



Northern Ireland
Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs (Amendment) Bill:
Northern Ireland Local Government Association

25 February 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Ms Paula Bradley (Chairperson)
Ms Kellie Armstrong (Deputy Chairperson)
Mr Andy Allen
Mr Mark Durkan
Mr Alex Easton
Ms Sinéad Ennis
Ms Karen Mullan
Mr Robin Newton

Witnesses:

Mr David Brown	Institute of Licensing
Councillor Frances Burton	Northern Ireland Local Government Association
Ms Karen Smyth	Northern Ireland Local Government Association

The Chairperson (Ms P Bradley): I welcome Karen, David and Frances to the meeting. I think that you, Karen, are going to give us a briefing. You have five to 10 minutes to brief us, and that will be followed by questions from members. Please, go ahead.

Ms Karen Smyth (Northern Ireland Local Government Association): Thank you very much, Chair. Councillor Frances Burton is leading our delegation, so she will give the introductory statement for us.

The Chairperson (Ms P Bradley): Brilliant. Go ahead, Frances.

Councillor Frances Burton (Northern Ireland Local Government Association): Good morning, members. The Northern Ireland Local Government Association (NILGA) welcomes the opportunity to meet the Committee this morning. We hope that our evidence will be helpful in assisting the Committee to develop the Bill, which I hope will get over the line this time.

Before we get into more detailed discussions, it should be noted from the outset that, although the 11 councils are not responsible for liquor licensing, we have a great deal of interest in the Bill due to the close relationship with entertainment licensing, which local government is responsible for; the health impacts for individuals; and, not least, the social impacts that alcohol can cause for families and localities.

NILGA is keen to ensure that the Bill, when passed, enables a modern and contemporary licensing system that is easily understood and which ensures that Northern Ireland is welcoming for visitors while not making social problems worse, particularly for residential areas close to licensed premises.

As our high streets change and we encourage people to move back into our towns, villages and cities, we need to ensure that our legislation does not create future unintended consequences and that it is developed in a way that will enable us to take a local licensing approach.

Councils are concerned about the potential impact of clause 3. As our written submission states, we believe that there may be a rolling back of council powers through the tying in of entertainment licensing with liquor licensing. Less than two weeks ago, we marked the 40th anniversary of the Stardust tragedy. You will all be aware of the importance of the entertainment licence's responsibility for public safety.

I welcome clauses 6 and 8, which, NILGA believes, will be extremely valuable to local economies through the licensing of major events, support for local producers and enabling retail sales at markets. The current pandemic has had a massive impact on local small businesses. We believe that this legislation, if developed in the right way, can be a means to recovery for what has been a hugely impacted sector. This will also be particularly important for the small pubs covered by clause 4.

We know that a discussion on the issues surrounding business hours and closing times will be necessary. Of course, we acknowledge the importance of Easter and the significance of change to many people. NILGA is happy to discuss the clauses with the Committee, particularly those related to young people. We believe that there is a need to ensure that the Department keeps licensing requirements under regular review to meet the needs of our rapidly changing society, technology and our entrepreneurs. We are keen to ensure that an evidence-based approach is taken to the development of legislation. We wish the Committee well in its endeavours, which may require some research of licensing law in the countries where the largest number of our visitors originate and of relevant emerging technologies and innovations.

I am aware that we have been requested to provide only a short introduction to enable more time for Committee questions and discussion, so I will stop there. David, Karen and I will answer any questions as best we can. I trust that our comments will add value to your considerations.

The Chairperson (Ms P Bradley): Thank you very much, Frances. Many of us in the Committee sat on councils for a number of years. I remember issues around antisocial behaviour, licensing and entertainment and the various trials that took place when I was a councillor.

I am interested in looking at clause 3 a bit more. How do you feel about the entertainment licence being tied to the liquor licence? Will you give some examples to the Committee of just how you see that affecting you in your role as councillors?

Ms Smyth: Chair, I suggest that David Brown, who is the chair of the Institute of Licensing in Northern Ireland, is best placed to answer that query on behalf of NILGA, if that is OK.

The Chairperson (Ms P Bradley): Absolutely. Go ahead.

Mr David Brown (Institute of Licensing): It will handicap the councils in how they license and regulate premises, particularly late at night. Across the Province, there have been problems with late-night licences, with or without alcohol, running to 2.00 am or 3.00 am and causing problems for the police. It will very much limit what councils can do to try to alleviate the problems for people in local areas. Councils are the best place to deal with complaints about and problems with late-night activities.

The Chairperson (Ms P Bradley): OK. To help the Committee to see that in its mind's eye, can you give an example of where you see a problem arising?

Mr Brown: I will speak about my area. We allowed a hotel outside the borough to operate until 3.00 am. When discussing other parts of the legislation, we have talked about dispersing people and giving them more time to be on the premises so that they do not all leave at once. That premises was able to continue operating for a time — to serve tea and coffee etc when people had stopped drinking — so that people dispersed slowly. We would never have allowed a late-night licence like that in the towns because of the disruption that would have been caused to residents. Councils are better placed to deal with and look at those issues.

The Chairperson (Ms P Bradley): You are absolutely right: councils and councillors live and work in their communities and know where the hotspots and problems are. I assume that that is the angle that you are coming from.

Mr Brown: Yes, we are better placed. Also, it is quicker for councils to deal with problems through their licensing systems than the courts having to deal with them. Going to court is expensive, and the general public do not particularly like going to court to make objections to late-night licences. They would rather go through our system.

The Chairperson (Ms P Bradley): OK. Thank you for that. The other issue that Frances highlighted was the age limit at specified underage functions. Do you have a view on that? Your submission includes the comment that you would like a lower age limit. Do you have any idea of what that lower age limit should be?

Mr Brown: Do you want to deal with that, Karen?

Ms Smyth: When we looked at the Bill's proposal, it seemed to us that it was very much geared towards teenage events. We would like clarity for licensing officers on the age of children allowed to be at those events. When looking at much younger children, we are talking more about family events, such as weddings and christenings.

The main concern expressed to us about young people's events was that, at a later stage of the night, if everybody is released on to the street together, there is a danger of young people mixing with adults who have been drinking. We are very supportive of the clauses that require parental supervision of younger children. We want to make sure that there is clarity and a cut-off point so that we can support teenagers who want to have events in grown-up premises while protecting the much younger children.

The Chairperson (Ms P Bradley): Yes. That issue has not yet been highlighted to us. You make a good point about underage functions finishing at the same time as other events, functions or general drinking in a bar and everybody spilling out on to the street together. You have questioned the 1.00 am finish for underage functions. Is it your view that a different time should be set?

Ms Smyth: It goes back to local flexibility and what is appropriate in particular areas. David made the point that councils may have greater flexibility than the regional court system for that kind of decision-making. There are areas where it would be suitable for underage events to be run in a certain way and other areas where it would not be suitable. David may be able to come in on that, which may be helpful.

Mr Brown: I am sorry: on the underage question?

Ms Smyth: Yes.

Mr Brown: Underage discos have always been an issue. From my experience over the years, they have been problematic because of the lack of control. Proper measures need to be put in place. Any legislation that the Assembly brings forward needs to look very carefully at how greater controls can be put on those types of functions. A distinction should be made between those types of functions in licensed premises and a normal disco. Councils need more guidance on how to control and monitor those types of discos to a greater degree.

The Chairperson (Ms P Bradley): Thanks to both of you. You have made some good points. Kellie and Robin are down to ask questions, and any other members who wish to do so should signal that they want to come in.

Ms Armstrong: Thank you for your presentation. Do we need to be clear about councils' enforcement powers? Do they need more clarification or do councils' powers need to be strengthened so that they have responsibility for licensing and tackling any abuse of licensing? I met some people outside the Committee to ask about the joining up of alcohol licensing with entertainment licensing, and it is causing some concern. To manage that, do councils need to have more enforcement powers? There is concern that a number of venues flout the rules, and nothing seems to be done about them. Things are done about them, of course, but people do not see enough being done. Would you rather that the councils had more enforcement powers instead of having to go to court?

Mr Brown: From my point of view, there is a distinction between what the police can do and what the councils can do. Both parties know what they can do but both have to be very proactive in taking those issues forward. At the moment, councils grant entertainment licences until 2:00 am or 3:00 am but control only the entertainment in those premises and the safety of the people there. They do not control people who are consuming alcohol or those who are underage drinking and all the rest of it. That is a police issue.

Whether we need to move to give the councils more powers to deal with that I do not know. Our role is around safety and noise disturbance. I know that the police also have a role in that, but, sometimes, there is a mismatch. In my area, North Down, over the years, we have worked very closely with the police to try to align those issues. Each party needs to know what the other party can do. The police need to know what the councils can do. We need to work in tandem, and there is a need to look at and strengthen those powers.

Ms Armstrong: The public will be the third spoke of that wheel so that they know who is responsible. That is brilliant. Thank you.

I want to ask a few questions about your submission. When you talk about local producers, you say that you are very comfortable with a local producer's licence being extended to allow drinks to be purchased and consumed off-premises. Is NILGA not particularly interested in local producers selling on-premises in a taproom-type function?

Ms Smyth: Our written submission says that we are strongly supportive of the clause that enables producers of alcoholic drinks to sell directly to visitors from their manufacturing premises. I meant that to refer to selling on-premises. I go on to mention consumption on-premises as well. I may have phrased that badly. There is no issue with the taproom idea at all; we would support that.

Ms Armstrong: That is brilliant. I know that many councils have been wonderful with local producers of all types of drinks and produce and at making food and drink part of promoting Northern Ireland as a tourist destination.

You brought up a very pertinent point on online orders and deliveries, the only group to do so. The difficulty lies in where the order comes from outside Northern Ireland and how that can be controlled. You said that the delivery companies would have to take responsibility for that. Thank you very much for raising that. We need to be concerned about it. Somebody could have a delivery of wine, spirits or a very expensive bottle of whisky arriving from Scotland, America or anywhere. How do we control that? Should there be something in the Bill about delivery drivers?

Ms Smyth: I had a conversation with some of the entertainment licensing officers in local government, and an issue was raised about the age specification of delivery drivers. If you are a delivery agent, potentially, you are a motorcycle rider aged 16 or a driver aged 17. We should make sure that people delivering alcoholic drinks are over 18. It is more likely that deliveries from further afield will be made by larger vehicles, which are more likely to be driven by an older person. However, we should be aware that, if the Bill is not drafted properly, there is potential for an anomaly.

Ms Armstrong: The Chair asked about the lower age limit, so my question on that has been answered.

The technology issue that you raise was also raised by Retail NI, which said that we should not close the door on future technologies. That may require an amendment. Can you suggest anything? We are keen to prevent vending machines, and your submission details a number of options that might be available, including robot technology, which is an interesting one. Do you want us to make the legislation as flexible as possible to leave the door open for future technology?

Ms Smyth: I am aware that this is really complicated legislation and that it is hard for people to understand as it is. We are very keen to make sure that we take the collaborative approach that David talked about: the police, councils, licensees, policing and community safety partnerships (PCSPs) and in the round locally. We should develop a public understanding of what is required, what is allowed and what is not allowed.

When new technology is introduced, it is difficult for legislation to keep up. It may be that secondary legislation can be introduced at a later stage to deal with innovation. I am not sure whether it is even possible to add something in legislation when you are trying to pre-empt something that does not yet

exist. We need to be aware of new technology. There is a move to ensure that Northern Ireland is modern and contemporary and that it embraces innovation and new technology. We do not want businesses, including hotels etc, to suffer from legislation that takes a while to catch up. I am not sure how we can pre-empt that.

Ms Armstrong: I want to ask your advice. You raised a point about young people from underage functions coming out on to the street at the same time as adults who have consumed alcohol, possibly from the same premises, if the underage event is in a function room and there is a bar in another part of the building. Drinking-up time can be extended to 60 minutes. If the young people are coming out of an underage function at 1.00 am — they are not drinking alcohol, and alcohol is not provided for that function — do they need drinking-up time? Obviously, we need time for young people to be picked up, but would 30 minutes be plenty of time to allow those young people to be picked up and taken away from that venue, meaning that the extended drinking-up time would not apply to underage functions?

Ms Smyth: That certainly seems to make sense. David, have you any comments?

Mr Brown: Drinking-up time allows you to consume alcohol after the bars have closed. If it was an underage function and there was no alcohol, that should not be an issue.

Ms Armstrong: Thank you. It is an interesting point. If we are to differentiate or are considering differentiating, drinking-up time should not be taken into consideration. We want to ensure that the health and safety of young people is looked after and that they can be picked up safely when leaving a premises. To me, drinking-up time does not seem to apply to underage functions.

Ms Smyth: That is an important consideration. It also ties in with what we are saying about staggering closing times, particularly in more urban areas such as Belfast where everywhere tends to close at the same time. Everybody spills out on to the streets, and, if no taxis are available, people cannot get home. It is about trying to have a phased approach locally and deciding with the industry what should happen in an area and what is appropriate to make sure that we cause as little nuisance to residents as possible. Post the Troubles, we are trying to bring residents back into urban centres and create a more 24-hour society, to a certain extent, but that brings its own problems. That is one of the issues that need careful consideration.

Ms Armstrong: Thank you very much, folks. David, it was nice to see you again. I was on the same council at one stage. That has answered a lot of my questions.

Mr Newton: I welcome Karen, David and Councillor Burton to the meeting. NILGA is an important body, and it is right that we very much take note of your concerns. By and large, you support the anticipated changes to the legislation. Will you expand on a sentence in your submission? I think that this was raised by Councillor Burton, although it does not matter who responds to it:

"NILGA is supportive of the need to achieve desired change in consumer behaviour and to provide an attractive alternative to home drinking and amenities for visitors, but we are also aware that many pubs are on streets with large numbers of residents who may be negatively impacted by noise and potential anti-social behaviour from some pub customers."

Would one of you like to expand on your thinking in that area?

Councillor Burton: I will come in on that. I am a member of the Mid Ulster policing and community safety partnership, which has a night-time economy group. One of the issues that we have is young people preloading on hired buses before they get to urban venues. That causes problems for the premises whose staff have to deal with young people who are already drunk, or are well on their way to being drunk, when they arrive.

Comments were made about everyone getting out at the same time. We have had young people in urban areas leaving a venue and going some way down the street to, for example, a McDonald's that was open 24 hours. That was back in the day when they were all open. There has been some abusive behaviour. Antisocial behaviour has included flowers in gardens being pulled out and shouting that wakes people, including children, who are in bed at that time. Quite a lot of people have come to the council and made objections, so, as a PCSP, we brought in the bus providers. We engaged with that sector to try to alleviate the problem. We would really like that to be looked at. I note the conclusion on page 10 about preloading on transport.

Mr Newton: I am content if no one else wants to make a comment.

The Chairperson (Ms P Bradley): Does anyone else want to make a comment or are you content?

Ms Mullan: Thank you Frances, David and Karen. I am coming in on the section about missed opportunities. Frances, you mentioned that there is no legislation in place to stop drinking on buses when people are attending events. Also, you raised a really interesting point about the party buses and taxis that we see in some cities. When we were allowed to go out and celebrate, the party buses and taxis were being used more often. Do you want to see party buses and taxis included in a new clause?

Ms Smyth: Those issues, including party buses, were raised at the Committee we attended in 2017. It is quite a difficult issue to deal with, and NILGA would like to see something about party buses going into the legislation.

Frances has already developed a piece on preloading on transport, and she spoke about that earlier. I am not sure whether preloading can be included in the licensing legislation; DFI may need to do that. The Committee may want to speak to the Infrastructure Committee about preloading, as it has a responsibility for public transport. The difficulty is that the legislation for class-A events and predrinking before football matches was made when the Department of the Environment was still in place. The functions have since been divided between DFC and DFI, and it will be interesting to see which Department and Committee will need to implement the legislation. Frances has had recent conversations with the police and community safety partnership officer in mid-Ulster, as it is still an issue in Cookstown.

Councillor Burton: Yes.

Ms Smyth: It is happening at various centres. Young people are being brought in from rural areas to county towns, and it needs to be addressed in some way.

Councillor Burton: One of the issues is that sometimes young people meet up at college and get on the party bus with a friend. The young people may arrive intoxicated in a town that they do not know very well, and the friend may leave with someone else or go into the establishment. In Cookstown, we have had to bring an organisation called Street Angels to work with venues to ensure that a young person is not just abandoned on the street. At times, we have found young people who have been left on the road. Obviously, that is dangerous as they could be attacked or assaulted.

From the PCSPs point of view, the bus drivers are saying that the young people do not listen to them. The drivers are trying to watch the road and do not have the power to take the alcohol off the young people. The driver can politely ask them to sit down; sometimes they do and sometimes they do not. So it can be a real distraction for the bus driver. It brings up all kinds of antisocial behaviour. Sometimes, they want the bus to be stopped so that they can urinate, and that brings all kinds of unpleasant behaviours into villages. We would welcome something being done with that, if you could look at it.

Ms Smyth: The party buses are a separate issue. There are also repurposed fire engines and people carriers, with disco lights and music, created and designed for parties. There is a grey area, because there is no control over that.

Ms Mullan: I agree, Karen and Frances. I am not over the detail, and I am not sure if DFI is looking at or whether it is something that we need to look at. You make good points. As Frances said, there is a lot of responsibility on the bus driver, and a lot of potential dangers for the users, particularly young people who do not see any danger. Thank you for including that in the briefing. Hopefully, it is something that the Committee will follow up. Thank you very much.

The Chairperson (Ms P Bradley): Thank you for bringing that up, Karen. I heard some comment about drinking on public transport during Question Time on Monday or Tuesday. I know that party buses are slightly different. We will get more detail on that. Only one more member wants to ask a question, and that is Mark.

Mr Durkan: Thank you, Chair, and thanks to the NILGA team for its submission. I hope that NILGA will propose some solutions to the bus issue, because it is complex. As Karen said, it is a matter that I

remember grappling with when I was in the Department of the Environment. DFI and DFC have potential responsibility, but I remember Health and Justice also getting involved at one point. It is complex. I do not know whether we will sort it out today or in the legislation, but it is something that we need to come together on. It is difficult. I remember somebody coming forward with a proposal simply to ban alcohol on buses, but that cannot be done. Such a ban would apply equally to the man or woman who had been to Marks and Spencer, got a meal deal including a bottle of wine and jumped on the bus to go home. They would breach that ban. It is difficult.

I will move on from the buses. Shortly, we will hear about the phenomenon of roadside pints that cropped up during lockdown, whereby licensees were providing alcohol from vans or vehicles to customers' homes. That may be a pandemic-related phenomenon that will end when we can get out of our houses and into pubs again, but it may well be part of a wider societal shift to home deliveries and businesses adapting accordingly. Does NILGA foresee any problems with that?

Ms Smyth: There are a couple of issues there. We have already touched on the delivery drivers and making sure that individuals are in the right age bracket. Part of the issue for getting the licensing regulations and legislation right is to try to deter people from sitting in the house alone and drinking a huge amount of alcohol. It is designed to get people out into pubs and to create a more social, responsible drinking culture. A premises near me was delivering draught pints at the roadside during lockdown, although I am not sure whether that is continuing. It was seen as a service for people who were not able to get to the pub. Without innovation, people will be entrepreneurial, and we need to encourage that, but we need to encourage it in the right way.

A number of issues need to be taken into consideration, and I am not sure that those aspects will be solved in this legislation. We need to take into consideration whether there is a limit to the amount of alcohol that an individual can purchase for delivery. However, that leads into difficulties with individual freedoms. It may be allowing things to happen in supermarkets, where people can buy alcohol, but causing difficulties for smaller retailers. There are a lot of considerations that need to be looked at.

The Chairperson (Ms P Bradley): No one else wants to make a comment or raise a query at this stage. Thank you, Frances, Karen and David, and NILGA in general, for your submission and for briefing the Committee. You highlighted issues that had not been highlighted, which is great. Your input has been invaluable. Thank you very much for joining us.

Kellie, do you want to come back in?

Ms Armstrong: Yes, Chair. When I received the paperwork from the guys, I had a bit of an investigation. When Mark was Minister, I have to declare an interest and say that I was on the alcohol on buses working group with the Department of the Environment. The Justice Act 2011 already prevents anybody from travelling on a coach to sports matches and consuming alcohol on the bus.

Mark raised the issue. Public service vehicle (PSV) licensing is the mechanism through DFI. As some have mentioned, the problem is that when a driver is at the front of a vehicle driving safely, how do they see if anybody is drinking? They cannot have eyes in the back of their head. The only way is to prevent opened bottles, cans or whatever being taken onto the buses, so preloading is a massive issue.

We mentioned before, Chair, about writing to the Department for Infrastructure for an update on its proposals for PSV licensing and alcohol on vehicles. It might be useful as well if a copy of the relevant part of the Justice Act was shared around so that everyone is aware of the connection with sporting matches.

The Chairperson (Ms P Bradley): Thank you for that, Kellie. We will action that.

Thank you to Frances, Karen and David for coming before the Committee today.