



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Licensing Bill: Mrs Judith Cochrane MLA

28 January 2016

event. Tendering for the catering contract will no longer be dependent on the caterer holding a full licence, as is currently required for one to be transferred in on an occasional basis — that is something that the Federation of Small Businesses (FSB) supported in its consultation response. Under-18s will be permitted in the licensed areas after 9.00 pm, which will ensure that the stadia continue to provide family entertainment in a controlled environment when an event or activity is scheduled to finish after 9.00 pm. Currently, an occasional licence can be applied for to run until 1.00 am for an event in the full stadium. My Bill restricts that and will allow a 1.00 am licence to be applied for only on a case-by-case basis for an event to take place in a specific area of the stadium deemed suitable for a function.

Another question asked was "Can occasional licences not be applied for in one bulk application?". We heard information last week that the Licensing (Northern Ireland) Order 1996 states that a maximum of 13 occasional licences could be applied for in one application. The courts have advised that, if the same company applies for 13 occasional licences in one go, it can also apply for the children's certificate in one go. In practice, however, due to the mapping requirements that are tied to the children's certificate, that is not possible, as some details change depending on match timing and other activities that may be taking place. Sometimes, a corporate event might take place. If we use the Kingspan Stadium as an example, the Phoenix Dome is sometimes used as a licensed area. At other times, that might be used specifically for children or for "Meet the players" events. That is why they have found it difficult. They have been working so tightly with the PSNI to map out the areas, and that is why they have not been able to apply for them in bulk. Either way, it does not get away from the fact that it is still not their licence. There are other reasons why a full licence would be more appropriate.

The Bill contains eight clauses, and I will take you through them. Clause 1 defines some terms used in the Bill. I do not think that there were any queries or suggested amendments. Clause 2 amends the Licensing (Northern Ireland) Order 1996 to reflect the fact that the order would apply to outdoor stadia, and it includes an article to define an "outdoor stadium". Following discussions that I had with the PSNI and with the Department, I propose to amend the definition of outdoor stadium to ensure that there is no ambiguity whatsoever as to which stadia the Bill might apply to and what type of event or activity might occur on those premises. At the same time, I want to future-proof the Bill by making provision for future stadia to be added if required. I have laid out three options for how that might happen. We do not need to go into the detail of that, but there is a way of naming them in a schedule, in different paragraphs or a third option would be not to name them and to leave it completely up to the Department. In those positions, the stadium would be described as:

"Premises which are structurally adapted and used, or intended to be used, for the purposes of providing a venue for outdoor events involving the use of some or all of the playing area of pitch at the premises and consist of an area or areas for indoor activities which do not involve the use of the playing area of the pitch".

That makes it clear that it includes everywhere in the stadium.

Clause 3 introduces amendments to add an outdoor stadium to the list of premises for which licences can be granted. It restricts the sale of alcohol to being ancillary to an event or activity in the stadium, so you cannot just walk in off the street to go to a bar. You must be there to attend an event or activity. It confirms that there are no off-sales permitted, and it sets out the penalty for contravening any of those restrictions. Again, I do not propose to make any amendments to that. There were a few questions around that issue. Some people asked who will actually apply for the licence. In article 4 of the 1996 Order, it sets out:

"Persons to whom licences may be granted".

It states:

"The person to whom a licence is granted ... shall be the owner of the business ... to be carried on under the licence."

That can be an individual or a body corporate. The applicants for the three stadia to which this Bill currently applies are Ulster GAA, the Ulster branch of the IRFU and the IFA Stadium Development Company. Also, given that the type of licence that is being applied for is for an outdoor stadium and that the court must have regard to the qualifications and experience of the applicant to manage the business to be carried on under the licence, the court will grant approval only if it is satisfied that the

applicant is either the supporting body or the stadium management company, linked to the regional or national importance aspect of the stadium. That is why Linfield Football Club would not apply for it for Windsor Park, for instance.

Another question was how the licence would actually be operated. Notwithstanding what I have just said, the stadium could, if it chose to, employ a contractor to deliver the sale of alcohol at the stadium through a legal side agreement that, for example, would see the stadium pay the contractor a set fee, perhaps, to deliver the service. If the licence is applied for on that basis, it is not uncommon for the judge, in considering the application, to require the operator of the licence to also present to the court to determine whether they are a fit person to administer the licence. For example, if Ulster GAA were applying and caterer X was going to be the service provider, the manager of caterer X might also be required to go to court to give an account of their suitability. In any case, the authority ultimately responsible for the licence and liable if there are any issues raised with it remains the applicant, and the applicant is fully responsible for the service provider in ensuring that the necessary standards are maintained in order to avoid possible breaches. That sort of arrangement occurs in other establishments as well.

There was a question about whether this is a new type of licence and whether there will be a cost. It is a new type of licence, and the only cost will be the court fees. That is no different from what happened with the indoor arena. The only licences that require a subsisting licence to be handed in are article 5(1)(a) and (b) of the 1996 Order, pubs and off-licences, and those are licences that have commercial value. I see no reason why the value of a licence would have been of concern to the PSNI. I cannot work out why they said that they would have a concern with it. It is no different from what happened at the indoor arena.

The procedure for applying for the licence is laid out clearly in schedule 1 to the 1996 Order, which requires the applicant at the time of applying for the licence to attach a plan of the premises for which the licence is sought. The plan:

"shall clearly delineate ... part or parts of the premises, in which intoxicating liquor is to be sold."

In relation to Kingspan, for instance, those plans are already well rehearsed as they are a current requirement for the occasional licence. The PSNI has recommended that a stadium should only sell alcohol from fixed structures, ie they do not want to see any hawking where sellers walk around and sell from a backpack or whatever. Any permanent or temporary fixed structures to be used as sales points should therefore be marked on the plans at the time of application so that it is clear to the police exactly where selling will occur in the stadium.

Clause 4 amends the 1996 Order to include outdoor stadia in the provision that enables the court to attach conditions at the time of granting or renewing licences. It also permits the district commander of the police to apply to the court to attach conditions to the licence at any time during the life of the licence. I had a number of considerations here about whether there were some conditions that I should try to put in the Bill. However, I will explain to you why, at this point, I have decided not to make those amendments.

I considered making an amendment for under-18 events so that the sale and consumption of alcohol would not be permitted when either the majority of the players or the majority of the spectators at a sporting event were under 18. The advice that I received about that proposal was that it would be a difficult condition to apply for a number of reasons. First, it would be difficult to ascertain in advance in every case whether the majority of the spectators would be under 18. Secondly, many major GAA matches are preceded by an under-18 match and, therefore, that condition would not permit alcohol to be sold in those circumstances. If you placed a condition on a licence that alcohol was only able to be sold at a senior match, the logistical issues that would arise from people trying to access the bar between two matches would make it extremely difficult to manage. Thirdly, some of the corporate sponsorship areas are used during, for instance, the Schools' Cup final and so that condition could be in contravention of some of the terms and conditions of the rental of the corporate boxes.

When I spoke to the Department about it, it suggested that, given that there appear to be no issues currently with how alcohol is being sold at sporting events that include children, either as participants or spectators, the amendment is not necessary. For example, although the occasional licence currently allows for all the kiosks and sales points to be open at Kingspan at a Schools' Cup final, the stadium itself makes an operational decision not to open those that are located in the grandstands where the majority of schoolchildren are situated. There is no reason to believe that the operational decision would change, and, if the PSNI identified concerns along the way with how that might

happen, it has the option to place a condition on it at that time. Alternatively, the court might simply place a condition to say that the stadium must always adhere to operational requirements stipulated by the PSNI. The PSNI has already set out how it works well with licence holders for various operating requirements for different events. I feel that that could be easily achieved. For that reason, I am not proposing to put that condition in the Bill.

I also looked at an alcohol-free zone and considered putting a condition in the Bill so that, at all sporting events, a minimum of 10% of the capacity of the stadium would have to be set aside where no intoxicating liquor could be sold or consumed. If I were to make that amendment, it would probably be best to do it by allowing areas to be identified at the time of applying for a licence. If I were to take that forward, clause 3 would probably be the place to do it, and it would say that, when you are applying, you highlight those areas. The Department has suggested that that could overcomplicate the matter and that it may be difficult for the PSNI to enforce. Also, Kingspan already operates an alcohol-free stand for most matches and advises that it will continue to do so, because it arose from feedback that it received at the time of designing the stadium and it is a commercial decision. It is not a requirement in the law, but they still do it and so there is probably no need to legislate for it. A question was asked about whether a condition could be placed on a licence for certain games. During the PSNI evidence session, a member raised a query about the types of football matches where a licence can be operational. The UEFA rules and the option for the courts or the PSNI to place conditions should satisfy that concern.

Clause 5 makes special provision for outdoor stadia by amending the 1996 Order to enable the holder of licence to apply to a court to continue business temporarily on other premises in circumstances where they are unable to do business on their own premises. I do not propose to make any amendments to that. That is a standard provision in the 1996 Order that applies to all premises that are licensed to sell alcohol. It enables the business of selling intoxicating liquor by retail to be carried out temporarily on premises other than those that are originally authorised in the licence. That might apply when the original premises have been rendered unsuitable because of fire, flood etc or when there is a major ongoing renovation. When granting such an order, a court must satisfy itself that the premises where business is proposed to be carried on are adequate. For example, a court might accept that, if Windsor Park were damaged in a fire, a Northern Ireland match might go ahead at somewhere like the Oval and, on that occasion, the IFA might be allowed to operate its licence on a temporary basis on those premises. That is for the court to decide. The PSNI said that this should happen only if the other premises are consistent with the definition of an outdoor stadium. However, given that our three stadia are likely to have the licence in the first place, I imagine that they would seek to use one of the other premises first of all. It would really only be in an emergency situation that they would seek to use different premises.

Clause 6 adds an outdoor stadium to the categories of premises that can apply to a court for an order specifying that parts of the premises are suitable for functions. First, I propose to amend the title of the clause to "Suitability for functions". At the moment, it is "Additional permitted hours and suitability for functions". That seemed to cause a lot of confusion; it was certainly raised in the evidence sessions.

The clause as drafted allows an outdoor stadium to use the procedure set out in schedule 9 to the 1996 Order to apply for an order that part of the premises are suitable for functions. The part of the premises has to be structurally adapted and used or intended to be used for the purpose of providing for the accommodation of persons frequenting it substantial refreshment to which the sale of intoxicating liquor is ancillary. It is only then and only for a particular part of the premises, when the court has made an order to say that it is suitable for a function, that an extension licence could then be granted under article 47. It is the licence holder who would apply for the extension licence in compliance with a procedure set out in schedule 10 to the 1996 Order.

The licence holder can apply to organise only six of these late functions in a year. There is no restriction on the number of times that the licence holder can apply for an extension licence in relation to functions organised by a body 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. Obviously, such a body cannot demand that the event is held in the first place, because it has to be in agreement with the stadium and the stadium has to apply for it. Currently, under an occasional licence, that can happen. My Bill actually makes it a little more restrictive, in that the licence holder can now apply for only six of those licences in the year. I know that some residents raised that issue; they were concerned about whether it would be a late licence across the whole stadium. It is very clear that it is specifically in relation to an area that has been deemed suitable for a function, and that is the only time. Many of the functions at Kingspan use the

Mount Merrion exit, so, in response to the residents we heard from in the Ravenhill Park area, there would be no entrance or exit through Ravenhill Park.

Clause 7 amends the 1996 Order to impose conditions on the sale of alcohol in outdoor stadia similar to those in place for indoor arenas and sets out the penalty for contravening those conditions. It also allows under-18s who are attending events and activities at the outdoor stadia to be in the areas containing kiosks and sales points that sell intoxicating liquor after 9.00 pm. Having listened to the PSNI, who were adamant that they wanted to protect children, I propose to amend the clause slightly to give some additional protection to children, while allowing a stadium to continue to operate seamlessly when an event or an activity is scheduled to finish after 9.00 pm. My amendment would be along the lines of what is in front of you. Essentially, children can be in the area and the children's certificate does not have to be in place, but, once you hit 9.00 pm, they need to be in the company of someone over 18. They cannot be unsupervised after 9.00 pm.

There were questions around this issue. There was a suggestion by the PSNI that the licence would be operational only when a sporting match was on. As the Bill is drafted, the licence operates when:

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

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

That is laid out in article 5(3)(a) of the 1996 Order. In my Bill, however, I have also put in a subsection to amend article 52(1)(a), which provides that where an indoor arena or outdoor stadium:

"is licensed for the sale of intoxicating liquor, such liquor shall not be sold or made available for purchase there, except where—

(a) it is sold to, or made available for purchase by, persons employed or attending an entertainment in the premises".

That is fairly clear that any events or activities taking place in the stadium would permit the licence to be operated. That is how the Licensing (Indoor Arenas) Order 2004 was drafted. As I mentioned earlier, when I proposed to amend the definition of "outdoor stadium", I went further; I was explicit so that, in the amended definition, there is no doubt that it is all events and activities, whether on or off the sporting field, within the stadium.

There was a question around the controls that would be in place if the outdoor stadium were exempt from a children's certificate. Under-18s are still not permitted to purchase or consume alcohol on or off the premises. Article 60 of the Order covers those aspects. It takes you through a number of issues around making sure that nobody is buying alcohol for somebody else or sending somebody else to the bar etc and the penalties in place should the licence holder allow that to happen. Under-18s are currently permitted to be in areas containing kiosks and sales points that sell intoxicating liquor until 9.00 pm. My amendment would require them to be supervised by an adult after 9.00 pm. That is slightly more restrictive than how an indoor arena operates but, at the same time, will allow an under-18 to remain, for example, in a corporate box until the end of a match if it were to finish at 9.30 pm, as long as they are in the company of a person over 18.

The final question in that area was about whether there was a reason to prevent mixed retailing in an outdoor stadium when it is already allowed in an indoor arena. Selling alcohol from kiosks or other sales points at which snacks and other food is also available for purchase is allowed in the indoor arenas where sporting events and other activities take place, as with a stadium. The Department was not aware of any concerns that the PSNI had regarding the availability of alcohol in an indoor arena, and no conditions have been placed on the indoor arena since 2004 by the PSNI. In the evidence session, the PSNI could not provide evidence an issue with mixed retailing at the SSE Arena. Therefore, I do not see why an outdoor stadium could not operate under the same licensing provision. The PSNI seemed to suggest that the only reason that they might look more closely at mixed retailing was that the arena was the only venue permitted to do it. However, if it has no child protection issues associated with it and it is clear in the law that it is permitted in a small number of particular premises — indoor arenas currently and, I propose, the outdoor stadia — I see no reason why that provision needs to be changed.

I have spoken to the relevant personnel at the three stadia. They are keen to work with the PSNI to ensure that under-18s are suitably protected. For example, depending on the design of the sales

point, they have said, "Well, we could stipulate that only certain lines at either end of the sales point can be used by under-18s". That way, they would not be queuing in a crowd of adults; they would be across to one side but still at the same sales point. There are numerous other sales points where alcohol is not sold in the stadia. They want to offer a very practical approach without putting something in the Bill that could become restrictive, especially when we do not yet know exactly what the design of Casement Park will be and how it will allow for sales points.

Clause 8 deals with commencement and the short title. I propose to amend the clause to ensure that the commencement of all provisions of the Licensing Act happens soon after Royal Assent. The Department said that it could live with that, provided that sufficient time was given to allow it to make regulations and to allow the courts to make the necessary changes to any operating systems they have. I have a draft amendment, but I have "x date" because I cannot work out when Royal Assent will be.

I have taken you through everything. I know that I whizzed through it, but I hope that I have been comprehensive. I would like to address a few other points that were raised in two of the three evidence sessions last week.

A number of points were raised by the PSNI, and I feel I have already addressed a number of them in questions. I think that, through no fault of their own perhaps, the police got a little confused at times about what they were trying to do. They kept referring to the Glenavon House Hotel issue, which is not directly related to my Bill. They seemed to say that it was not fair to enforce something in a hotel that you are not going to enforce in a stadium, but I was trying to make it clear that, in my Bill, I propose that that would not be the law for the stadium. Why would you enforce it if it is not the same law? They are very clear that they want a law that is easily enforceable, but I think that, through the provisions that I have put in place and having listened to the police and proposed an additional amendment on child protection, I have done that in a balanced and fair way.

The residents' steering committee also gave evidence last week and, again, raised interesting points. A number were operational and referred or related to things like parking and other antisocial behaviour issues outside the stadium. I have gone back to Ulster Rugby with a number of things. For instance, the steering group mentioned that it wanted the licence to finish at 10.00 pm so that all the clearing up could be done, people would be away sooner and they could get back to normal quicker. There is already a voluntary agreement at the stadium that they do not do the clean-up after 10.00 pm on the night or they come in before 10.00 am the next day to clean up. There are already some things that happen that perhaps have not have been fully communicated. One thing I asked Ulster Rugby was whether it would be appropriate that, after 10.00 pm, none of the cars, vans or catering establishments use the Ravenhill Park exit and instead use the Mount Merrion one. Ulster Rugby said that was quite normal and, in fact, most of them already did because the Ravenhill Park exit was quite narrow. There are operational things that, I think, could be fixed that are not directly related to licensing. It was a really good opportunity for the steering group to raise those issues, but they are not directly related to my Bill.

I also received an email from a resident a couple of nights ago, a copy of which I have sent to the Committee Clerk. It concerns the fact that this steering group had come along and suggested that it was speaking on behalf of all the residents. The person said that, when they received a note through their door, they got back to the person who had left their email address on it and said, "Look, I do not necessarily agree with you on a number of those things", but they were told:

"Don't worry. I will be making my own submission. It will be a personal one. I will not be attempting to speak on behalf of others."

The person said that they were most surprised, therefore, to see and hear from this so-called steering group, which had not openly canvassed his or some of his neighbours' opinions. He has lived in the area for 40 years. He feels that, yes, there are a few isolated incidents on match days and that, yes, parking is an issue and he would like those things to be looked at; however, he does not feel that the viewpoint that was represented had been democratically decided or was a collective viewpoint of people in that area. The thing is that, in any information I have provided, I have tended to provide all the negative people to the Committee, because I felt that they probably needed to be listened to more.

The Chairperson (Mr Maskey): In fairness, you are presenting correspondence that you have received, but the Committee has heard evidence from people and takes seriously their bona fides. The Committee will obviously give weight to whatever it hears and make its own judgements after

deliberations. In fairness, you have made the point that somebody has responded challenging previous evidence, but they are not here. We should move on to the next point, if you do not mind.

Mrs Cochrane: OK. I asked whether I would be able to provide that to the Committee. I got a response saying that I was, and I have provided it to the Committee.

The Chairperson (Mr Maskey): I understand that, but I make the point that the Committee determines who we take evidence from, and we accept the bona fides of the people we invited. Thank you.

Mrs Cochrane: OK. The one other issue was to do with the PSNI saying that we should not compare the SSE Arena with a stadium, because the three stadia are in residential areas, so the reason for not doing that was to do with car parking. It was again one of things where I thought, "Why would you not compare them on a child protection issue when they are very similar in how they operate?". Parking has nothing to do with my Licensing Bill.

There may be other questions that I have left not clarified, but, hopefully, I have comprehensively covered the rest of them.

The Chairperson (Mr Maskey): Some of the residents put the point to the Committee that, whilst they are supportive of the Bill, they want a 10.00 pm licence restriction. Do you have any comment on that?

Mrs Cochrane: Yes. I do not think it would be practical. I have taken, on balance, the number of residents who have contacted me, including those who are for my proposals and those who are against the Bill. The majority of those who were against it were against the proposals to have it until 1.00 am. Most of the matches are finished earlier than that, and there is already a voluntary agreement — it is not an agreement; it is just how the stadium operates — that the bar closes an hour and a half after the match ends, whether that means it closes at 5.00 pm, 6.00 pm or whatever. It will always close by 11.00 pm at the very latest. If a match finishes at 10.00 pm, they will close at 11.00 pm. If a match finishes earlier than that, the longest they will keep the bar open is an hour and a half. The residents gave evidence last week about why they felt it should be 10.00 pm. I do not think that closing it earlier would address any of the concerns they have.

Mr Campbell: Sorry for missing the earlier part of your evidence session. My question is about under-18s. Your amendment would require them to be supervised by an adult after 9.00pm. I can see your rationale for that amendment, but how do you see it working in practice, assuming that it proceeds? Say you had an evening game — you just alluded to different times — and the bar was open after 9.00 pm: presumably, if it is in the immediate aftermath of a game, you would expect the premises to be reasonably busy. How would it work if the premises were open and unsupervised under-18s were there before 9.00 pm but needed to be supervised after 9.00 pm? Would busy bar staff be expected to keep an eye on the clock, so that, when it came to a couple of minutes before 9.00 pm and they saw someone who looked like they were under 18, they would have to try to find an adult for them or ask them where their parents were? How would it work practically? That is really the point.

Mrs Cochrane: They already have to comply with a time of 9.00 pm because of the children's certificate. Currently, up until 8.55 pm, an under-18 can be in the area with an adult and then, all of a sudden, they are not meant to be there at 9.00 pm. They already employ security staff to prevent children and under-18s crossing lines in certain areas. They are allowed to walk through those areas to exit them but —

Mr Campbell: The difference would be that they would be allowed to be there but they would have to be accompanied by an adult at a particular time. They would be allowed to be there unsupervised just before 9.00 pm but not after 9.00 pm.

Mrs Cochrane: There are rules about them being with an adult and away from an area. What I am saying is that, until 9.00 pm, there would be a bit more freedom around that and that it would kick in at 9.00 pm.

The majority of the people with children leave after the match finishes. That is what you see. It really is just to allow a little time so that, if the match goes on to 9.15 pm, 9.20 pm or 9.30 pm and somebody wants to finish their drink before they leave the stadium, they can stand there with their child. At the

moment, the child has to go and stand outside, and the parent has to finish their drink inside. At the minute, we separate them at 9.00 pm: this would allow you to remain with your child at 9.00 pm.

Mr Campbell: There are quite a few evening kick-offs — 7.00 pm or 7.30 pm or thereabouts. One would imagine that a 9.00 pm watershed, if you like, would be used quite often, would it not? There are quite a lot of Friday evening kick-offs at 7.00 pm or thereabouts.

Mrs Cochrane: Yes, 7.05 pm or whatever they are.

Mr Campbell: So, the 9.00 pm would be operable on quite a few Friday evenings, would it not?

Mrs Cochrane: Yes, and that is currently the case. They are having to comply with the 9.00 pm limit. This is slightly more seamless, in that it they will have to be supervised only at 9.00 pm. It relates more to areas like the corporate boxes and so forth, where they are very clear about it. At the moment, you have to say to the child, "It's 9.00 pm. You must sit outside. You can't stay in this part with us now".

Mr Allister: I want to get an accurate overview of the Bill. The trigger point for the licence is that it is a sporting stadium.

Mrs Cochrane: It is a stadium of regional and national importance.

Mr Allister: Yes, a stadium of regional and national importance of a sporting nature. Once it gets the licence, it applies irrespective of the activity that is going on in the stadium, is that right?

Mrs Cochrane: At the moment, a licence can be applied for —

Mr Allister: No, under the Bill.

Mrs Cochrane: The Bill will allow sporting and non-sporting events on the playing surface and off the playing surface.

Mr Allister: OK. It could be a concert, or it could be anything.

Mrs Cochrane: It could be those things, yes.

Mr Allister: Although clause 6 restricts additional functions to six a year, there is no restriction on the number of times during the year that this licence can be extended to 1.00 am.

Mrs Cochrane: No. There is no restriction on other bodies asking the stadium, "Can I hold a function, and can I hold it to 1.00 am?". The stadium can apply to the court and say, "Can I hold it to 1.00 am?". The court might say no, for whatever reason; it might be because it is a Wednesday night or it is a residential area or whatever.

Mr Allister: I want us to be clear about this. The idea of a restriction to six functions a year might be misleading. Quite apart from that, there can be applications for extensions to the licence 365 days a year.

Mrs Cochrane: By other bodies, yes.

Mr Allister: Yes, by other bodies using the facilities. Under your Bill, you could have the catering facilities — whatever part is designated — operating 365 days a year, theoretically, on a 1.00 am licence.

Mrs Cochrane: Theoretically, if the court was to approve that.

Mr Allister: You have taken no steps in your Bill to restrain that.

Mrs Cochrane: Currently, the premises can operate like that. It can apply for an occasional licence 365 days year, and they can apply for a late licence for the full stadium 365 days a year. My Bill

restricts things more, because they can apply for it for only the function area. If you look at the business plan of the different stadia — this is certainly the case in Kingspan — you will see that they are not interested in running events every night of the year.

Mr Allister: Do you not think that, out of deference to the fact that these stadia are in fairly built-up areas, you might have put a restraint in about the number of times it is possible to extend the licence? Do you not think that would be a comfort?

Mrs Cochrane: I looked at it, and I think that I have put a comfort in by saying that the full stadium cannot, which is when you are talking about big numbers of people. The maximum number of people that could be in the function area or dining area in Kingspan is 200 over the premium stand or 140 in the president's suite. I do not think that is a large number of people to be attending an event in an area where the bar entrance is not directly where the houses are. I think that I have listened to that. It may be that somebody will feel that they want to put a restriction on that. The court is there to decide when it is appropriate to have an additional licence. There is a —

Mr Allister: Yes, but the presumption here is that —

Mrs Cochrane: The presumption is that you can apply for one, but that does not guarantee you will get it. Plus, the residents have the complete right to object at any time to the late licence.

Mr Allister: I am puzzled about why you think it is right — I do not disagree with you — to restrict the number of late functions to six a year but to put no parallel restraint on the number of extended licences.

Mrs Cochrane: What I have done is mirror, in that aspect, the indoor arenas licence. That is exactly how that has been drawn out. It is similar, because it is in article 47 of the 1996 Order. I am not changing the 1996 Order; that is how that type of function licence applies to other premises, so I am just mirroring that.

Mr Allister: Continuing with the idea of getting a proper overview of the Bill, it would impose no dry areas, even when there is a Schools' Cup final or some other non-adult occasion.

Mrs Cochrane: I told you that I considered doing that, and —

Mr Allister: But decided not to.

Mrs Cochrane: The PSNI or the court can put a condition on it for that reason. One of the reasons —

Mr Allister: Why would you not put that condition on it?

Mrs Cochrane: Because it could have unintended consequences. That was the feedback that came back to me from the GAA on events for under-18s. For example, if you have a senior match and before that a schools' match is to be played, how do you determine when one match finishes and the other ends? It is part of developing the grass roots of these sports to have the younger matches in advance. If you start to restrict it to that and say, "You cannot have it then", at what point do you open your park?

Mr Allister: When there are junior events, do you not think the starting point might be that the presumption, as set out in the Bill, is that there will be dry areas and that if somebody wants to adjust that they could go to court? Do you not think that would be the right way to approach it?

Mrs Cochrane: Operationally at the moment, we know that Kingspan, which is finished and being used, already does it. It is a commercial decision for it not to open its bars.

Mr Allister: Operational decisions can change one way or the other. The law, once it is in the Bill, is the law.

Mrs Cochrane: Yes, the law is the law as it stands, and that stadium does not go to the full extent of the law. It has an occasional licence that is there at the time of the Schools' Cup final, and it does not open the bars in the grandstand.

Mr Allister: Under the Bill it could.

Mrs Cochrane: It could, and, if the PSNI said that it had any issue with how that was being operated, I imagine that, at the time of applying for licence, it would very quickly say, "We want this condition in the Bill".

Mr Allister: I suggest to you that, for non-adult occasions, the presumption should be the other way round. There should be specified dry areas, and, if somebody wants to change that, the onus should be on them to go to the court, not the other way round. Otherwise, we show no distinction where alcohol and young people are concerned.

Mrs Cochrane: How do you determine which event is purely for young people?

Mr Allister: A Schools' Cup final is a young person's event. A concert, given the clientele of particular groups, might be an obvious young person's event.

Mrs Cochrane: There are corporate boxes etc that are used during those events.

Mr Allister: So?

Mrs Cochrane: I am just saying that you want me to make this more restrictive than what is there. Is that right?

Mr Allister: You want there to be a carte blanche with no restraints on young people's events and no dry areas whatsoever.

Mrs Cochrane: No. I was the very first person who raised that. I am saying that they are happening operationally, and if you put something —

Mr Allister: And I am pointing out that "operationally" means nothing.

Mrs Cochrane: I disagree with you. If you put something that is so restrictive in the Bill, it makes it difficult to amend and you can have unintended consequences. The opportunities are there for conditions to be put on at the time of applying for the licence. Conditions can be changed much more easily than primary legislation.

Mr Allister: Just remind me where it says in the Bill that alcohol will not be served an hour and a half after the event.

Mrs Cochrane: It does not say that.

Mr Allister: That is operational again.

Mrs Cochrane: That is operational again, and that is what they apparently do.

Mr Allister: Why not put that in the Bill?

Mrs Cochrane: Because it is not required. I do not think it is required. I do not see why you would restrict a licence.

Mr Allister: But the PR on the Bill says, "Oh, this is doing nothing. It allows you to sell alcohol for only an hour and a half after a match. What is wrong with that? There is nothing wrong with that, therefore, it is a good Bill". In fact, the Bill allows you to sell alcohol any day, every day until 11.00 pm.

Mrs Cochrane: If there is an event or an activity going on in the stadium. If you have a match at 6.00 pm that finishes at 8.00 pm and you say, "We will put it in the Bill that the licence cannot operate an hour and a half after that", what happens if another event is going on across the other side of the stadium? Is your licence no longer able to operate?

Mr Allister: What other event?

Mrs Cochrane: There could be a dinner going on in another part of the stadium, or there could be a tour at the Nevin Spence Centre.

Mr Allister: Your dinner might be one of your six functions.

Mrs Cochrane: It may be; it may not be.

Mr Allister: Essentially, you are saying that you want for these stadia, which are essentially sporting venues, a 365-day licence until 11.00 at night every night available to them and available to 1.00 am because there is no restraint on the number of extensions.

Mrs Cochrane: No. I am saying that the business plan of the stadia will dictate how many times they use their licence. The stadia are not interested in running bars seven days a week, 52 weeks in the year; they are interested in being able to operate a bar and a licence when there is an event or activity going on in the stadium.

Mr Allister: Why have a Bill that would leave open that possibility?

Mrs Cochrane: Why does the indoor arena do it?

Mr Allister: The indoor arena is, I think, a very different creature from the outdoor arena.

Mr Campbell: There is a roof on it.

Mr Allister: Yes. It is very much a contained area. It is not in a residential area. That is the big difference. It is nowhere near a residential area.

The Chairperson (Mr Maskey): In fairness, I think you are teasing out very appropriately the potential consequences of the Bill, Jim, but Judith has explained what she wants out of it. When we come to deliberate on it, we will determine in our own minds —

Mr Allister: Can I just ask one more question about that? Why not put it in clause 4 that the stadium must adhere to operational requirements stipulated by the PSNI?

Mrs Cochrane: That is what I suggested that the court might want to put on it.

Mr Allister: Why not put that in the Bill? Why not make that a condition in the Bill?

Mrs Cochrane: I could.

Mr Allister: Will you?

Mrs Cochrane: I might. I would need to think it through again and make sure that there would be no unintended consequences. That is my biggest fear. When the indoor arena legislation came through in 2004, it was so tightly drawn, it was for only indoor arenas. If it had been drawn for indoor and outdoor arenas, I would not be sitting here today. I do not want to have a Bill that puts so much in primary legislation that has unintended consequences and is so restrictive when there is provision in the Bill to deal with a number of the things that you have asked for.

Mr Allister: Sorry, Chair, I said that that was my last question, but may I stretch it? In respect of clause 2, you are given three options that you might go for: which is your preferred option?

Mrs Cochrane: I have had different advice from different people. I think I would almost intend to go with the third one, which would not name the stadia. The reason I was going to name the stadia in the first place was my concern that the Department would not have the regulations in place particularly quickly, but it has assured me that it would not take that long to do it.

Mr Flanagan: Very quickly, Judith, there was a bit of focus on the MacRory Cup and the rugby Schools' Cup. Is there anything to stop the GAA, the IRFU or Ulster Rugby applying for a licence to sell alcohol on St Patrick's Day?

Mrs Cochrane: At the minute?

Mr Flanagan: Yes.

Mrs Cochrane: No.

Mr Flanagan: So, that is something they could do if they wanted.

Mrs Cochrane: They do. On St Patrick's Day, my understanding is that they open the H3 lounge, which is the bar that is linked to the corporate area, but, where the schools buy their tickets, they do not open those, even though, because of the mapping and how they apply for the occasional licence, all those are licensed.

Mr Flanagan: What I am trying to establish is this: does your Bill change that?

Mrs Cochrane: It would not allow them to be open past 11.00 pm.

Mr Flanagan: It does not expand in any way on how alcohol can be sold on the days when young people are participating in matches or where you could perceive that the majority of spectators will be under 18.

Mrs Cochrane: No, it does make that any different from what it currently is.

Mr McQuillan: The Bill does not say that the bar will stay open for an hour and a half after a game. That was one of the things that we flagged up to the residents when they were here, but it is an operational matter. What would be the harm in introducing that in the Bill and leaving that in the Bill? What damage do you think that would do?

Mrs Cochrane: Again, you are tying it to one game. At the minute, if there is a game at 8.00 pm and it is over by 9.30 pm, the bar is closed by 11.00 pm. If the game runs on and does not end until 10.00 pm, the bar still closes at 11.00 pm, because the licence for the full stadium cannot operate past 11.00 pm. If you have a game that is at 4.00 pm and you say that the licence is tied to being until an hour and a half after the game, how do you then start and say when the licence runs to?

Mr McQuillan: Are you not saying that the operations of the stadium do that anyway?

Mrs Cochrane: That is what they do, provided they do not have another event on. They could have something else on. Sometimes they go on and do other —

Mr McQuillan: If they had another event, they could apply for one of the six late licences to cover that.

Mrs Cochrane: Why would you apply for a late licence if you only needed it to be open to 7.00 pm? Just because the match finished at 4.00 pm, you are saying that the licence should finish at 5.30 pm. They might want the licence to finish at 7.00 pm because sometimes they do things with the supporters club or family events involving meeting the players. They have lots of things that go on if it is an earlier match. If you tie it purely to the match —

Mr McQuillan: I understand where you are coming from, but I am thinking about the residents and giving them some sort of comfort blanket so that we can say to them that we have put this stipulation in the Bill for their benefit. At the minute, I do not see that in the Bill.

Mrs Cochrane: From the evidence that you heard from the residents and the issues that they had and given that the main stadium licence for all 18,000 people does not stay open for an hour and a half after a match later on — the issues around antisocial behaviour and things like that — do you see that making it any different?

Mr McQuillan: I just think that, if we are making legislation, we should make it the best we can for the people who are there 365 days a year. Those are the residents. We should have some comfort in there for them.

Mrs Cochrane: Again, at the very start, I put out a consultation saying that the full licence for the full stadium could mean that the bar could be open to 1.00 am.

Mr McQuillan: I also heard that some people got letters and some did not. There was some ambiguity in all that as well.

Mrs Cochrane: It was a public consultation, Adrian, which everybody was entitled to respond to.

The Chairperson (Mr Maskey): We have to put the weight on what we have heard. As I said, the Committee will obviously determine what weight will be put on to any arguments that have been put for or against.

Mr Douglas: Thanks very much for the work you have done; it has been very helpful, Judith. Turning to clause 2, you have said that you are not sure what option you will go for in terms of regional stadia. What would happen if an existing club — say, Glentoran — were moving or if there were a new stadium somewhere else in Northern Ireland?

Mrs Cochrane: No matter which option I go with, there will always be the option for the Department to designate a stadium as being of regional or national importance. If the Department feels that any new stadium meets that requirement, which will be set by regulations by the Department, it can. Even if I name some of them, any of those options still has "or a stadium that has been designated by the Department". I do not imagine that they would meet the requirement, but it would be up to the Department to decide.

Mr Douglas: Secondly, you have looked at additional protection for residents. This is probably an operational matter. To my knowledge and from speaking to residents, Kingspan has been very involved in the Cregagh estate, dealing with some of the difficulties there. I do not think that you can get it in this Bill, but is it possible for the residents to have an input with management, whether that is a quarterly meeting or whatever? Is there anything in that to offer the residents?

Mrs Cochrane: I am not sure. I cannot see where exactly I could put it in my Bill. What I have done is to look into some of the information around it. The residents referred to the Aviva community group or whatever they call it. I have looked into some of that information and have passed it on to Ulster Rugby as a recommendation that it should engage with them. The residents are always able to go to their local representatives or local council. When a licence is applied for, the PSNI and the district council are informed. The residents said that they might like to have councillors or whatever on that steering or monitoring committee, whatever they call it: I have absolutely no problem with that. I just do not see that it is necessarily directly related to my Bill. I have gone with that information to them and suggested that they look into it.

Mr Beggs: The licensing for the full stadium involves thousands of people — 18,000-plus. We do not know just what number ultimately could be covered by this. We have been told that there is concern from residents about the potential adverse impact on them and their homes, were thousands of people to be exiting from an event potentially after 11.00 pm and up to 1.00 am. You say that it is not the intention that that should happen, but can you understand the concerns of the residents if the Bill allows that to happen?

Mrs Cochrane: I can understand their concerns. Currently, when the stadium applies for its occasional licence for each match, it could keep that bar open to 1.00 am, but it does not. They appreciate that they are in a residential area.

Mr Beggs: They could apply to keep the bar open to 1.00 am.

Mrs Cochrane: No. When they apply for their occasional licence, they can apply for it to 1.00 am. They can operate to 1.00 am at the moment, and they do not. They open the bar until 11.00 pm or an hour and a half after the game, whichever is earlier.

Mr Beggs: I understand that the —

Mr McQuillan: Sorry, can I just come in there? With the temporary licence that the stadium applies for now, I think that it can only do 13 late bars a year until 1.00 am: am I right in thinking that?

Mr Beggs: It can apply for 13 in one go. I am not entirely sure on that.

Mr McQuillan: No, I think it is 13 late licences. I will not argue the point.

Mrs Cochrane: Either way, they are not interested in running a bar until 1.00 am.

Mr Beggs: I fully appreciate that Ulster Rugby is not doing that, but I understand the fear of residents. No one knows what might come in the future.

You have also highlighted a practical difficulty with the current licensing laws in smaller restricted areas such as corporate boxes or functions areas, where, potentially, someone under 18 may be asked to actually step out of them. It is not good or right that, when a 9.00 pm watershed comes, someone should be asked to stand outside such areas. Have you looked at enabling different areas to be licensed for the later licence, so that the full stadium licence would not apply up to 1.00 am but the later licence might apply to restricted areas? In that way, it is clear that you could be talking about smaller numbers of people.

Mrs Cochrane: Under my Bill, the full stadium can never apply for a licence until 1.00 am; it is only the area. That is what I have said. My Bill gives the residents more protection. Currently, the stadium can apply for the full stadium to have a licence to 1.00 am. My Bill prevents it doing that. The Bill says that the only time a licence can be applied for to 1.00 am is when an order has been applied for to the court to say that a specific area is suitable for a function, and there are very specific rules around that. Once the stadium has that order in place to say that this is a suitable area, it must apply for a late licence for that area on a case-by-case basis. My Bill actually restricts what can be done currently.

I feel that I have taken a very balanced approach to this. I have listened to the residents, who said that they definitely did not want the 1.00 am thing. That is why I have taken it out; it cannot be there for the full stadium. We have heard evidence of a small number of occasions — the stadium and the PSNI have not been able to verify how many of them there are — but is that enough, if you are being balanced and proportionate, to restrict something? If somebody walks out of a bar down the road and leaves a pint glass in your driveway, is that enough to justify saying, "I now need to go to the court so that the pub can no longer open to 11.00 pm, because one person did that"? That is my concern. Where I have got to so far — the conditions and restrictions that I have put in — is balanced and proportionate to the number of incidents that we are talking about.

The Chairperson (Mr Maskey): No other members have indicated that they have any questions. If you are happy that you have addressed members' questions — you have probably been given a bit more to think about — thank you for presenting this morning and addressing a range of issues.

Members, as I said earlier, what we want to do today is prepare ourselves for the clause-by-clause consideration by identifying the key issues that we need to tease out further, so that our officials can come back with an issues paper that we can consider before we move into the formal clause-by-clause, hopefully in two weeks' time.

One key issue that is coming through regularly is what a material difference is. Obviously, some residents and others have been asking what the actual difference would be. The stadium management people seem to be saying that it just makes their life easier if they are able to go and get the licences and have them installed already, rather than having to keep going back on each and every occasion. They are outlining simple, practical reasons for this going through. The big question that we need to address ourselves to is what are the material differences as a result of the legislation going through. Jim raised a number of them earlier. I am not sure whether they are within or without the scope, because some of them are actually tinkering and could impact on licensing policies within the law — it is very appropriate to ask about that, of course. However, the information that we got earlier from Damien Martin was that, basically, you have to be mindful of the scope of the Bill or of any potential amendment. We have to tease those questions out. That is why I want officials to come back after looking at the contributions this morning, the Hansard reports and all that.

Jim, you were suggesting, for example, that Judith might want to put certain things into the Bill. Are they within the scope of the Bill or beyond it? We need to tease those things out. There are obviously other issues around the protection of young people on the premises. I just want to run through these, Jim, and I will come back to you in a second. Danny Murphy made the point that the result of the Bill would not be open season, open-ended drinking hours and so on. Again, that is protecting young

people. What are the unintended consequences of the Bill, which seems to deal with a straightforward management issue more than anything else for the stadium management people?

There is the potential for amendments. Do we want to look at an amendment? I want to come back specifically to the Drumbo one in a minute. I think that there has been a bit of confusion coming through about suitability for functions and what part of a stadium might be suitable for licensing. We need to get all that clearly laid out for us, so that we know what we are voting for on each of the clauses.

Mr Allister: The last point that Roy raised with Judith is an issue that has provoked some thought on my part. There is provision under clause 6 that functions are restricted to six a year, but you can apply for an extended licence under article 47 of the 1996 Order, over and above that, at any time. Judith's point is that that would only apply to the function area. What I would like some advice on is this: quite apart from that, under the Bill will there still be the opportunity for the licence holder to apply, nonetheless, for an occasional licence for the whole premises? Is that right abrogated by clause 6? Personally, I do not think so, but I would like some advice on that.

The Chairperson (Mr Maskey): Thank you, Jim, for that.

The Committee sought procedural and legal advice, which we got this morning, on amendments that we had been looking at. One was around the underage teenage disco facilities and premises, and the other one was on the Drumbo facility. The advice that we were given this morning, for the members who were not here, was quite clearly that any amendment around the underage facilities was well beyond the scope of the Bill. Damien was quite emphatic: in no circumstances could he see any suggestion of it being within the scope of the Bill. He was very clear about that.

On the Drumbo issue, I do not want to misrepresent him, but he said that it was less clear whether it was completely beyond the scope of the Bill. In other words, there is at least the possibility, with an appropriate amendment, of it being deemed to be within the scope of the Bill. On the basis of that advice, my instinct is to rule out the Committee looking for any amendment around the underage disco, even though, personally speaking, I would like to have that in the right circumstances. Nevertheless, if that is the advice that we have been given very emphatically, we probably have to accept it, whether we like it or not. That is my instinct, but it is up to the Committee to decide. Of the two issues that the Committee was exploring, we probably have to park the underage disco one.

On the Drumbo one, there seemed to be consensus that we would like to facilitate that if we can. If the Committee is minded to pursue that, bearing in mind that it is not guaranteed to be within the scope, we can ask the Bill Office to draft an amendment for us to consider as a Committee without any obligation. To very simply recap, the Drumbo people made a very clear argument, which the Department agreed with: it said that it would be happy to facilitate that if it had a Licensing Bill. The Committee, at all stages, seems to have been fairly strong in a consensus that it would like to facilitate that. It is like everything else: the devil is in the detail. It was about Sunday drinking and giving that facility the ability to address an anomaly that, it argues, it suffers from. Are members content that we ask the Bill Office to look at an amendment so that we can consider it without obligation?

Mr Allister: Did the Drumbo people make any representations on the Bill?

Ms P Bradley: Not on this Bill.

The Chairperson (Mr Maskey): They have been dealing with me. They are taking note of the Committee. They did not make a specific presentation to the Committee, but they have contacted me to ask where it is. Basically, I have said, "Well, the Committee's looking at it. It's considering it". I can assure you that I have given no indication of any obligations, commitments or promises; I have just advised them that that is the case. I am advised that it would not be appropriate for the Drumbo people to talk to the Bill Office. All I am saying is that we want to facilitate what the Drumbo people are asking for, but we need to see the detail. What we are doing is asking the Bill Office to look at what the Drumbo people have proposed. There may well be unintended consequences as well, and the Committee might have to determine, "Well, we can't go there," or, "We may want to".

Mr Douglas: If the three stadia were named in clause 2, could a club that wanted to develop a stadium take a judicial review? Could we be accused of discriminating against them if the three stadia were named?

The Chairperson (Mr Maskey): Obviously, Judith looked at a number of options. She thought about trying to future-proof it for stadia in the future that meet the criteria laid out in the legislation. She was minded to do that future-proofing through an amendment. If I remember correctly from speaking to the Department, it assured her that there would be no difficulty bringing regulations or whatever else in the future. I do not think that any stadium will meet the criteria any time soon, so I would not have thought that there would be any major problem. It is not as if the Bill will be passed this year and, in three months' time, somebody pops up and says, "We meet the criteria"; clearly, they do not. That is what we will have to decide, so that we can decide whether we want an amendment to prevent that or, in other words, future-proof it. It is in our gift, if we want to do that.

Mr Douglas: OK.

The Chairperson (Mr Maskey): Does anyone want to bring up any other key issues? A further issue is the opportunity for and ability of people to seek restrictions on licences. People here have raised whether people can go to the police, for example, or the court to get a restriction. My understanding of the licensing law is that people can go to at any time to challenge licensing laws, and the police obviously do. There are procedures in place for that. For the record, because people, including a number of residents, have raised this, we should draw out in the key issues paper the opportunities for people who want to seek restrictions on any licence and how they are able to do that. Are members happy with that?

Members indicated assent.

The Chairperson (Mr Maskey): Are members content with what we have heard? We hope to have the paper with us next week. With a bit of luck, we will have the clause-by-clause scrutiny in the following week. That will keep us within our time frame. Are members content?

Members indicated assent.