



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Licensing Bill: Committee Consideration

9 February 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
Mr Stewart Dickson
Mr Sammy Douglas

The Chairperson (Mr Maskey): As we move to the Licensing Bill, I would like to welcome Anne-Marie Fahy, who works in the Bills Office at the Oireachtas. The Bill Office at the Assembly asked for support and assistance from other institutions for the remainder of the mandate to help with the volume of legislation. Anne-Marie, you are very welcome. Thank you for your assistance.

Members, the issues paper is at page 4 of your meeting pack. That includes Judith Cochrane's paper, which was presented on 20 January. We also have the draft amendment that we asked the Bill Office for, as well as other correspondence relating to the Bill, at pages 24 to 30.

I remind members that we agreed to request a further extension of the Committee Stage to 19 February, although, obviously, we want to try to maintain our deadline of 12 February. It does not look as if we will manage that at the moment, but we will see. Anyway, we have that extra week that we prudently agreed to request. Hopefully, we can conclude as much of today's report as possible and then move swiftly to the clause-by-clause consideration. Even if we take the extra week, there will still be time for the Bill to go through the Assembly, all being well.

We will move to the issues paper, which you should all have a copy of. We have had a fair amount of discussion. I would summarise that we almost got a bit distracted because we took a number of submissions, such as the one from Hospitality Ulster, that essentially said — I do not want to misrepresent them — that, because there had not been a full-scale licensing Bill, they wanted as much as possible to be included in this Bill. That is not really possible, so we will probably have to discount that. However, that is up to members to determine. That is not to say that we are not in agreement with them that there should have been a comprehensive licensing Bill; the Committee expressed that view some time ago. We can return to that.

We considered looking at an amendment on underage teenage discos at licensed premises. I think, on the basis of the advice we have received, that would be well beyond the scope of this Bill, so we have decided that we will leave that, although we might refer to it in the report.

We sought an amendment on the Drumbo racetrack, which has been a pressing issue for the Committee for some time. We have that draft amendment for our consideration. Are members happy to go through the report?

Members indicated assent.

The Chairperson (Mr Maskey): I am not sure whether anybody has an overarching view, but I got the impression from talking to members that they were, by and large, supportive of the Bill as presented, in so far as the Bill intends to change the situation of stadia having to apply each and every time for a licence to them having their own. That would bring an end to the bureaucracy, as it was described, but it would not inherently change their facilities and their ability to get licences. The clubs and the stadia would still be subject to all the other normal licensing restrictions and people's objections.

Mr Allister: I do not disagree and think that it is right that there should be a stadium licence. I have an issue with what that applies to. The premise is that they are regional stadia, but the effect seems to be that, on the premise of them being regional stadia, they become fully licensed, essentially whatever the use. We need to address whether the licence should be restricted to regional stadium use. It is for the premises, but it should be applicable only when they are being used for the basis on which the argument was made, namely that they are regional stadia. There is an issue as to whether it is appropriate to afford them, as of right, a 365-day licence regardless of what is happening there. Whatever is happening there, the other events could still be subject to the occasional licence process, for example if there is a concert or whatever. That might more easily take care of my concern about the use of the facilities specifically for events targeted at young people.

Mr F McCann: I understand where Jim is coming from, but, at the start of the process, we said that, in other jurisdictions, there are no limitations to this. Many of the sporting bodies completely depend on events. I have a couple of questions. There was some discussion about trying to get a representative committee set up between the council, residents and Ulster Rugby to look at the impact, especially on Kingspan. The selling point in all this is not only fairness but that the rugby and GAA bodies are endeavouring to encourage the Rugby World Cup to come to the North. What impact would it have on that? We continuously hear about the importance of tourism, not only to the city but across the North.

Mr Dickson: I understand what Jim says, but I think that we got very clear answers on that. For example, at the rugby Schools' Cup final, the standard rules on young people being present around the sale of alcohol apply anyway. The nature of the licence will not make that any different from the nature of an occasional licence. The Bill is trying to recognise regional stadia — we are all supportive of that — and that many of the stadia need to bring additional income to their facilities. That is done primarily through corporate events that take place in small, discrete parts of the stadiums when they are not used for any other purpose. Those events could be in boardrooms or function suites. I do not believe that any of them involve very large numbers; it seems to be 100 or 200 people at most. Most of it tends to be corporate affairs or evening events. Those are the numbers that are involved. This would relieve the complication of, on one hand, having a stadium licence and, on the other, continuing to have to apply for occasional licences. Jim also referred to concerts. I think that they fall into a special category that also requires entertainment licensing and council involvement. There are adequate safeguards in place for what the Bill is trying to achieve.

The Chairperson (Mr Maskey): OK, Stewart. That is fair enough. Fra, does that cover your points as well?

Mr F McCann: I had asked whether there had been any discussions. I know that you have been pursuing a course to get a degree of flexibility so that people could come together regularly to discuss any difficulties or problems that may arise.

The Chairperson (Mr Maskey): It is not in the Bill, but we have had informal discussions with Shane Logan, through Kevin, with a view to exploring with Kingspan the need to have a structured engagement with local residents. We have indicated that the Committee would be more sympathetic to the Bill if the concerns of residents were properly taken on board. That would best be dealt with by a structured engagement; in other words, a committee formed by the residents and Kingspan. I represented the area for a while, so I understand the views of residents. That would certainly help me to make my decision on it. The feedback we have had so far is that they would be more than content to meet the residents. In my view, I want that toughened up. It would not be in the Bill as such, but I would certainly like the Committee to say that it wants a committee to be formed by Kingspan and the residents. It is not too much to ask, in my view, notwithstanding our views on the Bill. In fairness to the residents, if we were to support the Bill — this probably takes in Jim's concern a wee bit — and there were any kind of expansion, by default or otherwise, clearly the residents would need a forum to at least address that, although they would still have the PSNI in the course of seeking redress as well.

Mr Allister: Obviously, one of the big concerns of the residents was the lateness of the licence. You have a situation where a match finishes at 9.00 pm or 9.30 pm and, fair enough, the licence runs to 11.00 pm. If a match finishes at 6.00 pm, however, why should the licence run until 11.00 pm? That is a concern. There might be an argument for always having a cut-off point related to the finish time of an event. That fits more into my picture of the licence being specific to the use of the stadia for regional sporting purposes, rather than it being a blanket licence. There is also an issue that you are almost getting to the point of having a facility like a hotel. Would you build a hotel on any of those locations? Are we in the business of facilitating stadia to compete as if they were hotels? I am not sure that that is part of their function either.

Mr Dickson: Just to follow on from Jim's point, my understanding was that, in respect of varying start times for events, the event is the prime reason for people being on the premises, and the organisers and stewards wish to have people cleared within a reasonable time after the event. It is not about having people hanging around afterwards, and that is what the stadia operators said to us. We have to approach it from that perspective. If there are issues — antisocial behaviour or whatever — those are matters for the police and, ultimately, for the court. This actually puts the licence on the stadium management, rather than on a licensee for an occasional licence. In my view, that puts the stadium management under much stricter control of the police, the council and the courts.

The Chairperson (Mr Maskey): In taking evidence, we were told that, at times, after matches, there are post-match events, particularly for younger ones, to meet the team and the players, photo opportunities and those types of things. I think that that was the evidence presented to us by Judith Cochrane. I am not sure whether the Kingspan people or the rugby organisation raised that, but it was certainly brought up in the evidence. It is difficult, Jim, to get closure an hour and a half after an event, because it sometimes runs on. I suppose that it is quite appropriate if it is over early enough.

Mr Allister: Yes, but —

The Chairperson (Mr Maskey): I know the point that you are trying to make.

Mr Allister: The promoters of the Bill come and say that all of this wraps up after an hour and a half, but, when you suggest making that the cut-off point in the licence, you are told, "No, you cannot do that". Either it all wraps up within an hour and a half or, really, it is an agenda to get a licence that runs every day to 11.00 pm no matter when the match is.

The Chairperson (Mr Maskey): It is up to others to comment, but I do not think that that was at all anybody's vision or intention, in fairness. That certainly is not the experience, but, obviously, it is something that we are trying to grapple with.

Mr Douglas: Did Judith Cochrane mention that there could be occasions when the match finished at 6.00 pm or 7.00 pm and there was a dinner after it for sponsors or whatever? I think the point she was making was that, in those situations, you could not say an hour and a half or two hours afterwards.

The Chairperson (Mr Maskey): Equally, none of those circumstances creates an environment where there are hundreds and hundreds or a couple of thousand people leaving the premises at all hours of the evening and leaving beer bottles and glasses. That is the difference.

Mr Allister: Is it not the case that the licence applies to the whole stadium, whereas those post-match events will be at the hospitality suites? Why is it not possible to limit the licence for the full extent of the stadium to an hour or whatever or as soon as the match is over and have the hospitality side on a different footing?

The Chairperson (Mr Maskey): I thought that the PSNI in its response said that that sometimes can be very difficult because there could be a line or a barrier there. You could have a young person one side of the barrier and an adult on the other side, if I remember correctly. They were saying that there were simple logistical difficulties in trying to enforce some of that. For me, the intention of the stadia is clearly encapsulated in the Bill, and there is no intention by any of these people for there to be, as Danny Murphy put it, open season for late hours and all that. We would all want to be absolutely guaranteed on that, I suppose.

Mr Beggs: I register as interest as a non-playing member of Larne Rugby Football Club. To what extent that is relevant I am not sure, but I put it on record.

It strikes me that, from the point of view of policing, safety and marshalling to disperse crowds relatively quickly in a safe manner after the match, there is a considerable difference between events where tens of thousands of people are in the stadium, which have the potential of grating on the local community, and the smaller events. Like Jim, I dare say that, if you could find a way of using the smaller hospitality areas, which may be used for a pre-match dinner, it could take you half an hour after the match to get washed and cleaned up or whatever. I am sure that there will be events such as that that could happen afterwards, and dinners do not always just last one hour. It would be helpful if there were a way of distinguishing between that hospitality side, which is an important aspect of attracting sponsors and funding for sport, so that it is separated from the huge stadium situation, where there are mass crowds. That would be a way to provide protection to residents and allow what I perceive the stadium is trying to do.

The Committee Clerk: Chair, can I clarify something for members? Members will be aware that, because the entire stadium is licensed, when the application goes in for a licence, there will be areas on the map, which members were shown, that will designate the areas that are licensed. For example, the function room areas will be designated on the map as licensed areas. Obviously the Kingspan will be able to use those areas — open the bar, as it were — for functions between the hours of 11:30 am and 11.00 pm, as a matter of course for themselves and, you will see under Mrs Cochrane's paper, other organisations as defined in the original 1996 Order — benevolent organisations, charities, sporting organisations — as well. Obviously the Kingspan can choose not to host those events, but, if it does, then, again, it can utilise those function areas again between the hours of 11:30 am and 11.00 pm. It is clear that that is the intent, I presume, under any business model.

Just to clarify the issue of late licences, this is something that we would want to bring attention to in any report. The member proposes to amend the title of, I think, clause 6 to "Suitability for functions". That will allow the Kingspan to apply for a late licence to 1:00 am on six occasions in any one year. As things stands, it has to apply for an occasional licence every time. That allows it to operate until 1:00 am any time it has a licence, but it chooses not to, and there is indication from the Kingspan that that operational decision will change, except, I imagine, where it utilises those six opportunities throughout the year. It is possible that other organisations could apply to have an event in a function room and want it to go on until 1:00 am, in which case it would have to apply for an extension to the licence. That extension licence would then only apply to the areas that are obviously licensed under the original application.

There is some division with the function rooms. I think we have been told by Kingspan that it is an hour and a half after the game, but the function rooms operate on a different basis. For example, a function could be held between 2:00 pm and 6:00 pm and the normal licence arrangements would apply to that, if required.

Mr Beggs: I understand that that is normal operation at present, but is that what would be the law if the Bill progresses?

The Committee Clerk: Chair, I met the Department on the very matters that I have indicated, for one clear reason: the Committee was interested in the issue of occasional licences. The Committee would not receive legal advice prior to being required to report, so we met the Department for an interpretation of the original Order and how the Bill would apply in the context of that Order. That was the information that was given to me. On the occasional licence, they were clear that the Kingspan would not be able to apply for an occasional licence itself, because the occasional licence in the original Order only allows an occasional licence to be used at premises other than the premises that are licensed. Kingspan, for example, would have to use that occasional licence at an alternative location. If, for example, Larne Rugby Club were having a presentation and wanted to hold it at Kingspan and bring their own licensed caterers onto the premises, I think, frankly, that would be an operational matter, since the Kingspan is already in receipt of a licence and would probably want to run that bar itself.

Mr Allister: Can I have some clarification? You talk mostly about Kingspan, but this applies to three stadia. Kingspan is easy to understand in that they only play rugby there, but Windsor Park is also the home of Linfield. I am not so au fait with Casement Park, but it is the home, I think, of County Antrim. So they are both going to be the beneficiaries of the existence of a licensed stadium, is that right?

The Committee Clerk: I think that Mrs Cochrane has addressed that in her briefing.

The Chairperson (Mr Maskey): Kevin spoke to Liam Quinn in the Department because we could not get the legal advice in time to deal with it in Committee. While Kevin is checking that out, go ahead, Stewart.

Mr Dickson: The issue was clearly addressed. I cannot remember what the answer was in respect of Casement Park, but in the case of Windsor Park there was a clear distinction drawn between the Irish Football Association (IFA), who are the owners and managers of the stadium, and Linfield. It was made very clear that there was a separation there.

The Chairperson (Mr Maskey): They were emphatic on that.

Mr Allister: That is what I do not quite understand. The licence is stadium-specific, so it is the licensing of Windsor Park.

Mr Dickson: Yes, but the arrangement between the IFA and Linfield Football Club is such that, when Linfield use it for league matches, it is not classified as a stadium. I may be completely wrong about that, but, when Linfield play their games, apart from anything else, the IFA rules to the best of my knowledge do not permit the sale of alcohol anyway.

The Chairperson (Mr Maskey): The same thing applies to the GAA at Casement Park.

Mr Dickson: It cannot happen.

Mr Allister: Because of the internal rules?

The Chairperson (Mr Maskey): There is a social club there, but for the purposes of this legislation and this licence, it has absolutely nothing to do with the social club.

Mr Allister: Will the licence that will apply to Windsor Park also apply to Casement Park?

Mr Dickson: Only when it is acting as a regional stadium.

Mr Allister: Where is it going to say that? Where does it say that?

Mr Dickson: There was a very clear statement about it. We need to check that out.

The Chairperson (Mr Maskey): Judith outlined it in option 3 in her briefing. It defines an outdoor stadium.

Mr Dickson: It was very clearly stated.

The Chairperson (Mr Maskey): It is at page 15 of your packs.

Mr Allister: Option 3? That is a definition of the meaning of an outdoor stadium. That is not a definition that refines when it does and does not apply. If it only applies when it is used as a regional stadium, you are back to the first point that I made, which is why the licence does not simply say that. The licence will apply to Windsor Park as Windsor Park, as I understand it.

Mr Beggs: From memory, were we not told that it would be the stadium company that would benefit? It does not mean that Linfield Football Club would benefit; it is the stadium company that would benefit from the activity. It is not giving an advantage to any one football club.

Mr Dickson: It would be worth checking Hansard to see what was stated, because a clear example was given.

The Committee Clerk: I will look at it after the meeting and send it round. The Committee will obviously come back to this on Thursday in any case. Just to be clear, it is about whether the teams

that play at the regional stadium as a matter of course as their home ground, as it were, would be beneficiaries of the Bill.

Mr Allister: Would the hosts of Windsor Park or Casement Park or whoever controls them be the beneficiaries of the local leagues playing there?

The Committee Clerk: Yes.

The Chairperson (Mr Maskey): OK. I presume that we have only a few minutes here, because members have indicated that they need to be away for 10.30 am for the start of Assembly business. Unfortunately, because of heavy traffic this morning, some members were not able to be here, so we are well behind. Are there any other key issues that members want to draw attention to at the moment so that, hopefully, we can move swiftly to determinations on Thursday morning?

There was one thing that Jim raised earlier, which was about the limitations. Some of the residents were asking whether it could be closed at 10.00 pm or something like that. I thought that members' broad view was that it is not easy to arbitrarily say that it should close at a certain time or, certainly, by 10.00 pm at the latest, because there may be an odd occasion when it goes slightly beyond that. It is up to members to express their views on that, but there was a broad view, clearly on the understanding that it does not happen very often — we would not want it to happen very often — that we do not want to put a specific time limit on it.

Mr Allister: The specific time for all cases is 11.00 pm, but the grey area is where a match is over at 5.00 pm or 6.00 pm. Is that still 11.00 pm? That is the grey area.

The Chairperson (Mr Maskey): One of the residents said that they would like the Committee to say, "10.00 pm: it's over". In fairness, most people were of a view that they did not want to go that far, but the Committee also seemed to be of a view that it definitely wanted to make sure that the residents had a structured engagement with the Kingspan management so that all the difficulties could be ironed out before they were allowed to fester. I would be looking for a much firmer commitment from Shane Logan and his colleagues to form a committee with the residents. I would like to hear that on Thursday, if at all possible.

Mr Douglas: We had representations from people who live in the Ravenhill Park area, but, as I have mentioned before, there are also residents in the Cregagh estate who are affected, so let us keep that in mind. They have had discussions, and some of the councillors are meeting Kingspan representatives about parking issues. There have been difficulties in the past.

The Chairperson (Mr Maskey): It is wholly appropriate that they should meet. I would like to hear that more affirmatively. It would certainly ease my mind, politically speaking, when deliberating on the Bill.

The Committee Clerk: Chair, can I get clarification on a couple of points? One of the key themes coming through was child protection, and the PSNI raised it on a number of occasions. There is the antisocial behaviour matter that is outwith the Bill but is still an issue that could be addressed by the Committee in its report. Clause 7 is specifically an amendment to the Bill. It is different from the legislation that addresses indoor arenas, on which the Bill is based, in that it places an additional restriction. I want to get members' sense of —

The Chairperson (Mr Maskey): You are talking about after 9.00 pm.

The Committee Clerk: After 9.00 pm, you will be in the company of an adult.

Mr Allister: The PSNI also raised the point that there should be separate kiosks.

The Committee Clerk: Yes.

Members, there is a paper in your pack from Fiona Hampton, who is the head of marketing and sales, which indicates that there are 14 sales points that do not sell alcohol. I presume they just sell confectionery, soft drinks, crisps and things like that, so they have that provision already. Coming back to Mr Allister's point, this is not just about the Kingspan: it is about the other two stadia as well.

Using the Kingspan as the operational example, it already provides such facilities at the stadium. Members may want to think about that in terms of the other two —

Mr Allister: We do not know about the other two.

The Committee Clerk: Obviously, Casement Park has not been built, and Windsor Park is still under development. At the very least, Chair, you may wish to consider mixed kiosks. There could be a recommendation that the template evident at the Kingspan is followed by the other two stadia.

Mr Beggs: It strikes me that it would be good to have such a mix of kiosks so that adults who are in the company of children or young people who are on their own do not have to queue in such a situation. It is good if there is that mixed opportunity.

There was a suggestion that young people could have to be separated from the parents, and I did not hear an explanation about that as a major safeguarding concern. It is a safeguarding concern of mine that we would be mandating that there be a separation. There are dangers associated with that as well, and I for one would not wish to introduce that exposure to danger. There should be mixed retailing — some without alcohol and some with alcohol — so that there is choice. That is a good recommendation for other stadia to follow.

The Chairperson (Mr Maskey): We could have that in as a recommendation. It makes sense, obviously.

Are there any other major issues that people want to draw attention to so that we can come back to the Bill very quickly on Thursday morning?

The Committee Clerk: The Committee has to report next Thursday; that is it. It is unlikely that the Committee will be able to go through clause-by-clause scrutiny of the Bill and agree a report on Thursday. I will try my best to have at least a draft report or a semblance of it by this Thursday, but members may want to think about a meeting next week prior to Thursday.

Mr Allister: Can you arrange the traffic? *[Laughter.]*

The Chairperson (Mr Maskey): Can we pencil in a 9.30 am meeting next Tuesday?

Members indicated assent.

The Chairperson (Mr Maskey): OK, members. Thanks very much.