



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Licensing Bill: Police Service of Northern
Ireland

21 January 2016

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Fra McCann (Deputy Chairperson)
Mr Jim Allister
Mr Roy Beggs
Ms Paula Bradley
Mr Gregory Campbell
Mr Sammy Douglas
Mrs Dolores Kelly
Mr Adrian McQuillan

Witnesses:

Chief Superintendent Stephen Cargin	Police Service of Northern Ireland
Mr John Conner	Police Service of Northern Ireland
Ms Alison Douglas	Police Service of Northern Ireland
Constable John Guinness	Police Service of Northern Ireland

The Chairperson (Mr Maskey): I formally welcome Chief Superintendent Stephen Cargin; deputy principal Mr John Conner; Constable John Guinness; and Ms Alison Douglas. I thank you for attending the Committee this morning to help us in our deliberations on the Licensing Bill. To recap, this is a private Member's Bill that is designed to do something quite narrow with the licensing laws.

Mr Beggs: I declare an interest as a non-playing member of Larne Rugby Club.

The Chairperson (Mr Maskey): OK. Thank you.

Without any further ado, I will hand over to you, Stephen.

Chief Superintendent Stephen Cargin (Police Service of Northern Ireland): First, I thank the Committee for giving the Police Service of Northern Ireland the opportunity to brief the Committee on the Licensing Bill, which is to make provision for the granting of licences to authorise the sale of intoxicating liquor at outdoor stadia. I will introduce my colleagues: John Conner works along with me and is responsible for social policy issues; Alison Douglas is our legal adviser and has responsibility for liquor licensing; and Constable John Guinness is the licensing officer for Belfast.

The PSNI supports the need for specific stadium licences. However, that will require careful consideration and control. Members will have received our written submission on the Bill, and, following a meeting with Judith Cochrane MLA yesterday, we wish to add some comments.

On clause 2, "Meaning of 'outdoor stadium'", we agree that the relevant stadia should be named in the legislation. We also think that it would be worthwhile, as with legislation in the Irish Republic, to define the types of events or functions that can be held at the outdoor stadia.

Clause 3 deals with licences for outdoor stadia. In every other application for a licence, the police are required to do a suitability check to ensure that an applicant is a fit person to hold a licence and has experience and so on of running a licensed premises. We are responsible for the enforcement of the legislation, so, for clarification, we ask whether a stadia licence will be a completely new licence or whether it will require the transfer of an existing licence. If so, what will be the criteria for holding a licence?

Clause 4 deals with the attachment of conditions to licences. We strongly support the fact that, in order to future-proof the legislation, a district commander can make an application at any time, not just when the initial application is made, to have conditions attached to a licence. That will give the police the flexibility to tailor the requirements to each event and allow them to be more proactive in assisting policing with the community.

Clause 5 deals with the temporary continuance of business. At present, the Kingspan Stadium, Casement Park and Windsor Park are the only specific stadiums that can make use of the legislative changes. However, where the holder of the licence is unable to carry out business at the outdoor stadium, they can apply to a court for the authorisation to continue business temporarily in other premises. In those circumstances, we suggest that, to ensure that the proposed temporary venue is consistent with the meaning of "outdoor stadium", that should be subject to ministerial approval.

Clause 6 deals with additional permitted hours and suitability for functions. We ask that the title of the clause be defined as it deals not with permitted hours but with suitability for functions under article 48 of the Licensing (Northern Ireland) Order 1996. We note that the Member has removed the proposal to apply for additional permitted hours under article 44. Regarding the suitability of functions in clause 6, the explanatory and financial memorandum states:

"The functions in question must be organised by anybody established for social, charitable or benevolent purposes or for furthering the common interests of persons associated with any trade, profession, educational or cultural activity, game or sport."

It is therefore assumed that basically anyone can apply to run a function on those premises. However, the clause does not address the current licensing legislation with regard to children and young persons under the age of 18.

Clause 7 deals with requirements with respect to the sale of intoxicating liquor. Our main priority in the legislation is the protection of children. We wish to highlight recommendation 2 of the Marshall report on child exploitation, which states:

"PSNI should take action to strengthen enforcement of licensing laws and especially those concerning the supply of alcohol to young people. Police and Community Safety Partnerships should lead localised approaches to address the issue."

It is noted that the clause will enable children and young persons under the age of 18 who are attending events or activities at an outdoor stadium to make purchases other than intoxicating liquor at kiosks or other sales points. We ask why children would need access to a kiosk that is selling alcohol, which essentially means mixed retailing. Our view is that, for the protection of children, they should remain separate. We also have concerns about the use of kiosks and recommend that the point of sale of alcohol should be only from a permanent fixed structure or structures within the stadiums and that plans should be submitted that clearly indicate to the court the exact locations where alcohol will be made available for retail. Clause 7(3) would exempt outdoor stadia from article 58 of the 1996 Order, so we ask whether that leaves any measure of control over what under-18s can do and where they can be in the stadiums.

Clause 8 deals with commencement and the short title. It is noted that the legislation is to be cited as the "Licensing Act (Northern Ireland) 2015". That is misleading and gives the impression of a raft of changes being made to liquor licensing legislation. In addition, we are aware that the Department for Social Development recently drafted a liquor Bill that includes a specific number of changes to current legislation. If that is introduced in the Assembly, it will cause confusion. We also make the comment that the title is too similar to the current principal Order, the Licensing (Northern Ireland) Order 1996.

As a result, we suggest that the title should be amended to read "Licensing of Outdoor Stadia Act" or something similar.

I want to make some general comments in summary. We agree in principle that there is the need for a new form of licensing of outdoor stadia. Having considered the Bill, we do not feel that it is appropriate to compare legislation for outdoor stadia with that for indoor arenas, as the outdoor stadia are located in built-up residential areas. In addition, there are different crowd capacities, which result in different policing operations — for example, traffic control — being required in each of those areas, all of which need to be put in place.

As I said, our main priority is the protection of children and young people under the age of 18. My colleagues, especially the licensing officer here, can share some examples of best practice at some of the other venues around the city. Having considered the Bill, our concerns remain.

Before moving on to our request for an amendment, we are happy to take questions. Is there anything that you want me to add, Chair?

The Chairperson (Mr Maskey): OK, Stephen. Thank you for that. I have a couple of points. I know that you have dealt with the question of permanent structures for the sale of commodities. There is then the issue of mixed retail, about which you have expressed concern. As I understood it from Judith Cochrane, there may have been a lack of clarity on the kiosk issue that she referred to. Have you got any satisfaction on the issue, having spoken to Judith about it? In other words, are sales to be from permanent structures?

Mr John Conner (Police Service of Northern Ireland): She indicated at the meeting that we had with her yesterday that she was happy to amend the word "kiosk" to "permanent structure". We are happy with that.

The Chairperson (Mr Maskey): Has that been clarified?

Mr Conner: Yes.

The Chairperson (Mr Maskey): OK. On mixed retailing, I understand some of the dynamics that you referred to concerning outdoor and indoor venues and the residential nature of where some of the stadia are. Mixed retailing goes on in, for example, the arena. What problems have you identified with that happening there, as opposed to in another venue?

Mr Conner: None of the four of us was about when the indoor licence was granted and renewed. It is one of the issues that we have been considering, and the licensing officer and Alison have been working on that with the venues in Belfast, as Mr Cargin outlined. What we would say is that, as part of that — Sorry, I have lost my train of thought.

The Chairperson (Mr Maskey): You can come back to it. Do not worry about it. It happens to all of us, unfortunately.

Constable John Guinness (Police Service of Northern Ireland): Over the past nine months or so, Alison and I have worked quite well with the licensing trade on the issue of child protection at events such as the Tall Ships, Belsonic, Tennent's Vital and even the Christmas market. We have been drawing up plans for licensing consumption areas where we can and cannot have under-18s, and we have been looking at how we protect children and run those areas technically lawfully. It is similar here. I think that it was Mr Justice Hart who made a ruling, during court proceedings or whatever, that children should be more than a metre away from bar. I look at that and think that we should maybe carry that forward. As John rightly said, on the Odyssey issue, I was not here at the time — none of us was here. Maybe we need to look at that as well, although that is something different. With this legislation, I do not know whether we should allow children to come up to a bar to purchase a packet of crisps while somebody beside them is buying beer. I do not whether we should do that, but it is up to you.

Ms Alison Douglas (Police Service of Northern Ireland): I suppose that the main thrust of licensing law concerns the protection of under-18s. We have only one arena in Northern Ireland in which there is that mixed retailing. Perhaps the best example is that, if you go to a supermarket, you will see that the area in which alcohol is sold is barred off; it is an area that children cannot be in. You even have

to go through separate tills with alcohol, according to our licensing laws at the moment. Therefore, the only place in the whole of Northern Ireland that has that type of mixed retailing available is in an indoor arena. If you go to a restaurant, a child cannot approach the bar and buy something; if you go to a pub, they cannot do that. We therefore have one venue against all the other licensed venues in Northern Ireland.

Mr Conner: What I was trying to say is that we have looked at events around Belfast and Londonderry/Derry to ensure the protection of children. We have had some discussions on the indoor arenas legislation. When it is up for renewal, we will look at how it relates to the protection of children.

Mr F McCann: Going back to the point about mixed retailing, I notice that you mentioned supermarkets. You say that the area is sealed off, but there is only one wee bar across it. When you go into supermarkets, you see kids running up and down the aisles, although I am not saying that they can buy alcohol.

I agree that all of this needs modernising. We live in an era in which we are totally dependent on tourism coming into our cities and towns. It is about trying to find a happy medium that allows you to deal with this. The issue of hotels running successful discos in bar areas was mentioned last week. Those cannot take place, however, because of what is seen as an anomaly in the law. Have you looked at other jurisdictions to see how they operate, whether in Britain or in the rest of Europe? I have been in both. A mixture of things happen at stadia, some of which might hold 100,000 people.

Mr Conner: Yes, we have.

Ms A Douglas: I have had a look at some of the legislation in the Republic of Ireland and in the rest of the UK. There is an anomaly in the rest of the UK's legislation. At football matches, you are not allowed to drink alcohol within view of the pitch. That is how it is pitched in its legislation. During the Rugby World Cup, the likes of Wembley were used for rugby matches. If you went to a rugby match at Wembley, you could drink inside the stands and that was not a problem. Therefore, England and Wales have certain difficulties. Scotland has slightly different legislation. I know that they are all trying to make changes to the way in which it is done. I suppose that it was a historical hangover from the 1980s and the football hooliganism that brought in that legislation.

I have looked at some of the legislation in places such as Germany and the Netherlands. They have controls. Alcohol is not allowed to be sold at certain matches. Usually, those are derby-type matches or matches where there is an edge to the fans being in the same part of the arena. There are therefore slightly different types of legislation in other parts of Europe, but we have to work within the legislation in Northern Ireland at the moment, which is not ideal.

That probably runs quite neatly into the amendment that we have asked for. We, as the PSNI, have difficulties with some other events that are run. We have to enforce the law as it is. As you rightly point out, in the Brian Morris judgement — the Sense nightclub judgement — the Court of Appeal was very clear that it was a very well run event but that that did not matter, because under-18s could still not be in the licensed area because of the way in which the legislation was written. We have to go with what is in the legislation now. We also have to look at things such as that judgement and see how we can, as a service, enforce that. It is difficult for us. We cannot be heavy-handed, because, equally, that would apply to weddings and school formals. We have had a lot of discussions about it, and that is why we have specifically asked for the amendment that you will see in our submission.

Mr F McCann: I think that I have picked up from you that, even when you are talking about a fixed terminal, kiosk or building that sells alcohol, all that you are really saying is that, if anybody is buying anything there, whether it is crisps, sweets or alcohol, it should be the parent and the child should be nowhere near it.

Ms A Douglas: It would not be too much trouble for a stadium to have a fixed point at which you can buy only crisps, sweets and soft drinks and then have a bar maybe 20 yards away. You could then give your children a pound to purchase their crisps and drink, and you could purchase your alcohol from a separate area. We are thinking about things such as the Marshall report.

It would perhaps make it easier for somebody to buy alcohol and give it to somebody under 18 if we had that mixed type of retailing. You could buy a Coke and a beer and give the beer to somebody under 18. It could be an 18-year-old giving it to a 16-year-old. We have to think about the child protection issue and what that says to the public. As you know from our submission, we are in favour

of there being a new type of licence for stadiums, but we have to be able to enforce it. It would make it easier if there were somewhere where children could safely purchase whatever they wanted. It would not be much of an impingement on adults to go 20 yards to buy a pint in a nearby bar.

Mr F McCann: I have one final point to make. It is more for information. For a number of years, I was on the environmental health committee on Belfast City Council, which dealt with licensing laws. We always tried to find a happy medium for the police, the local residents and the owner of the premises. That more or less worked. There was no real connection between all three before. I know that our job is legislation and to consult people, but, when you are looking at how you believe licensing should operate for the sale of alcohol, do you talk to civic society and others to find out how they feel about the whole thing? We live in a different age. For generating finance, tourism is probably one of the biggest things that we have. It is about being careful not to restrict tourism to the extent that we lose a big part of what helps our economy.

Ms A Douglas: Perhaps John, our licensing officer, can comment.

Constable Guinness: My daily duties have me working with the licensing trade. I attend the licensing premises group meeting with Belfast City Council. I work with the licensees, bars, restaurants, solicitors — everybody. I engage with the group regularly. I have run a bar; I have worked in the industry for 14 years. I am aware of the practical side. I suggest that we have engaged. We talk to the trade. We are talking about mixed retailing. Do we then envisage that, 10 years down the line, an article 5(1)(a) bar licence will allow children to buy Coke and stuff at the bar? Do we need to change it for restaurants? Ten years ago, I was not here. I suggest that we need to look at this now.

Mr F McCann: Most of us were not here 10 years ago either.

Constable Guinness: We have looked at the Sense nightclub ruling as well. It is a hotel. We have engaged with it as well.

The Chairperson (Mr Maskey): Before I bring in other members, can Alison give us a bit of information on where you would send a child with a pound nowadays?

Ms A Douglas: I was wondering about that. We talked about that yesterday. I am thinking that you might need £2. *[Laughter.]*

Mr Allister: When you consulted Judith Cochrane yesterday, she accepted the notion of permanent kiosks. Did she accept your argument about mixed retailing?

Ms A Douglas: No, as has been pointed out, she pointed to the indoor arenas legislation and the fact that the SSE Arena can have mixed retailing. We gave her the same answer as we have given this morning, which is that, when that comes up for renewal, we will look at it.

Mr Allister: You do not think that is a good precedent.

Ms A Douglas: As I said earlier, it is one venue against nearly every other.

Mr Allister: Have there been any incidents that you would put down to mixed retailing at the Odyssey?

Ms A Douglas: That is not really my area.

Mr Conner: John, are you aware?

Constable Guinness: No. I have looked at the statistics for the past year and got as much as I could. Issues have mainly been with parking in the vicinity. Given the recent Sense nightclub judgement and the Marshall report, we are keen to do as much as we can.

Mr Allister: Under this legislation, the licence would attach to the premises. Who would be the licensee?

Constable Guinness: On the basis of what we have currently, the licensee can be a person or a company. A company can have many directors. Therefore, it is a limited company behind that. It depends on who applies to the courts for the licence at the venue.

Mr Allister: To prevent it being a portable or saleable licence, you want the actual stadia named in the Bill.

Ms A Douglas: That is correct. When we talked to Judith Cochrane yesterday, we asked her that very question, because we were concerned about who would hold the licence. She told us that it would be the governing body of each of the sports. They may have a number of board members and directors, and that is why we also asked how the licence would be applied for and whether it would be a new licence or something that you would have to transfer. When a new licence is applied for, as you will know, we have to do certain checks into the background and fitness of the people who are directors of companies or licensees. They also have to have a certain level of expertise. So, it was a bit concerning to us to know who holds that licence. The other factor that might come into play is that, quite often, a company will come in. At the moment, because the stadiums have to use an occasional licence, they have to have a company or a bar that has its own licence. They could probably still do that, even if they had a stadium licence. It would be some kind of agreement for them to run the bars in it. We were a little bit concerned about who would be the principal licence holder. If there was a problem, who would you have to go back to? However, when we talked to Judith Cochrane, she told us that it would be the governing bodies of each of the sports.

Mr Allister: Even though the function activity might be operated by a third party.

Ms A Douglas: That was one of our concerns, as to whether that would be something that was available to them. If it was a regular licence, it would be. You could own a bar and somebody else could manage it or run it for you.

Mr Allister: It would have to be a new licence. There is no licence to trade in here.

Ms A Douglas: No. That was our concern. You will know that you usually have to have an existing licence — a subsisting licence — to transfer over. Our concern was about whether this was a brand new type of licence that we are giving to a stadium or was it something that they will have to purchase. A liquor licence can cost an awful lot of money to purchase and then transfer. That is what every other venue has to do. We have not been able to work out what happened with the Odyssey. We tried to find out, but because it happened more than 10 years ago, the records of the court have gone to storage. I do not know whether they transferred a licence over.

Mr Allister: Do you think that the Bill should declare whether it is a new licence, operative for these stadia?

Ms A Douglas: It is something that needs to be talked about by the Committee and, ultimately, the Assembly.

Mr Allister: Is it a commercial consideration that is outside the Bill?

Ms A Douglas: Perhaps it is a commercial consideration for the sports, but in principle, every other licence holder has to transfer a licence to be able to run their premises. You can transfer a pub licence to become an off-licence and you can change the type of licence, but I think that what is being proposed here is that it will be a new type of licence, which you do not have to go through the same procedure to get. That is my understanding of it.

Mr Allister: And what is your view of that?

Ms A Douglas: If all other licensed premises have to purchase a licence, I wonder why this is different. There are five stadia in the Republic of Ireland that are named in the Republic's Intoxicating Liquor Act 2003. That only allows them to go to the councils, which are the bodies that give licences to stadia, to make the application. It bypasses part of the procedure, but they still have to go through the same process to get their licence from the councils, as I understand it.

Mr Allister: But they have to acquire a licence elsewhere and then bring it along —

Ms A Douglas: I do not know whether they have the same subsisting licence, but it allows them to enter the process to get this category of licence. It was just something that we were a little bit concerned about, but it is not really something for the police. It is for the Assembly to make a decision about that.

Mr Allister: Was Mrs Cochrane able to shed any light on that for you?

Ms A Douglas: I do not think that we discussed that with her.

Mr Allister: I have another couple of quick points to make. Clause 6 imports article 48 of the Licensing (Northern Ireland) Order 1996. Are we right that that, then, means that the functions that can be authorised are restricted to six times a year?

Ms A Douglas: That is correct. That is what article 48 of the 1996 Order says.

Mr Allister: And the licence that would be applicable here is the regular 11.00 pm licence.

Ms A Douglas: I believe that that is the case.

Mr Allister: Is there any capacity under this legislation, dovetailing with existing legislation, whereby extended licences can be obtained?

Ms A Douglas: At present, on an occasional licence, you can have a licence to 1.00 am. Article 47 is to do with the extension of licences outside the permitted hours. Article 47 has a link to article 48 — that is the part for functions — that allows you to make an application to the court to extend the permitted hours that you have on your regular licence.

Mr Allister: So you could have that extension six times a year.

Ms A Douglas: Yes, you could.

Mr Allister: But not otherwise.

Ms A Douglas: Not otherwise, as I understand it. The way the Bill is drafted, it also makes an amendment to article 5(3) and (6). That has to do with the fact that the core business that you are running — the running of sports matches — still has to be operating when you sell alcohol and alcohol must be ancillary to that main business. It also does not allow for off-sales. In a way, you are restricted to selling alcohol only when your core business is running. That is the way that the Bill is drafted, making amendment to article 5(3) and (6). The way it is drafted at the moment, the Bill would only allow you to use your alcohol licence when your core businesses is running; that is, when a match is on.

Mr Allister: During a match or during the six functions.

Ms A Douglas: Yes.

Mr Allister: You are quite clear that this legislation would limit it to that.

Ms A Douglas: That is the way it is drafted.

Mr Allister: We heard evidence from some hospitality interests that the Bill was a means of making these sports organisations more viable by allowing them to go into providing functions etc. It is not as fulsome as they might think, is that right?

Ms A Douglas: I think that that is correct. I had a good look at the legislation yesterday with John, and that is the way that it seems to be drafted. Article 5(3)(a) states:

"unless, subject to Article 17(3)"—

, where you can make an application to the court —

"(i) there is being carried on in those premises a business of the type normally carried on in premises of that kind".

So, a sports match would have to be on, because it is a stadium. It also states:

"(ii) the sale of intoxicating liquor is ancillary to that business".

Under article 5(3)(b), consumption off the premises would not be authorised.

Mr Allister: And within the premises, namely the whole stadium, are there areas where you cannot sell alcohol or —

Ms A Douglas: John will be able to tell you about this. We have done quite a bit of work on this, including with the Kingspan Stadium when its occasional licence came in. The occasional licence is one page long, and you fill in details about what event you want to have. At any one time, you can apply for 13 occasional licences when you go to the court. If they had 13 matches, they only had to go to court once to apply for licences for the 13 matches.

Mr Allister: They only go once.

Ms A Douglas: Yes.

Mr Allister: I see.

Ms A Douglas: If you have more than 13 matches, you just go a second time. We have never refused an application, but, in the past, the application used to say that the Kingspan Stadium — the whole stadium — would be licensed, including the car-parking area, the pitch and everything. We had a look at the bars and how they operated. It is very much the case that people have the right to carry on their business, and it is not up to us to interfere with that, but, for this and for other events — I am sure that John would probably like to add to this — we have tried to come up with a system whereby there is proper mapping of the stadiums to show where the licensed areas are. That is actually what it says in the legislation. It says that the licensed area of any premises is as defined by the map held by the clerk of petty sessions. Even on an occasional licence, that is what should be given to the court. There must be a map. Every time we get an occasional licence for any event, we ask for mapping so that we can identify the licensed areas. Perhaps John would like to tell you about some of the work we have done.

Constable Guinness: Previously, an application had space for only a couple of words to describe the area. Working with Kingspan, we were able to get maps to define the alcohol areas and try to protect children. We are trying to work in the right direction for the protection of children, which is my principal aim.

We used that concept with Belsonic, working with the licensing trade in looking for consumption areas for the over-18s. They do not wander inside among the crowds with drink any more. At the Christmas market, we looked to zone off areas to try to stop everybody from walking around the grounds of Belfast City Hall with alcohol.

An occasional licence is written out by a clerk of the court and signed by a judge, and your details are on it. Every application from Kingspan now has maps of what they want. There is also a children's certificate, and it is properly laid out. It is the same as going for a new licence: you must submit plans to the County Court and allow the judge to see them. It is moving in the right direction.

Mr Allister: What practical difference will this legislation make for the applicant?

Constable Guinness: The thing about over-18s, if you look at the Sense Nightclub ruling and take that into account of children being in what is defined as an licensed area, is something for you to discuss.

Mr Allister: It is a moot point whether that can be amended in this legislation.

Ms A Douglas: Stadiums will be exempt from the confines of article 58 of the 1996 Order, which is to do with under-18s being in premises. That is why we asked what control measures would still be in place if you exempted a venue from article 58.

Mr S Douglas: The people from Kingspan came to us. You mentioned the 13 matches. I was under the impression that they had to apply for every match on a single basis. One of their concerns was that sometimes they would not get approval until the morning of a match.

Ms A Douglas: We have statistics on when applications were made and granted that John can give you. Article 30(2) of the Licensing Order states:

"Not more than 13 occasional licences shall be granted on one application."

You can apply for 13 occasional licences in one application. If you know the date of your event, function or match, you can apply for them all at once.

Sometimes, an occasional licence will not be granted until the day, but that would depend on when you made your application. We have very much tried to work with anybody who applies for an occasional licence, getting our mapping right, so that we have as much information as possible about the event. However, if you apply for your occasional licence and the licensing officer is not there — say, he comes in one day before you are due to go to court — it is impossible for someone to have a look at that before it goes before the court.

The court will make its own decision but will look for a letter from the police or something indicating our opinion of the licence. As the evidence last week suggested, there has never been a time when an occasional licence has been refused. In some ways, we have gone out of our way to do the work that we need to do to make sure that events can happen. We understand about business in Northern Ireland and how people have to run things, but our job is to enforce the legislation. We cannot look behind that because it is not our role to do that.

Constable Guinness: I work quite well with the clerk of the court. If something comes in, we facilitate it. I am aware that there was one, but that was applied for on the day of the match and had to go to chambers and Judge Nixon.

Mrs D Kelly: Thanks for your presentation. You said earlier that you had looked elsewhere for examples of best practice. There is often a criticism of the culture of drinking in Northern Ireland and that we have an over-zealous relationship with alcohol that is not as relaxed a relationship as they have on the Continent. As regards how you protect children, how enforceable in practice is the idea of keeping them a metre away from the bar? Is that the practice elsewhere, where they do not have the same alcohol problems as we have and a more relaxed attitude to alcohol?

Constable Guinness: The licensing trade self-regulates, and the licensees who own bars and restaurants do it very well. The one-metre idea is to stop children purchasing at bars or sitting at bars. I was at County Court last month and one of the judges asked, "Is there a bar in the restaurant, and can you sit at that bar?". It is part of having a children's certificate in a restaurant as well. It is still asked. It is quite good in one way, but that is only my personal opinion.

Mrs D Kelly: When you set it in the context of being able to sit at a bar, it seems a bit more realistic and pragmatic.

Maybe this is more a question for the Policing Board than here, but, with the recent enforcement action, it seems as if someone had a whim to go out and enforce some piece of archaic legislation. You wonder what happened. There have been formals, school discos and all sorts of things over many years, and there has been no enforcement. Why, all of a sudden, was the legislation enforced in some areas and not in others? Has there been a command directive, for example?

Mr Conner: No. One of the main reasons is the impact of the Sense nightclub judgement. In his ruling, the judge was clear that, although the nightclub took all the necessary steps — those are steps that we agreed with, support and would ask for — the bottom line was that it was an underage function on licensed premises. The impact of that takes us into weddings, school formals and events at sports stadiums. As Alison said, that is one of the reasons why we have asked for the amendment. As you

can imagine, if we are going to rigidly enforce the legislation, every time that we come across one of these events — an after-wedding party, a school formal etc — we will have to put a file into the PPS. That is the difficult position that we find ourselves in.

Mrs D Kelly: I am not as familiar with the Sense nightclub judgement as maybe I should be, but did that come about because of a police enforcement or an application for a licence?

Mr Conner: It was down to police enforcement.

Mrs D Kelly: So, somebody made a decision to go out and enforce legislation that most district commanders had ignored for the last 50 years.

Mr Conner: It was not to do with the function that was being held. There were other issues regarding complaints from residents and members of the public and antisocial behaviour. The nightclub had been warned about it, and it was a case of, "We are going to have to report this with a view to a prosecution". That was the reason.

Mrs D Kelly: That is a different perception of it, and I do not think that the police have done well in advocating that. It seems as if you have a zealot of a commander all of sudden saying, "I am going to crack down on drinking in my area, and, therefore, I will prosecute". That is how it is being talked about in the public domain. I just wanted to say that.

The Chairperson (Mr Maskey): We need to watch that we do not stray into another —

Mrs D Kelly: I know.

The Chairperson (Mr Maskey): We are not here to address that, but I know the point that you make. It is relevant in a way because it deals with under-18s, but it is not what we are all trying to grapple with here. We probably need to stay away from that one a wee bit.

Mr Campbell: I have a couple of points. Alison mentioned derby games and rival supporters. That may happen more particularly than at Windsor Park, where, in the normal course of events for Irish league games, there may be reasonable crowds but not capacity crowds. Even at international games, there may be maximum-capacity crowds but 90% of the supporters are supporting the home team. The one criterion that you mentioned applies to high-profile derby games with quite a big attendance and a segregated system of accommodation. Are you content that the Bill allows for the small number of occasions where there is quite a large attendance and a need for a segregated approach to the fans in the ground, both for watching the game and access to alcohol where children will be present?

Ms A Douglas: Clause 4 allows for the district commander of the area to ask the court to place conditions on the licence. In practice, I am not sure how easy that would be and whether we would need to have a complaint before that could happen, but it does allow us to make the application to have a condition placed on it.

Mr Campbell: That is really my question. What would a condition in those, admittedly small in number, circumstances actually look like? If the Bill as amended were in place and the district commander had a concern about a high-profile derby game with several thousand supporters of each team and a number of children being in close proximity to where alcohol was available, how would any condition allow for that in a practical sense?

Mr Conner: I think that that is where we would need to do some work with the stadium, probably beforehand, to get agreement initially — it is always better to get agreement — on a segregated area and take it from there. I think that we would need to have initial discussions. I know that John does that with a lot of events and premises around the town, and it works really well. I see something similar happening in that circumstance.

Mr Campbell: What is your view on the 13-block application? On the face of it, that should work reasonably well because most codes have a season-long or at least a two-month or three-month period where they know what their fixture list is. What is your understanding of account being taken, particularly with commercial television demands, of possible changes closer to the time of games, so

that what was originally envisaged to be a Saturday afternoon 3.00 pm kick-off, two weeks before the game but possibly six weeks after an application has been made, is then changed to a Friday night at 7.30 pm or a Sunday at 12.30 pm? What happens in that context? Do you perhaps have one game out of the 13 that has been changed belatedly and after the application has been made?

Constable Guinness: To be honest, Mr Campbell, I spoke to the clerk of the court this week, and we have not got exactly 100% of the figures here. As far as I can see, only one licence has been cancelled, and that was roughly in September 2015. Roughly 24 or 25 licences have been applied for. We work very well. I do realise that this is a big deal. There is business and people's employment, and we do not sit on our laurels or not help to get these licences through. The clerk of the court certainly works very well with us, so I do not see there being a problem.

Mr Campbell: So, there is a flexibility in the system.

Constable Guinness: Absolutely.

Mr Beggs: A number of years ago, I took my son to see Man Utd play, and you could not book it until so many weeks before.

Mr Campbell: We all have our problems, Roy. *[Laughter.]*

Mr Beggs: I am not a supporter myself, but it was a good occasion. Anyway, you did not know the time of the kick-off until a number of weeks before the match. Is that a real issue with rugby? I do not know.

Ms A Douglas: Technically, your occasional licence can be from 11.30 am to 1.00 am. I believe that, at the rugby, they have voluntarily agreed not to open the bar for an hour and a half before kick-off and an hour and a half after the match has finished. Essentially, at the moment, with the way the system is, you could have your licence from 11.30 am to 1.00 am and run your event at any time between those times. This would be different, in that they would have their own licence, so there would not be the same restrictions, apart from the permitted hours that you have. Those are the other restrictions that are on a normal licence. It would not be the same in that you would not have to apply each time there was an event. They would hold the licence and, as long as the event was running and the sale of alcohol was ancillary to that event, there would not have to be multiple applications. There would just be the application for your licence and then your renewals five-yearly.

Constable Guinness: Five years — 2017 is the next renewal.

Mr Beggs: Apart from Ulster Rugby's time — set aside its administrative side — how much police officer time and court time is involved every time there is a temporary licence application? At the end of the day, resources are scarce in both our court system and policing, so I am trying to understand the time required from a policing function and appearing at court to work around one individual application.

Constable Guinness: Alison and I have done quite a lot of work over the last period of time to get licences and the plans for the premises done, working with the clerk of the court. We can now do it in quite a short time because we know what is in the plans. Every application is the same. The timings are roughly the same. It is probably a Friday or maybe a Saturday night. It does not take that much time, because we know from the plans that most of the protections are there already.

Mr Beggs: OK. Turning to the issue of mixed retailing, I have sympathy for the idea that you should not have children going up to a bar and buying, because there are obviously risks involved with that, but I am listening to the idea that the parent who wants to have a drink should go in one line and the kids should stand elsewhere. I am conscious that it is a large crowd situation and there are quite a lot of young people who attend rugby matches with their parents or without their parents. I am just trying to get my head around the overall balance, because there is obviously a risk if you are saying that young children and their supervising adult must be separated. If there is mixed retailing, would it not be better for that to be adult-only sales, so the sales could clearly only be made to adults? I am uncomfortable with the concept of children being separated from their parents. Ideally, of course, parents should not buy alcohol if they are with their children, but that is not what happens in the real world. What is your view? What do you think the child protection view would be of the idea of children being separated from their parents in a large crowd situation?

Ms A Douglas: I understand what your thinking is on that. I suppose that it is a policy decision. We are just pointing out what the risks might be. It is not a matter for the police. Whatever comes out of the Bill, we have to enforce. It is a matter for you and the rest of the Assembly to make that policy decision. We would then enforce it as it went forward. If the idea was that only over-18s could purchase from a kiosk or permanent structure that had alcohol at it, that would be a matter for the Committee or the Assembly to put into the Bill. We are just concerned about the child protection difficulties that may arise.

Mr Beggs: Do you accept that there are equal risks and child protection issues that may arise if we enforce children and their parents being separated in large crowd situations?

Ms A Douglas: Yes.

Constable Guinness: It is a valid point.

Ms P Bradley: I apologise for being late and not hearing the beginning of your presentation. You might have covered some of what I bring up, and I apologise for that. It is just to get some of it straight in my head. You talked about the Odyssey and its licensing. We all agree that we were not around at the time. I frequently attended it with my children when they were much younger to watch Giants' games, and there was a mix, albeit I may not have been drinking. I did not find any great problem with it myself, but I understand where you are coming from. We need to protect our under-18s. You said at the end that you did not see that it should sit beside indoor stadia, because it is very different. One of the reasons that you gave was that it was in a built-up area. Are there any other reasons that I missed out on?

Ms A Douglas: There is the capacity issue. I think that the SSE Arena is an 8,000-seater stadium, because that is the way the legislation is drafted. It is an 8,000-seater or more indoor stadium. It is the only indoor stadium in Northern Ireland. The Kingspan Stadium is, I think, an 18,000-seater; Windsor Park will be an 18,000-seater, and Casement will be bigger than that, something like a 30,000-seater stadium. You are talking about capacities, and perhaps somebody from the operational side will be able to tell you about the operational impacts there are for us, because you are talking about twice the number of people in an outdoor stadium, as well as that being in a built-up area.

Ms P Bradley: So, it is an operational issue.

Mr Conner: Additional resources would be required, traffic controls, so, obviously it would be a big drain on resources for the police.

Ms P Bradley: Which will be required anyway, even with an occasional licence; it is the same. When it comes to the licensing order, it is not going to make much of a difference. I understand: I was a member of the RUC for a number of years, and I stood outside Crusaders' ground on many a Saturday. I remember the crowd control well.

I do not mean to go back over what you said earlier, Roger, but you mentioned saying something about the kiosks when you met Judith yesterday. That seemed to have been sorted, and she had agreed that there would be fixed kiosks. On the point that Roy made, I remember, when we were doing the draft licensing order, that we looked at supermarkets and separate aisles and how that would affect things with children going through separate aisles from those where alcohol was sold. It probably could not happen, because it would be nonsense for a parent to have to leave their child and go down a different aisle in order to pay for alcohol. I do not think that it is a nonsense when it comes to this issue. This could be sorted in some way where there was a separate aisle. Generally, at a rugby match, it is very much a family atmosphere, more so than, say, at a football match — not that I have anything against football — but it is more of a family atmosphere. Surely, as a responsible parent, you put your child first anyway, and, if being with them meant you were not going to have a pint at a match, well, so what? That is fair enough; that is fine. I think that, probably, if we could work with Judith on that, that could well happen.

An issue I wanted to bring up as well is to do with the submissions. We were told about the submissions for the likes of the Rugby World Cup and other big sporting events that we certainly want to see coming to Northern Ireland. It would be fantastic for us to have that type of event. There are

issues around the licensing of that; it would require a more permanent licence rather than an occasional licence. Am I wrong in saying that?

Mr Conner: I think, on a general basis, there are huge gaps in the licensing order, and I know that we are —

Ms P Bradley: Absolutely, and it is a shame that we are not here discussing the licensing order, we are not —

Mr Conner: Very much so.

Ms P Bradley: We are discussing only the stadia, and that is it.

Mr Conner: I totally agree. There are a lot of proposals in the liquor order and, as a police service, we support the majority of them and would like to see that coming in. We would like to see progress made as soon as possible. That would allow these events to happen with better regulation in place. I totally agree with the point you have made.

Ms P Bradley: If the draft licensing order were in place, where would that leave this Bill? What differences would it make to the Bill?

Mr Conner: I think, because it is so long since we looked at the liquor order, we would need to go over some of the things.

Ms P Bradley: It is a long time since we looked at it too.

Mr Conner: I know that at the time of the consultation we were very positive and supportive of a number of articles in the order. How does that leave this Bill? I feel that the Bill has the potential to undo a lot of the good work that John and Alison have done with other events in the city centre and our licensing officer up in Derry/Londonderry has been doing. There is that potential, unless we get the child protection and the under-18 issue sorted out.

Ms P Bradley: Another point that I was led to believe would be in the Bill was to have areas in the stadia cordoned off for families and children. Do you think that that should be expanded and that there should be certain adult-only areas where alcohol is served?

Mr Conner: I will let John answer that. He is the licensing officer and has been working on that. That is the position that we have got to, and he could probably give you some examples.

Constable Guinness: If we look at an example of another occasional licence for Belsonic; that was restricted by time limits because the event used to be in Custom House Square. That encourages the whole area. So, what were we actually licensing? We came up with a plan — the use plan — so that a licence would be defined by the plan that is submitted to the courts. We now have a special areas. If a child is in an area, the map quantifies what we are looking at, and whether that child is in a licensed area or outside the licensed area?

By working with the licensees, who are responsible, we came to the conclusion that they would submit the plans, give consumption areas, and run their events until 11.00 pm, which is outside the 9.00 pm watershed. For things like Belsonic, it would not be appropriate to apply a children's certificate, because certain criteria for food etc is required. Therefore —

Ms P Bradley: Belsonic is slightly different from Ulster Rugby.

Constable Guinness: I come back to the same thing. Where you have mapping, you need to know where your children can and cannot access. I am not too sure if that would work with the international games and with the way that tickets are sold etc. It is a matter for further discussion.

Ms P Bradley: You said that you looked at other places, whether in the UK or the Republic of Ireland. Have you looked at Croke Park?

Constable Guinness: No

Ms P Bradley: I have been to several concerts in Croke Park over the years, and I know that it is in the heart of a built-up area. Is there any feedback from that, how they have handled that or what they would do differently?

Ms A Douglas: We have not specifically talked to anybody there. We have just had a look at their general legislation. That is one of their five defined stadiums that can have a licence. They have obviously looked at that background and everything else. We know that they had some problems with the residents around Croke Park with the Garth Brooks concerts, so there are certain problems because it is in a built-up area. We have not particularly spoken to anybody.

Ms P Bradley: I come back to the point that, whether we enact the Bill or remain with the system of occasional licences, we will still have the issues of traffic control and crowd control. It will not make too much of a difference.

Ms A Douglas: The point we are making is that there is only one indoor arena in Northern Ireland. It has specific car parking outside it and it was purpose-built in an area that was reclaimed and that, at the time, did not have any residential areas around it: it does now. The way in which it was done was very specific. After it opened, I think from 2000, they had to use occasional licences until the Licensing (Indoor Arenas) (Northern Ireland) Order 2004 came in.

The point we are making is that the SSE Arena is a much smaller venue and without a residential area around it. It is very different thing for us to enforce licensing for outdoor stadia and we would need different parameters for that to work. The policing would have to be different, because you would have significantly larger numbers of people coming out at one time, no parking available around the venues, and people walking past residential areas. Indoor arenas and outdoor stadia cannot be compared because, from our point of view, we have to do different things.

Ms P Bradley: I understand that, but I still go back to the point that whether the Bill is passed —

Ms A Douglas: It will not solve everything

Ms P Bradley: — it will not affect the policing of the area directly.

Mrs D Kelly: I want to make a general point. It is more to do with licensing and the departmental reshuffle. Will licensing come under the Department for Communities in May 2016?

The Chairperson (Mr Maskey): Yes.

Mrs D Kelly: That will be interesting.

The Chairperson (Mr Maskey): We will bring you back here in the next mandate.

In the last paragraph or two in your submission, you referred to the draft Bill from the Department which is no longer available to us, and you dealt with it again a few minutes ago. We are coming towards the end of the mandate and a Bill will not be tabled at this stage of the game. You also refer to that in terms of the recent court decision on the Glenavon Hotel. So, you are suggesting that measures might be included in this particular piece of legislation, as brought forward by Judith Cochrane. Can you elaborate on what those measures might be? We covered all this earlier in the round but, in a way, what we are listening to now are your fundamental concerns about this particular Bill as it stands. You are, perhaps, suggesting some measures, so it might help us if we know what —

Mr Conner: I am referring to one measure that was in the previous Bill, which related to under-18's being on licensed premises. It is as simple as that. In our submission, we supported that and said that, as long as there were good robust measures in place, we would support under-18's being on licensed premises. For us, it would be a lift from that liquor Bill being included in the legislation.

The Chairperson (Mr Maskey): Am I correct in saying that your support would be on the basis that no alcohol would be available when these children are on the premises? The Glenavon judgement was on licensed premises, full stop. It does not matter whether there is alcohol on sale or not when under-18's are there because the law says that they cannot be on a premises because it is a licensed

premises. You are suggesting that they could be allowed on the premises provided there is no alcohol. That would conflict with what the Member is proposing in the Bill, if I am reading it right. It would not actually help. You are trying to find a way of alleviating this problem.

Mr Conner: I think what we are trying to do is to be helpful and find a way through this, because it places the police service in a very difficult position if we rigidly enforce the law and have to treat everybody the same. If it is down to an after-wedding function or a teenage disco then, as far as the law is at the moment, they are both the same. That is the big difficulty for us.

The Chairperson (Mr Maskey): In a way, the difficulty we will have to grapple with is that this is, in a way, a wider issue. It might come into stark relief when we deal with the particular piece of legislation that is in front of us. But, inherent in this piece of legislation from Judith Cochrane is that she wants children to be able to be there when alcohol is being sold. There are obviously issues around alcohol-free zones in stadia; I appreciate that. I just wanted to clarify that that was the measure you were talking about.

Mr Beggs: I am concerned about the idea of "not on the premises". Literally, would the premises owners have to take all their bottles and cans somewhere else, or is it a matter of having a secure area that is not open and where no retailing is happening?

Ms A Douglas: The legislation says that, presently, an under-18 cannot be on premises which contain a bar, nor can they be in an area that is exclusively, or mainly, used for the sale and consumption of alcohol. This is very difficult. There are ways in which businesses could deal with it. A hotel, as the Glenavon was, cannot deal with it because the whole of a hotel is licensed. It is not what is drawn on a map but the whole of the premises. So, they cannot de-license part of their premises. But, if you had a bar, or something of that nature, you could license only the areas you need. So, if you wanted your business to move in the direction of having an under-age disco or event, you could de-license a function room and then you would be able to have it.

Mr Beggs: The consultation for this happened about three years ago. Have there been discussions continually since then?

Mr Conner: As far as I am aware it has just been parked. As I said, we would like to see progress on it. The Sense nightclub has just added to the difficulties we are facing.

Mr Beggs: Thank you.

The Chairperson (Mr Maskey): OK. No other members are indicating to speak. You have made your case. Thank you for addressing all the issues that have been drawn to your attention or that you have been quizzed on. Are you happy to leave it at that? Obviously, we are deliberating on the Bill, and thank you for helping us in that regard. If we want to clarify anything, then you will appreciate that we might want to get back to you. Likewise, if you want to add anything to what you have said today, feel free to come back to us.

Chief Superintendent Cargin: Thank you Chair and thank you to the Committee for your considerations. We genuinely want to work with everybody involved in this. We are really finding ourselves in a very difficult space, and we really want protect confidence in policing. Any assistance you can give us would be appreciated.

The Chairperson (Mr Maskey): OK. Thank you very much.