function area rather than the main stadium.

Mr Beggs: I am seeking clarification that any such application would apply to a much smaller number of people —

Mrs Cochrane: Yes.

Mr Beggs: — so that it does not simply create a bottleneck in the stadium, with everybody trying to get to a particular area. How is a function defined?

Mrs Cochrane: You need to go to the main 1996 Order for that.

Mr Beggs: I am trying to seek clarification about what protection there is so that a function does not become so large that it is a major problem late at night, particularly in a residential area.

Mrs Cochrane: The Order does not give a specific figure, but those areas are designed for a certain number of people. I am not sure how many people the function areas in Windsor Park or in the proposed Casement Park will hold. If a function area holds 200, it would be deemed an event for 200; if it holds 100, it would be deemed an event for 100. Article 47 of the original Order refers to functions that can be applied. The sale of alcohol must be ancillary to the actual function, so it applies only to people in that specific area.

The Chairperson (Mr Maskey): You have just engaged with Roy on the article 48 provision about a portion of a premises being used for functions. Is that consequential in your Bill, or is it provided for already? If residents thought that your Bill could lead to something else, I can see why they might take exception to that.

Mrs Cochrane: At the moment, stadia can apply for an occasional licence for anything. It would not allow additional permitted hours at this point. It would be slightly additional but very specific: a licence holder can apply a maximum of six times a year, and it can apply only in a function area.

The Chairperson (Mr Maskey): OK. As you know, the Committee dealt with potential amendments to the Bill that would deal with a couple of other matters: teenage alcohol-free discos on certain premises, which raised its head recently, and the issue with the Drumbo track. The Committee had agreed, in principle, to support the Drumbo request to have its matter settled. In fact, the Department also indicated that it would be sympathetic to an amendment. Have you been able to give further consideration to incorporating either of those two issues in the Bill?

Mrs Cochrane: Sorry — the Drumbo issue and the —

The Chairperson (Mr Maskey): The alcohol-free teenage discos.

Mrs Cochrane: I had a conversation with the Attorney General about the underage discos. It seems that that could be done. It would require me to amend the long title of the Bill, because, at the moment, it is very specific and relates to making provision only for the granting of licences to authorise the sale of intoxicating liquor at outdoor stadia. Granted, within my Bill, there is information about relaxing the 9.00 pm rule in the stadia. I need to seek further advice on this, but it may be appropriate for me to amend the title of the Bill. Certainly, the Attorney General has said that I would need to amend it, and I appreciate that. However, because relaxing the 9.00 pm rule is already in my Bill, it may be that I could add, and deal with, the under-18 aspect, or whatever it is. I already have information as to where exactly I would put that line in to allow that to happen. If I am allowed to amend the title of my Bill to include mention of children then it seems to be something that should be done.

The Drumbo issue is, perhaps, a little bit more difficult, because a much greater widening of the scope of the Bill would be required to allow that to happen. I have said that I have no objection to it. I have heard the arguments for it, but it is not something that I have looked into at this point. It was raised during consultation. Some people who were supportive said, "Your Bill is grand, but it doesn't go far enough. It should be doing x, y and z as well". I got a substantial response about Drumbo. In the same way, I had responses around the issue of children at underage discos when the bar is closed. I also had responses about children at events, such as weddings, where, even if a children's certificate is in place, children are not allowed to be there after 9.00 pm. Again, this is something that I need to discuss more with members. I know it had been looked at and consulted on, and it could be done quite easily, I think. If you look at specific premises, you could say, "The exemption I am proposing, which is already in place for indoor arenas, and which I am proposing for outdoor stadia, could also be proposed for a hotel, specifically in relation to those types of functions.". I have not drafted that, as yet — it is not the purpose of my Bill — but if it would be appropriate, or if the Committee wanted to look at doing that and bring it forward, I would have no problem with that.

I want to go back, because I forgot about the other amendment that I am proposing on the clause that deals with the conditions. It states that the licence would not be operational during any sporting event geared towards the under-18s. I have also considered putting it in the Bill that the court must apply a condition that an area of the stadium must be designated as an alcohol-free zone at all sporting events. . Again, this would offer some degree of protection to those who do not want their children to be in an environment where there is alcohol. At the moment, the Kingspan Stadium has a family stand, and it allows for that. I have not got the amendment drafted yet, because if I draft it in a way that says that a specific area in the stadium must be alcohol free every time, that could cause problems when a large semi-final match is being planned, for instance, and when they normally separate fans into fan zones. All of a sudden, you could be in a situation where you are saying, "Well, Saracens fans are not allowed to buy alcohol but the others are." My draft would be around a proportion of the stadium rather than saying, "You must mark that area out at the time." The areas concerned would need to be very clear before match tickets are sold, and that would not be a problem. That is the other amendment that I am thinking of putting on the face of the Bill. The Attorney General said, "Perhaps you should leave those, and let them come in at a later date." However, I know that there are some people who feel quite strongly that they should be up front.

Mr F McCann: Thank you for the presentation, Judith, and congratulations on the work you have done. I know that you have put a lot of time and effort into this. You said that the Attorney General said that the long title could be changed regarding underage discos, but I am not sure whether you were saying that you would be willing to change it to allow for that.

Mrs Cochrane: I would be willing to change it but, at the end of the day, anyone can bring in an amendment to my Bill. The Attorney General said that you would need to change the title. I know that there needs to be a bit more legal advice and conversation around the procedures here and on whether that would be the norm; because if anybody was able to amend the title of a Bill later on, you could change it to be completely different legislation, essentially. To me, it seems at the outset that it should be a very small amendment. It makes sense, and I think that there seems to be support to try and sort the issue out. I have no problem bringing it forward.

Mr F McCann: Chair, if we are going down that road and Judith is unable to do it for whatever reason, maybe the Committee could consider doing it.

I just wanted to follow up again on Drumbo. It seems to be a bit more complicated from what you are saying. How do we pursue that? It has been a long-running saga at this Committee, and this is an opportunity to actually deal with it.

The Chairperson (Mr Maskey): If there are no other questions for Judith, I suggest that we agree the schedule of evidence sessions. Sometimes there is a bit of tweaking and that, but it is only a matter of shifting a presentation to another time to suit whatever is happening. If members are content, we will agree the schedule of evidence sessions beginning next week. In addition, if members are content we will seek legal advice from Legal Services and the Bill Office on the procedures and implications of those two potential issues, without prejudice to anybody's view on them. The Committee has had a longstanding interest in Drumbo and, more recently, in the teenage discos issue. Are members content?

Members indicated assent.

Mr Campbell: Yes, I am content. Like most people, I am concerned about the timeline, whatever queries we might have now, given that we are now into the middle of January and probably have got about 10 weeks left of the mandate.

The Chairperson (Mr Maskey): We have had some initial discussions within the Assembly. Kevin can outline them. We are very conscious of the time constraints. At this stage, they have been put on notice that we will probably seek advice from the Bill Office and/or Legal Services. Are members content that we pursue those two matters?

Members indicated assent.

The Chairperson (Mr Maskey): Judith, are you content?

Mrs Cochrane: Yes, I am happy enough, and, as always, I am available if anybody thinks of anything else that they want me to try to fix along the way.