



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Licensing Bill:
Clause-by-clause Consideration

11 February 2016

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)

Mr Jim Allister

Mr Roy Beggs

Ms Paula Bradley

Mr Gregory Campbell

Mr Stewart Dickson

Mr Sammy Douglas

Mrs Dolores Kelly

The Chairperson (Mr Maskey): We now turn to the formal clause-by-clause consideration of the Licensing Bill. We have the issues paper in front of us, and there has been quite a bit of deliberation on that. I hope that we have clarified most if not all of the issues of concern to members. I am happy enough if members want to start working their way through the clause-by-clause process.

Question, That the Committee is content with clause 1, put and agreed to.

Clause 2 (Meaning of "outdoor stadium")

The Chairperson (Mr Maskey): Is the Committee content with clause 2 as amended by the Member?

Mr Allister: Is this amendment to do with option 3?

The Chairperson (Mr Maskey): Yes, option 3.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 3 (Licences for outdoor stadia)

The Chairperson (Mr Maskey): Is the Committee content with clause 3?

Mr Allister: No, I have some reservations about it. It is the point, again — we have been over it, so I will not labour it — that the full stadium is licensed for whatever use the stadium is then put to, whereas the justification for this is that these are regional stadia that need a licence for that purpose. If that is being used as the means to, in fact, import a licence for all purposes, I have a concern about that.

The Chairperson (Mr Maskey): Obviously, people have raised that issue and discussed it. I think most people are satisfied, in so far as the Bill provides for that licence to cover the specific purpose of the stadium, if you know what I mean. There is no question or intention of the facility being open — I think Danny Murphy used the term "open season" — at all hours, every night of the week. There is certainly no indication of that or intention that that be the case.

If the Committee approves the clause, it might be useful to put it in our recommendations that we want to make sure that that does not happen by default. We want to see an overall new licensing Bill. If there was to be a problem emerging, there are two things that we would need to look at. First, we need to monitor how this will work in the time ahead. I think that we can be very pleased that we can say that Ulster Rugby has agreed to establish a residents committee so that it can engage with the residents. Although that will not be on a statutory basis, it has nevertheless agreed to do that. I will recommend that the Committee ask for that in writing so that it has that additional comfort to pass on to residents. Also, people can go to the police to get restrictions put on a licence.

Mr Douglas: I cannot remember whether I said this last week, but I would certainly support that residents committee — not just for Ravenhill Park but for the Cregagh estate — being involved with Kingspan.

The Committee Clerk: Sorry, Chair, I do not mean to interrupt, but, on that point, through the wonders of technology, I have just received an email from the stadium manager. I will just read it:

"Kevin

I wish to advise the Social Development Committee that Ulster Rugby are in agreement with the proposal to set up a Stadium Community Committee."

The Chairperson (Mr Maskey): Obviously, that would involve, in the first instance, the key stakeholders, who are the residents, and possibly the council and so on. The fact is that what we, as a Committee, were concerned about — this is probably an overarching comfort — was the number of perhaps unintended consequences or things arising by default. If we satisfy ourselves that the law protects the residents and so on and so forth, that additional commitment from the stadium management to hold what we would call a structured engagement with the residents gives us additional comfort.

Mr Dickson: I want to comment directly on the point that Mr Allister raised about the nature of the licence. It has to be clearly borne in mind that this is not a licence for a public house; it is a licence for the sale of alcohol, which has to be, under clause 3, ancillary to the event in the stadium. The sale of alcohol will never be the prime business of the stadium operator; it has to be ancillary to the activity. That is why I am content that it is ancillary to a large-scale sporting event and to a smaller corporate event. It is licensing the stadium, yes, but that licensing has to be ancillary to the event.

Mr Beggs: The Clerk has indicated that Ulster Rugby is content to establish a committee involving residents. As a Committee, we should recommend that all stadia have such committees. There could equally be difficulties at Windsor, Casement or any other location.

The Chairperson (Mr Maskey): That is absolutely right. I think the mind of the Committee is that it has, more or less, agreed that, and that will form one of the key recommendations. The added thing for us is that we are now in a position to say that one group has agreed to do it, and there is a fully functioning committee. We should accept that as a wee bit of progress. Until recently, that was not there, and that is something that the residents were concerned about.

On that basis, is the Committee content with clause 3?

Mr Allister: I reserve the right to comment adversely on clause 3.

The Chairperson (Mr Maskey): That is fair enough. It is helpful, Jim, that you are making that point.

Mr Campbell: But there is not opposition to clause 3.

Mr Allister: It is not how I would have worded it. I would have restricted it to events of a sporting nature.

The Chairperson (Mr Maskey): You have put it on the record that you reserve your right to revisit that in the Chamber at any time. Any Member has the right to table amendments and so on. We would probably advise the Member, Judith Cochrane, to talk to you after this to see whether there is any way of squaring that circle.

Mr Allister: I have had several useful discussions with Judith.

The Chairperson (Mr Maskey): She has been in discussions with the Department, until yesterday, and with the PSNI. You can reserve your right, Jim. Is that what you are doing? You will revisit this as and when you think it is appropriate.

Question, That the Committee is content with the clause, put and agreed to.

Clause 4 (Attachment of conditions to licences)

The Chairperson (Mr Maskey): Is the Committee content with clause 4?

Mr Allister: My point about clause 4 is that it embraces the under-18 events. I would like to see a condition that put the licence in abeyance when the primary function was an event for minors.

Mr Dickson: That would be difficult because an occasional licence currently provides for that; therefore, you would be allowing a full licence, which would be restricted. That would allow the operator to simply gain an occasional licence on the day. That does not seem to me to be practical.

Mr Allister: Would it, though?

Mr Dickson: I am not technically au fait with whether you can apply for an occasional licence, but, as of today, an occasional licence is exactly what happens on those days. There are no issues or problems, and the operators of the stadium have made very clear how they operate the licence when there are young people present. I do not think the nature of the licence makes any difference to what is currently happening.

Mr Allister: Yes, we are putting a lot of dependence on how the operators say they will operate it. If the law said that the licence was applicable on days of Schools' Cup finals etc only to corporate boxes or something like that, you would remove the risk that is inherent here.

Mr Dickson: People should take responsibility for their actions. That is what they have to do under the occasional licence, and that is what they will have to do under this licence in accordance with the guidelines and the rules set down and the processes laid down by the PSNI for how the stadium operates at those events. I am absolutely satisfied that not only is this no different from the current situation but it allows the operator to demonstrate their total responsibility and puts on them a substantial risk for any failures, which they might have to deal with on the basis of an occasion-by-occasion licence at the moment.

The Chairperson (Mr Maskey): There were two other matters. We were going to advise that the stadium could have different types of events, such as getting the youngsters to meet the team and members' events and so on. Logistically, it may be difficult to restrict that geographically and to impose it. Also, more importantly, the PSNI district commander would then have the ability to seek conditions on the licence at any time, so, again, we are protected. Some of this might show something by default, but we are hoping that there will be a licensing Bill to deal with this. Part of the problem here is that you are dealing with anomalies and outdated legislation, which can be properly addressed only really by renewed primary legislation. That is my opinion on it. I would be happy enough to go with that.

Mr Allister: I have one other point. There is also the opportunity at clause 4 to introduce alcohol-free zones for those occasions. There is currently a blanket application for the licence.

The Chairperson (Mr Maskey): Again, that might be better teased out later. I get the sense that the Committee probably wants to support the clause as is and would not be averse to some specific recommendations coming forward for amendments if they are reasonable or meet, in your case, Jim, what you are advocating. At this time, we do not really have a proposal for an amendment.

Mr Beggs: I would like to reserve the right to come back to this when the debate happens because the Schools' Cup final is very much a schools day. If there were a way to better manage that, I would pursue it, but I am not opposing what is here at present.

The Chairperson (Mr Maskey): I will put this formally, but can I put it that members are content with the clause but at least two members reserve the right to visit this? Again, that is their right anyway. It is important that, if you have those concerns, we express them formally.

Members indicated assent.

The Chairperson (Mr Maskey): On that basis, I will put the Question.

Question, That the Committee is content with the clause, put and agreed to.

The Chairperson (Mr Maskey): Two members have reserved the right to revisit it, and I think that, in fairness to all members, we will be keen to hear any argument being put forward.

Question, That the Committee is content with clause 5, put and agreed to.

Clause 6 (Additional permitted hours and suitability for functions)

The Chairperson (Mr Maskey): Is the Committee content with clause 6 as amended by the Member in charge of the Bill?

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Clause 7 (Requirements with respect to sale of intoxicating liquor)

The Chairperson (Mr Maskey): Is the Committee content with the clause as drafted by the Member in charge of the Bill?

Mr Allister: Is this the one where the debate was about separate kiosks? Is that right?

The Committee Clerk: The Member suggested during discussions that there may be an opportunity for under-18s to be accompanied by an adult after 9.00 pm. However, the Member has subsequently been speaking to the Department, which has advised that, logistically speaking, that would be difficult to manage. It has suggested that the Member should leave the clause as drafted.

Mr Allister: We had an amendment from the Member: has she abandoned it?

The Committee Clerk: That is correct.

The Chairperson (Mr Maskey): For now. She is still in discussions with the police.

Mr Allister: My understanding, before you said that, was that we were coming to clause 7 on the basis that Mrs Cochrane was anticipating an amendment that any under-18 be accompanied by an adult when queuing up. Has that now gone?

The Chairperson (Mr Maskey): I spoke to her last evening and again today. She has been in discussions with the police and the Department and, although I do not want to misrepresent anybody, they appear to be suggesting that the clause is best left as drafted.

The Committee Clerk: I think the issue was that, in Kingspan, there are areas that are very specifically bars where people can stand and drink. There are also kiosks or sales points where people queue up, buy alcohol and go back and sit in their seats. There is a line that children have to stand behind when adults are queuing up. So the adults buy alcohol and go somewhere else. There was a suggestion that, because of the nature of the stadium, children can go freely with an adult at 8.55 pm but at 9.00 pm they cannot. It seems that, practically speaking, there is no difference. I think the Member was discussing the practicalities of that with the Department, and I think the Department was favouring not amending the clause because of that difficulty.

Mr Dickson: The Clerk has described the circumstance well. It is about the timing of events. Major sporting events can either run over or have slightly varying starting times, depending on TV and other matters. Therefore, if you were to paint a white line beside a kiosk, at 8.59 pm the child can stand and hold the parent's hand, but at 9.01 pm that child would have to stand on the other side of that white line. That has inherent child protection risks. Given the nature of the event and of the timing of events, which might run to 10.00 pm, it is more practical to allow those issues to be dealt with and monitored, as Mrs Cochrane said, by the PSNI and stadium management. If they believe that additional measures are required, the licence condition can deal with that, rather than any of us suggesting that white lines be painted outside kiosks.

Ms P Bradley: There is also an issue about Casement. We do not know how it will look; we do not know what way it will be set out.

Mr Dickson: We do not know what the layout will be.

The Chairperson (Mr Maskey): Conditions can be imposed on the licence about the sales points and so on.

Mr Dickson: They can.

The Chairperson (Mr Maskey): Again, it is one of those things that most likely be teased out further. What we are looking for now is the Bill itself. Again, we might have Members reserving the right to query this.

Mr Allister: I wish to reserve my right to do that on this one.

The Chairperson (Mr Maskey): OK. I will record that. At least one member reserves the right to return to this matter.

Question, That the Committee is content with the clause, put and agreed to.

New Clause

The Chairperson (Mr Maskey): Following on from clause 7, members will know about the Drumbo amendment, as we call it. This amendment is to extend permitted licensing hours for premises on licensed tracks to Sundays. Over the last couple of years at least, the Committee has been strongly minded to support that because, as I say again, it is not unlike the stadia anomaly. The law has not caught up with operational developments, and other bits of the law have changed as well.

We commissioned an amendment for our consideration, and, if we were to insert it in the Bill, it would form clause 7A. Again, it addresses an anomaly. It does not open the floodgates for anybody to avail themselves of it. A couple of premises could be available. The Drumbo people have been making the argument for some time. If you recall, we raised it with the Department. It had no objection to it; in fact, if I recall correctly, there was correspondence between the Committee and the Department and possibly even the Minister at the time.

The Committee Clerk: It was indicated that the Department would not stand in the way of such an amendment.

The Chairperson (Mr Maskey): It would be amenable to an amendment coming from the Committee if it so chose.

Mr Allister: When Damien Martin was here, he was a bit ambivalent about whether it was within ambit.

The Chairperson (Mr Maskey): That is right. He made it clear that the amendment that we considered on underage alcohol-free discos and so on was completely outside the scope of the Bill. That was his clear recommendation to us. There is a possibility that this one could be permitted by the Speaker, and, obviously, the stronger the consensus on that and the narrower the focus the easier it might be to make the case. I think it is fair to say that, from the outset of the discussion, the Committee, although members and personnel have changed, has consistently been very sympathetic to addressing this. Again, members see it as an anomaly. We commissioned this, and what I would

like to do now, on behalf of the Committee, if we can get fairly clear consensus in the Committee on including it in the Bill, is to go to the Speaker's Office, where, obviously, there will be further deliberation. I would not want to put it to the Speaker's Office unless I thought it was potentially within the scope of the Bill and that there was a fairly clear consensus in the Committee on it. I do not want just to hand a problem over to the Speaker's Office to address: we should take a mature decision ourselves.

Ms P Bradley: I would certainly support this being included. I have been on the Committee almost from the beginning and remember well the presentation from Drumbo. It really is just for its restaurant — nothing else. At the time, I think it proposed to open only from 12 noon to 6.00 pm to serve food in the restaurant with alcohol; it is not to extend the track licence or anything like that.

The Chairperson (Mr Maskey): It is well focused.

Ms P Bradley: It is just another anomaly. If the majority feel that we should send it through, we should take a chance on the Speaker making that decision.

Mr Allister: I was not on the Committee when this was debated, so I do not have that advantage. I am a bit uncomfortable, having been reminded several times in this meeting that there is a hope of upcoming licensing legislation that might look further at issues. I am a bit uncomfortable parachuting this into this Bill at this point, but that is only a personal view.

The Chairperson (Mr Maskey): Clearly, you have the right to revisit this and to speak or propose against it, but I get the sense that there is probably fairly clear support for it.

Mr Douglas: I have met these people over the past couple of years. To my knowledge, what they are asking for is something that other facilities right across Lisburn can do. They are the odd man out, in many ways.

The Chairperson (Mr Maskey): People know the issues, and I appreciate, Jim, that you have not been on the Committee from that period. Some other members have not been here for that length of time either, but some of us have been. Is the Committee content with the amendment as drafted to insert new clause 7A?

Question, That the Committee is content with the new clause, put and agreed to.

Clause 8 (Commencement and short title)

The Chairperson (Mr Maskey): On clause 8, is the Committee content —

The Committee Clerk: Can I interrupt for one second? On clause 8, I just want to draw members' attention to a discussion that I had with the Member last night. She has had further discussions with the Department. Clause 8 as amended would mean that the date of coming into force would be 1 September 2016.

Mr Allister: Rather than the Department making an order?

The Committee Clerk: That is correct. The issue was that they did not know when the date would be, but the Department has determined it to be September 2016.

The Chairperson (Mr Maskey): Right, so that is in conjunction with the Department. The commencement date would be 1 September 2016. Is the Committee content with clause 8 as amended by the Member in charge of the Bill?

Mr Beggs: On the basis that the Department has decided that date and it is practical, yes.

Question, That the Committee is content with the clause, subject to the proposed amendment, put and agreed to.

Question, That the Committee is content with the long title, put and agreed to.

The Chairperson (Mr Maskey): That concludes the clause-by-clause scrutiny of the Bill. I thank everybody for their deliberations and the staff for providing support.