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Assembly

Committee for Communities

OFFICIAL REPORT (Hansard)

Licensing and Registration of Clubs
(Amendment) Bill:
Police Service of Northern Ireland

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article 44, article 44A, which makes the change to up to 104 times per year and gives licensees the ability to apply through the court for an extension. That generally applies to weekends. As regards a policing footprint and our variable shift pattern, we would be able to absorb that without too much concern. Because it is done through the court, it allows for local consultation, checks and balances. We are quite relaxed with that one.

We are supportive of clause 3, which is alignment of closing time for liquor and entertainment, as it provides clarity for customers, businesses and ourselves. It is very welcome.

Clause 4 includes the proposal to increase the maximum number of article 45 applications from 20 to 85 times a year. We have done some research on this. Of all the premises across Northern Ireland that can apply for up to 20, none has actually availed of it. That is not just in the last year because of coronavirus but previous to that. It does not, in effect, pose us any real concerns. However, if it were to be taken up, the administration of it would have an impact on resourcing for the police. Probably more importantly, it would have an impact on resourcing on the ground. The previous element fits with our shift pattern, but this would not. It tends to apply to what are classed as more rural pubs, where we do not have that night-time economy footprint at present. So, that would cause us some concerns.

Clause 6 relates to major events and the Department's potential administration role. Again, it is not really for the police to comment on who does the administration of it. It would normally be done by the court. We would like to see the detail of the consultation process on the granting of licences. How is it balanced with other businesses and the residential areas wherever it might be? What are the parameters, procedures, appeal mechanisms and inspection regime around that? Who would be the final arbiter? All those things would need to be ironed out before we could come to a collective view on it.

Among the bigger provisions that are very much welcomed by us — and, I think, by the hospitality industry — are the underage functions, which largely affect things such as school formals. We welcome clause 11, which proposes to come up with a solution to allow those to go ahead in a safe and controlled manner. I know that that has been a loss to the hospitality industry. Frankly, when we have young people being able to enjoy themselves in that sort of controlled environment, it is much safer than the alternative. They are often quite innovative in coming up with solutions themselves. We also welcome clause 12, which clarifies the law on young people being present at functions. Weddings spring to mind as the clearest example.

We welcome clause 13, which provides clarity on the outlawing of the delivery of intoxicating liquor to young persons. Policing of that — who does that and how? — is a very different matter, but it is welcome nonetheless.

Clause 18, which relates to occasional licences, proposes that the police can apply to put conditions such as specific areas for under-18s, not just alcohol-free areas, at events and concerts. Again, that is very welcome and helps with keeping young people safe.

Those are the main aspects for us. We have no objection to clause 22 on sporting clubs. Many of the others are probably lower down the list. I am keen to allow people to ask questions and to have a good dialogue. I will leave my opening remarks there, Chair.

The Chairperson (Ms P Bradley): OK. Mark, thanks very much for that and for your submission. Had we been in normal times, it would have been very interesting for the Committee to spend some time with their local police officers at night. I am a Belfast MLA but also served as a police officer in Belfast for 10 years. We are talking 30 years ago, but I remember very well the pressures that the police were under when it came to 1.00 am. You were getting called all over the place because of various antisocial behaviour. Actually, quite a lot of it was to do with very vulnerable people who needed help rather than antisocial behaviour. It would have been good for the Committee to have spent some time with you in policing the night-time economy, but, sadly, with COVID, that has not been doable.

I want to pick up on a couple of points. You said that you believe that the PSNI has the resources to cope with the increased demand, whether that is in respect of occasional licences or the drinking-up time, which is good to hear. You stated in your submission that you would support the introduction of a one-year trial period. It is not written in the Bill that that must take place. Do you think that it needs to be included in the Bill? I know that it has been brought up by other people as well.

Assistant Chief Constable McEwan: Yes, Chair. It is interesting that you talk about the pressure that comes at 1.00 am with kicking-out time. We think that a one-hour drinking-up time would alleviate that

somewhat and allow for better flow. As I mentioned at the outset, there are other aspects to creating a safe environment. The transport infrastructure needs to be right. There needs to be night buses and taxi ranks and the marshalling of those taxi ranks. All those layers of control that we, collectively, can put in to ensure people's safety are very important. Yes, a one-year trial period allows us to review it and see if it has achieved the objectives that we want, which are less nuisance, less antisocial behaviour and fewer assaults and things like that. The ability to review it and come back to it would be a useful tool for all of us.

The Chairperson (Ms P Bradley): Yes. I am old enough to remember this: when I was in my 20s, there was a 24-hour bus service. I remember getting the bus home from the city centre many times. The bus drivers were absolutely fantastic, especially with females. They nearly left you off at your front door, rather than at a bus stop that you had to walk home from. I remember that it worked very well.

You are absolutely right: often, our transport infrastructure does not support our night-time economy. The last time that I was out in Belfast and had to try to get a taxi home was a few years ago. We had to wait until 3.00 am to get a taxi. By that stage, we had started walking along the road. There was a group of us, so I was not alone, but we have heard of many people who walk home from Belfast on their own. I have heard of people who have walked up motorways and along the Westlink. I know of someone who was killed walking along the Westlink several years ago. It is not for this Bill, but it is certainly an issue that needs to be addressed. I want to turn to the issue of our local producers. I know that you are in favour of the producer's licence and for them to be allowed to sell their product on-site, sealed in containers or bottles. In many of our evidence sessions, the Committee has heard the arguments for and against taprooms. There are probably more in favour of them than against them. What is the PSNI's view on the operation of tap rooms?

Assistant Chief Constable McEwan: Our concern would be that taprooms have the effect of, potentially, creating quite a number of other licensed premises in rural parts of the country. It is a bit like article 45 being opened up to those who have an article 44 licence. It creates a demand that is not currently there. We do not have a policing footprint to deal with that, should it create things like antisocial behaviour or noise and the need to have a policing presence at the premises. I am not suggesting that they will create major issues, but should they require a policing response, they will be in areas, potentially, where we do not have the resource footprint for that at this time. We would have to work our way through that. That would be our main concern.

The Chairperson (Ms P Bradley): We have heard from many breweries and distilleries, and we heard from a cidery, whose owners, incidentally, do not want a taproom, but there are others that do. They say that people do not go to a taproom to sit all night, nor do they preload before they go, and all of those other issues that many bars and clubs have in Belfast and throughout Northern Ireland. I suppose, then, that you are looking at the unintended consequences of what may happen in future. Is that where you are coming from?

Assistant Chief Constable McEwan: Yes. I take the point that it is not generally the sort of place where people go for an elongated time, with preloading and all those issues. It is about unintended consequences, and, as with all these things, we have a huge number of very responsible business owners in the hospitality industry here. It is about trying to foresee what might come with some unintended consequences of people who try to abuse or stretch the legislation.

Mr Easton: Hi Mark, it is good to see you; it has been a long time.

Thank you for your presentation. In your response to the call for evidence, your answer to question 3 about the impact on alcohol consumption was that it was likely to significantly increase alcohol consumption. Would it cause significant problems for police officers to have to deal with the consequences of that?

Assistant Chief Constable McEwan: Is that in reference to clause 3?

Mr Easton: Yes.

Assistant Chief Constable McEwan: We would welcome the aligning of entertainment and alcohol. If alcohol licensing times are extended, that may result in increased consumption, but it is a bit like the drinking-up time trial period. We have not asked for a trial period for this, because we think that it provides clarity. What we have seen in other places is that the additional time evens out the alcohol

consumption. Therefore, it tends to neutralise itself. Of course, excess consumption creates issues for people's safety when they leave the premises and, sometimes, on the premises as well, but particularly when they leave. That is a concern for us.

Again, it is a bit like the drinking-up time. If that is extended, you tend to find that you do not have everybody leaving at one time, which helps with the safety issue. Then there are all those other layers that we need to put in around that, such as transport, as we said earlier.

Mr Easton: Do you envisage needing more resources for later opening or will it be cost-neutral?

Assistant Chief Constable McEwan: The reality is that, where we are talking about with these, we already have entertainments licences that run on into the early hours of the morning, until 3.00 am or 4.00 am. This is likely to reduce that, and we have a policing footprint around that at this point. At weekends, we can deal with that, particularly in the city and larger towns. The issue for us is that, if we start to see these being applied for and granted Monday to Thursday, it would have a significant impact on our resourcing requirement. We are not, clearly, geared for a night-time economy in many places on those days. That is where we would have concern.

Mr Easton: I like your idea of a trial period. It is something I had not thought of, and it may be something that the Committee might consider at a later stage. Thank you for your presentation.

The Chairperson (Ms P Bradley): Mark, can I ask a question that is supplementary to Alex's? Your paper called for a "late-night levy" on late-opening alcohol suppliers, to help fund policing for the night-time economy. If that is not done, will it have a great effect?

Assistant Chief Constable McEwan: This is an idea that we have taken from other cities across the UK. It is important in trying to provide for safety. It is not just about police officers; it is about the entire community safety arena. It is about some of the stuff that we have already talked about. We think that that is important. I say that, and all our remarks, in the context of a country coming out of the pandemic, the impact it has had on the hospitality industry and the need for balancing that. Clearly, there are pressures on police resources, hence we support the idea of a levy. However, we understand that there are competing demands in the current environment.

The Chairperson (Ms P Bradley): I was going to ask a follow-up question about the current environment, but you have answered that.

Ms Armstrong: Thank you very much, ACC McEwan. I will call you Mark, if that is OK. In the police paper that has been submitted to us, at (2b) it talks about the additional permitted hours. A comment that is quite relevant to us is:

"As a result, will there be a cautioner procedure available similar to the one currently in place for an occasional licence?"

From your point of view, does the cautioner procedure need to be put into separate legislation elsewhere, or is it something that you would like to see put into this legislation as part of certain licensed premises receiving the additional hours?

Assistant Chief Constable McEwan: It is something that local residents will probably welcome being brought into this legislation. I struggle, at this point, to see why we would separate it. As I mentioned at the beginning, there is something to be said for bringing the legislation up to date and making it clearer for everybody. If we have it all in one place, in one set of legislative documents, it is probably easier for everybody.

Ms Armstrong: Alex and Paula have both asked questions that I was going to ask about the late-night levy, so I am glad to have heard your answers.

My next question is about the licence change, and changes of directorship. I come from a community and voluntary sector background, and I appreciate completely the use of Access NI to protect children and vulnerable people from predators. I wonder whether there is anything that we could think about in directorship changes, so that police are notified. If there are concerns about any director who takes up a licence, how would you get that information? I do not suggest that we update Access NI for this to be included, but is there a possibility that you might be able to use Access NI, even as a basic entry

check for that, so that we could require directors to do that? It does not fit *[Inaudible]* Access NI, but the process could alert people that a person is now connected to a licensed premises.

Assistant Chief Constable McEwan: Yes. We have to be mindful of what we are asking for with Access NI checks and things like that, rather than applying it across the board. As with the director of any business, it would not always be appropriate. However, for those very reasons and given that there are all the safeguarding concerns about young people, we very much welcome the idea that, if there is a change in director, we and the courts would have to be notified. We would support that being part of the process.

Ms Armstrong: It is an interesting point that you bring up, especially as children will be allowed to be in premises much later if the legislation goes forward. It is an interesting concept and something that I would be very concerned about. If a licence holder, for whatever reason, cannot hold that licence, and it is passed on to another member of their family or someone else and the problems continue, it would not solve anything. It is an interesting point. Thank you very much for making it. It might be difficult to get Access NI to agree to implement that, but it is a useful mechanism that is already there that could help to highlight people.

Those are all my questions. That was just a quick one from me, Mark. Thank you very much.

The Chairperson (Ms P Bradley): Mark, if you do not mind, I am going to ask a supplementary to Kellie's question. Last week, representatives of the Safeguarding Board were with the Committee, and I asked them questions about the safeguarding of children on licensed premises, whether at underage functions, family gatherings or whatever, and about the staff who are working in those premises at underage functions, whether they are door staff or whatever else. I asked them whether they felt that the staff should have any form of checks done. They did not seem to be for or against that in any great way. I had my social work head on at that stage and was a bit concerned about it. Do you have any concerns about that or do you feel that that would not be needed?

Assistant Chief Constable McEwan: Door staff will have Security Industry Authority (SIA) checks done and should be SIA-registered. There is always a balance with these things. From a policing perspective, it would be easy for me to say that I fully support that, but it needs to be balanced with people's ability to access employment and the ability and, frankly, capacity of Access NI to deal with all those checks, which is what the previous Member who spoke was talking about.

There is also something about the fact that that, for want of a better description, a vetting check is a snapshot in time. When we are talking about functions at which young people are present, their families, close family members, friends and responsible adults will also be there, and you will have the moderating factors of other members of staff and management around the premises. There are many other layers of security and safety in well-run premises. A lot of it comes down to ensuring that we support businesses that are well run and have effective inspection and enforcement criteria for those that are not.

That was a long-winded answer. There is the reality of what we can expect with the capacity for vetting checks, and those may grind down the industry. I do not think that that would be uppermost in terms of safeguarding. All those other factors are probably as, or more, important.

The Chairperson (Ms P Bradley): I understand that. I had a case in my office this week of someone who is waiting on an Access NI check, and there has been a hold-up with it. I know that Access NI is under a lot of pressure.

Ms Mullan: Thank you, Mark. I want to go back and touch on the transport infrastructure. I also live in a city where we do not have that in place. Getting a taxi is the only option, and those are like hens' teeth. Thankfully, I do not live too far away and can walk home, but I know that many do not go out in the city because of that. If we could improve that along with the Bill and make it safer, our night-time economy would thrive so much more.

Mark, on clause 2 and the safety issue, you said that there is a greater potential for increased antisocial behaviour and on-street drinking with later permitted drinking hours. Is there evidence that we should be aware of, or is that the view of the PSNI?

Assistant Chief Constable McEwan: This probably comes down to the fact that clarifying the legislation will probably help to deal with some of that. Often, where we have unregulated late-night

drinking is where we end up with antisocial behaviour and on-street drinking. We are back to looking at all of the layers that we need to put in around the premises at "kicking out" time, or, I should probably say, when people are exiting the premises. It depends on what you determine as antisocial behaviour. We often see complaints and incidents about late night takeaways and things like that. This is where, if we do not have the right infrastructure to support it, we end up with large crowds in one area, and then residents or those trying to run businesses become frustrated with that or find that it is impacting on them. When you have large crowds of people, particularly when they have been drinking, you start to get low-level assaults and criminality of that nature, and you can see an increase in sexual offending and things such as that.

The key to this, and we are supportive of it, is around the clarity of that extension, particularly at the weekends, when we already have a policing footprint that will allow us to respond so that it is not impacting on our resourcing. We have concerns about the Monday to Thursday element and we will have to see how that will go. It is everything that you opened with in having taxi ranks, marshals and other capable guardians in the street, whether they are council-led wardens — some of our third-sector people who do a fantastic job — just having that moderating presence.

Looking at the wider night-time economy, it might mean having takeaways and restaurants open at the same time so that you are not left with a crowd in one place. One of the things that have been under discussion for many years in Northern Ireland has been around the licensing of food outlets. By doing that, you start to deal with some of these issues. About one quarter of violent crime is attributable to the hours between 1.00 am and 4.00 am. That is the sort of evidence that we are looking at. It is not necessarily just about the licensed premises; it is about how we put in place all of the other community safety aspects that enable people to go out and have a good night out. The economy can thrive, and, in fact, it rejuvenates city centres, bringing a café culture late into the night, and that it is safe and feels safe for people to walk about.

Ms Mullan: Mark, I agree with what you say about safety, by extending the hours it would be more manageable. You quite rightly highlighted takeaway outlets and all of the other things that you mentioned. As the Chair highlighted at the start of the meeting, mostly, at that time of night, you would see more vulnerable people, so it is taking that into account and providing that safety. We have an opportunity here to address that.

Thank you very much, Mark, for your briefing and your answers.

Mr Newton: Thank you, ACC McEwan for attending today. When you get to number five or six, or whatever it is, in the pecking order, most of the questions have already been asked.

I will pick up on one comment that you made. You indicated that you feel that the PSNI could handle the changes that are proposed without them having a negative impact on manpower. You then picked up on clause 4, which relates to article 45 of the Licensing Order and authorisations for additional permitted hours, and said that they had not been used widely in the past number of years. If clause 4 were to come into being and the additional hours were allowed, I presume that that would stretch the PSNI resources significantly.

Assistant Chief Constable McEwan: Yes. I thank the member for giving me the opportunity to clarify that. Clause 2 deals with the ability to extend further, through the court, opening hours until 2.00 am on a Friday and Saturday and until midnight or 12.30 am on Monday to Thursday. We are supportive of that and think that we can absorb it, because most of those are article 44 licensees and already run to 1.00 am on a Saturday or Sunday morning.

That is different from clause 4. There is not a big uptake from licensees who are running with an article 45 licence, which are, primarily, the more rural pubs and restaurants. Where there is that uptake, up to 20 times a year, we are able to manage them easily, locally, and there is generally a good relationship with local police and a good understanding of what the event would look like. The police administer the scheme, so, if that were to increase and be taken up, and those licensed premises had the ability to quadruple those applications, it would impact on us because we would have to administer it. We would need to cost that give a view on what the resource requirement would be. It would certainly have an impact, particularly in the current climate. If we were to see that increase in rural areas, it would have an impact on policing. We are geared up for a night-time economy in the larger towns and cities, but not in the smaller towns and more rural locations. It would, therefore, have a significant impact on policing. The environment is also different. It would require a bit of thought. If it was to be administered by the police, it would fall to local police to try to understand the impact on local residents, and things

like that. Those are two different proposals. We are supportive of the first proposal; we think that we could manage it, and it would help the industry. Clause 4 gives us some concern, and we would need to work through the detail of it.

Mr Newton: Thank you, ACC McEwan.

Mr Durkan: Thanks, Mark, for coming in and for the PSNI submission. I have a supplementary question. The ship has sailed on the late-night levy issue, but I would like more information, if you have it. How does it operate? Is it a flat levy for every establishment, or is it based on rateable value? Do you have that detail?

Assistant Chief Constable McEwan: I do not have that detail to hand. I can put out some of the practice that exists elsewhere in the rest of the UK and share it with the Committee in a written submission, if that is acceptable.

Mr Durkan: That would be very helpful. I do not know whether you caught the previous evidence session, but we had a chat around alcohol on buses. I am sure that it is something that you are familiar with — trying to deal with the issue, not consuming it [*Laughter.*] A law was passed in 2011 that made illegal the consumption of alcohol on buses en route to sporting fixtures. What is your experience of that legislation? Have there been prosecutions relating to that?

Assistant Chief Constable McEwan: To my knowledge, there has not been. We have not had issues around that. I only caught the tail end of the previous submission. It is not just sporting events.

Mr Durkan: Are people travelling to licensed premises on buses more of a problem for you than people travelling to sports events.

Assistant Chief Constable McEwan: Yes. It is things like big events and big concerts. Again, we are keen to support them because they are an important part of the fabric of society and to a thriving economy and the cultural part of our society. It is things like that where we see coach loads of people — particularly young people but not necessarily underage — who arrive and are already quite heavily intoxicated. We are left with a situation where safeguarding arrangements need to be put in place for those individuals. Very often, they will have made arrangements to go home later that night. There is almost a pattern to a night out, where people have a few drinks, enjoy an event and go home. The rhythm is there and established, but then they arrive in a state, and safeguarding arrangements need to be put in place. They cannot go into the concert, and that imposes difficulties for us, our partners in the councils and the event organisers. The ability to intervene earlier and deal with that preloading on buses will be very welcome.

Mr Durkan: It is a tough nut to crack. Of course, there are also thousands of people who travel to events on buses and have consumed some alcohol, but they do not get in that state; they do it responsibly.

Assistant Chief Constable McEwan: Yes. As with a lot of these things in public spaces, for clarity — particularly for the public but also for those trying to operate businesses, including the coach operators and the enforcement bodies — you have to have an absolute in this. As mentioned earlier, it is impossible to ask someone who is qualified as a coach driver to monitor who is becoming intoxicated and who is not.

Mr Durkan: Absolutely.

Assistant Chief Constable McEwan: That is very different from a bar setting. You probably need an absolute in this.

Mr Durkan: OK. Thank you, Mark.

The Chairperson (Ms P Bradley): No other members have indicated that they want to ask anything further. Mark, thank you for joining us today, your submission to the inquiry and your briefing to the Committee.

Assistant Chief Constable McEwan: Thank you, Chair.