



Northern Ireland  
Assembly

---

**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

---

**OFFICIAL REPORT  
(Hansard)**

---

**Licensing and Registration of Clubs  
(Amendment) Bill**

30 September 2010

**NORTHERN IRELAND ASSEMBLY**

---

**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

---

**Licensing and Registration of Clubs (Amendment) Bill**

---

30 September 2010

**Members present for all or part of the proceedings:**

Mr Simon Hamilton (Chairperson)  
Ms Carál Ní Chuilín (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Billy Armstrong  
Mrs Mary Bradley  
Mr Mickey Brady  
Mr Jonathan Craig  
Mr Alex Easton  
Ms Anna Lo  
Mr Fra McCann

**Witnesses:**

Mr Tom Bowler	)	
Ms Caroline Hobson	)	Department for Social Development
Mr Liam Quinn	)	

**The Chairperson (Mr Hamilton):**

Joining us from the social policy unit of the Department for Social Development (DSD) are Liam Quinn, Tom Bowler, and Caroline Hobson. You are all very welcome. I advise you that the evidence session will be included in the Hansard report and that mobile phones and electronic devices should be switched off. Please give us brief clause-by-clause run through the Bill, and if you will pause at each stage I will ask members whether they have any issues to raise.

**Mr Liam Quinn (Department for Social Development):**

I will provide a bit of background, and then Tom will take the Committee through the Bill on a clause-by-clause basis. The Bill originated in 2004, when the then direct rule Minister David Hanson carried out a review of the Northern Ireland licensing legislation. He was influenced, largely, by a review of the law in England and Wales. He took forward some proposals, but they did not become law because the Assembly returned in 2007. Since then, Minister Ritchie and Minister Attwood have been looking at the legislation and have introduced this Bill to the Assembly following approval by the Executive in April.

The Bill makes provision for stricter enforcement measures, which the Minister believes will help combat the problems of alcohol misuse, disorder and underage drinking. In relation to registered clubs, it will make provision for more appropriate accounting requirements and an increase in the opportunities for later opening. Tom will now take the Committee through the clauses.

**Mr Tom Bowler (Department for Social Development):**

Clause 1 deals with the closure of licensed premises and will add articles 69A to 69J to the Licensing (Northern Ireland) Order 1996 (the Licensing Order). I will start with article 69A and work from there.

Proposed article 69A concerns orders to close licensed premises in a district experiencing disorder. It will empower a Magistrate's Court within a district that is experiencing or is likely to experience disorder to make a closure order in respect of premises at or near the place of disorder. The application for a closure order will have to be made by a police officer of the rank of superintendent or above, and the closure order must not exceed a period of 24 hours. The article will also introduce a new offence, with a maximum fine of £1,000, for knowingly keeping any licensed premises open during the period of a closure. I remind the Committee that this will relate to disorder in a district and not specifically in a licensed premises.

Proposed article 69B deals with closure orders for identified licensed premises. Under this article, a police officer of the rank of inspector or above will be able to make a closure order in relation to identified licensed premises if it is believed that there is public disorder on, or in the vicinity of and related to, the premises, and that that closure would be in the interests of public safety. The decision on whether to make an order will be influenced by the conduct of the

licensee or their staff in relation to the disorder. Again, any such order must not exceed 24 hours. The order must include details of the grounds on which it is made and must also explain for the licensee's benefit how the closure process works. The penalty for contravening a police closure order will be a fine not exceeding £5,000, and/or up to six months imprisonment.

Proposed article 69C deals with the extension of closure orders, and will allow for a police officer of the rank of inspector or above to extend a closure order prior to the court hearing if it is believed that that it is necessary in the interests of public safety. The extension of the closure period must not exceed 24 hours beginning with the end of the previous closure period.

Proposed article 69D deals with the cancellation of a closure order and will provide that a police officer of the rank of inspector or above may cancel the closure order or any extension of it before a court hearing takes place. That officer will have to cancel an order, or any extension of it, if it is believed that there is no longer a threat to public order, and the premises must be notified of any decision as soon as possible.

Proposed article 69E deals with application to a court of summary jurisdiction by the police. That will require a police officer of the rank of inspector or above to apply to the relevant Magistrate's Court to consider the closure order and any extension of it as soon as possible.

Proposed article 69F concerns the consideration of the closure order by the court of summary jurisdiction. That will require the Magistrate's Court, on receipt of an application from the police, to hold a hearing as soon as practicable. At that hearing, the court will have some options. It could revoke the closure order. It could order premises to close or to remain closed for up to 28 days. It could revoke, modify or make the continuance of an order for additional permitted hours, which is late opening till 1.00 am, subject to such terms and conditions as the court thinks fit. The court could also revoke any occasional licences granted and order that no further occasional licences are granted to that premise.

At that point during the court hearing, the licensee may make representations to the court. Following the conclusions of the hearing, the court must notify the police of the outcome. The article also introduces a new offence of keeping premises open in contravention of a court order. That will attract a fine not exceeding £5,000 and/or up to six months' imprisonment.

Proposed article 69G deals with appeals. It will allow for a person to appeal to a County Court against a Magistrate's Court decision within 21 days. Any order made by a Magistrate's Court under article 69F will cease to be effective from the time that an appeal has been lodged until a decision has been made or the appeal has been abandoned.

Proposed article 69H deals with enforcement of closure order. It will simply empower a constable to use all necessary force to close premises that are subject to a closure order. Proposed article 69I exempts a police constable or, indeed, the Chief Constable, for any relevant damages, such as those that are awarded in proceedings for a judicial review, negligence or inappropriate performance in public office. Therefore, a police constable or the Chief Constable are not liable for such damages unless, of course, the action that is taken by the police or, indeed, the lack thereof, is shown to have been in bad faith or incompatible with section 6(1) of the Human Rights Act 1998.

Finally, proposed article 69J describes the circumstances in which a premises is deemed to be open by listing who may legitimately enter the premises when a closure order is in operation. Basically, that will be the licensee, staff, anyone who lives in the premises, or a family member of any of those people. That should assist police in determining whether a premises that should be closed is, in fact, closed.

The proposed article also defines other words and phrases. One of its main functions is that it will repeal article 49 of the Licensing Order, which allows the Department of Justice to close licensed premises. That power will move to the courts and the police.

That covers article 69 on closure.

### **The Chairperson:**

The Bill states that for there to be closure, disorder must occur:

“on, or in the vicinity of and related to, the premises”.

Those are quite subjective terms. They are not specific. What do you envisage them to mean in practice? For instance, what does the phrase “vicinity of” mean? Does it mean immediately outside the door of a premises? Does it mean a street away from the premises or at the other end of the town? How can you judge whether disorder is related to a premises? If people cause

disorder after they have left a premises, is that disorder then related to that premises?

**Mr Bowler:**

We will provide the police with guidance, which, of course, the Committee will get a chance to look at later. It is a difficult issue. The first option for the police has to be public safety. They will also have to be quite certain that if, as you say, trouble has taken place in the vicinity of a premises, it must be related to that premises. The police will have to establish that link.

If there is no clear link between the problem and the premises, the police may have difficulty in convincing a Magistrate's Court that there was such a link. Ultimately, if the court is not satisfied with the way in which the police have interpreted a situation; that will not be good news. So, there is that sort of safeguard with the Magistrate's Court.

**The Chairperson:**

However, all the while, the premises will be closed, and word of that will get about. I must be careful about playing devil's advocate; however, premises that may be OK and where the owners may have done nothing wrong, might suddenly become tainted in the locality. People may decide not to go to those premises because they have been closed, when, in fact, they were fine but were closed by an overzealous officer for an unrelated reason, such as lack of resources.

**Mr Bowler:**

You are talking about situations when the police get it wrong or are overzealous. I am not sure that there is too much that can be done about that. As I said, the police must establish a link, because a closure order must contain the grounds for closure. Admittedly, the licensee will not get a chance to represent himself immediately. If the Magistrate's Court does not hear the case within days, which it should, and if the link that the police feel they have established is not sufficient for the court, the reputation of the premises could suffer, and I appreciate that. However, if the police have got it wrong somehow, I would like to think that, in view of the court's decision, that would not happen a second time. The court is the ultimate safeguard, but nothing can prepare us for situations that involve a matter of opinion.

**The Chairperson:**

Let me stress that I am not against the clause in part or in entirety; far from it. In certain circumstances, its proper application will be useful. However, I want to make the case, as I have

before, and stress that the guidance must be clear, and it must be clear to the police. I know that we will be working alongside the police on this matter. I have experience of the police objecting to an entertainments license for a public house on the basis that there is a lack of resources in the area to deal with anything that might happen; not anything that had actually happened or was likely to happen. That decision caused the licensee to have to make representations to ensure that they got their licence. I am making the point, and I will do so at later stages of the Bill, that premises must not be allowed to be closed just because umbrage has been taken against a licensee or because there is a lack of resources in an area. Such circumstances can result in damage to a premises' reputation. Ultimately, a business lives or dies by its reputation. There is potential for negative consequences, and not happening a second time may not be good enough. The first time this happens could be enough to damage a premises' reputation. I am stressing that that point should be clear when developing guidance and when working in consultation with the police.

**Mr Quinn:**

I think that you are right. The key to operating the clause will be the guidance to the police. They must get it right from the start. As Tom said, the Committee will have an opportunity to comment on the guidance that we will be developing in consultation with the police.

**Mr Bowler:**

Closure powers have been available to the Secretary of State for many years, and now they are available to the Department of Justice. We hope to replace and improve on what already exists. The issue that you raise, Chairperson, has always existed. We are trying to move closure powers from the Department of Justice to the police and the courts, which, between them, run the rest of the licensing system. There will be many improvements. However, ultimately, it is hard to make provision for a poor decision.

**Ms Lo:**

Further to the points made by the Chairperson; I know that the police feel that the legislation does not go far enough, because it mentions actual rather than imminent disorder. The police feel that, in order to prevent damage to property and further public disorder, it is their duty to close premises when they anticipate disorder. What is the DSD's view on that?

**Mr Bowler:**

The deputy First Minister was not happy with the subjective nature of the police making a

decision about imminent disorder. In a sense, this is linked to the Chairperson's question about making the legislation certain so that mistakes cannot be made. The reason the Minister took a pragmatic approach and decided to remove the police power following concerns registered was that perhaps it was a little subjective. The deputy First Minister had said that it lacked sufficient criteria, and I think the Chairperson was pointing out that, in any decision made by the police here, it will be important to try to get it right. It is not for me to say one way or the other, but it could be argued that removing that power from the police will remove an opportunity to make wrong decisions. However, we are aware that the police want that power, because without it, in theory, they would have to wait for the disorder to kick off.

**Ms Lo:**

Exactly, which may actually escalate the situation. When there is public disorder, and the police go in, they can be accused of making things worse: one only has to look at the Holylands area of Belfast on St Patrick's Day.

**Mr F McCann:**

I declare my membership of Belfast City Council. In the past, I have sat through many instances in which the police sought the closure of premises based on trouble that had happened in the vicinity rather than on the premises. In some cases, the trouble had not even originated on the premises. There are obviously difficulties with this. However I, like the Chairperson, have problems with the closure of premises. There are occasions when the police have every right to move in and stop disorder, but sometimes there is an over-reaction in some areas that leads to an increase in some of the tension that there may be in and around licensed premises, especially if people are taking drink.

On a number of occasions in my constituency I have seen the police going into bars early and asking people to drink up before the proper time, which has led to fights with the police in the bar or people gathering outside the bar when they saw the fracas. I am concerned that the power could be abused by individual police officers who may be on patrol.

**Mr Bowler:**

Hopefully, the safeguard will be that when the case is heard by the Magistrate's Court, which must happen, the police will have to establish a link between the premises and the disorder. It will not be enough to say that the disorder was in the vicinity of the premises; it must be in the



vicinity of, and related to, the premises. Both of those criteria must be satisfied.

**Mr F McCann:**

Would it not be better to leave things as they are, so that it will be the courts that will make the decision, rather than individual policemen?

**Mr Bowler:**

Expected disorder is an altogether more difficult issue. Only the courts can determine that now. It depends on one's view. In England and Wales — and Scotland, where there is separate legislation — police are able to close premises if they suspect that disorder is imminent, although the first resort is voluntary closure and not necessarily a closure order. Obviously, the police here would like to have the same powers as their colleagues on the mainland, but one could argue it either way.

**The Chairperson:**

We will move on. Perhaps, rather than going through the Bill article by article, you could just give us a broad idea of the meaning of the clause. That will help us to move on.

**Mr Bowler:**

Clause 2 relates to penalty points, and again, it is to do with licensed premises. It introduces to the Licensing Order a couple of new articles on a new penalty points system. It also repeals the existing provisions on suspension of licences, which have now been overtaken by the new penalty points provisions. The clause also introduces proposed new schedule 10A, which sets out the range of penalty points that are attributable to a variety of offences.

The clause can be broken down into proposed new articles 71A to 71C. Proposed new article 71A provides for penalty points to be attributed to certain offences. The proposed new schedule specifies the penalty points that are attributable to offences that carry a fine of up to £1,000. The schedules to the Bill also define the penalty points for offences that carry fines of up to £2,500 and up to £5,000. Therefore, in effect, the seriousness of the offence will indicate the penalty points that are to be attributed.

The proposed new article also gives the court the power to endorse one set of points on a licence if more than one offence has been committed. Alternatively, however, the court has the

discretion to hit the offender with more than one set of penalty points if two or three offences have been committed. Therefore, the court has the discretion to either use the highest offence or endorse all the offences on the licence.

This clause is a bit hard to follow, and certainly, I found that to be the case. Basically, however, if a licensee is convicted of an offence that is liable to a fine not exceeding £1,000, the court may order penalty points to be endorsed on the licence. However, upon conviction for the same offence within three years, a court must order the points to be endorsed. Similarly, if a licensee is convicted of an offence that is liable to a fine not exceeding £2,500, the court must order penalty points to be endorsed on the licence, unless if, for special reasons, it thinks it fit not to do so. The words “for special reasons” have legal meaning, which I will not go into unless I am asked to.

If a licensee is convicted of an offence, the most serious is liable to fines not exceeding £5,000. A court must order penalty points to be endorsed on the licence. For example, if premises are convicted of selling to underage drinkers, the court must endorse penalty points on the licence and the licensee will be required to hand their licence into court for endorsement. If they fail to do that, they will be hit with another fine of up to £2,500 or three months’ imprisonment.

Finally, for the end of the process, proposed new article 71C enables a Magistrate’s Court to suspend a licence for not less than one week or for more than three months where 10 or more penalty points have been accumulated. Once that happens, the accumulated points are wiped clear. Again, proposed new article 71C introduces schedule 10A to the Order, which lists the penalty points that are attributable to each offence. It also repeals some existing suspension provisions, which have been superseded by the Bill.

**The Chairperson:**

Do members have any questions to ask?

**Mr F McCann:**

We need to stamp out underage drinking, but high-quality forms of identification are available to many young people. Is that taken into consideration when a person is in court or when the police are talking to them?

**Mr Bowler:**

Proof of age provisions are coming up in the next clause that we will discuss. They specify the age cards that the trade recommends for use and that it actually uses. For example, passports, driving licences and hologrammed identity cards are regarded as fairly foolproof. At the moment, the trade accepts only four or five identity cards, but that may vary along border or other areas. However, student cards and cards that are easily forgeable would not be accepted; only the more mainstream cards would tend to be accepted.

**Mr F McCann:**

The possibility of using electoral identity cards was raised previously.

**Mr Bowler:**

That is the other form of proof that could be used.

**Mrs M Bradley:**

They could also be fake.

**Mr Bowler:**

At one stage, the electoral officer told us that the electoral card was going to be pass accredited. That is a proof of age standard scheme, which means that there is a hologram on the card. However, that did not happen. The electoral identity card is one of the cards that the trade recommends should be used at the moment, and the Bill recommends that it be used. However, one could perhaps argue that it is forgeable because it is not hologram protected.

**Mr F McCann:**

Every document is forgeable.

**Mr Bowler:**

The Bill will really only put into law what is happening now.

**The Chairperson:**

When Fra says that every document is forgeable, I wonder whether that is the voice of experience speaking. *[Laughter.]*

**Mr F McCann:**

Far from it.

**The Chairperson:**

We will just leave that, Fra.

Does anyone else wish to make a comment?

**Mrs M Bradley:**

The point about the document that is being used is quite right. It is very difficult, because those who own clubs and bars are fighting great difficulty, and the people who they put in charge at the doors are getting more than enough abuse because they are taking one person's card but not another's. The sooner we can find something that helps that situation the better. That will control a bit better the situation of young people drinking.

**Mr F McCann:**

The number of people who are trying to renew passports that they lost when they were out is on the rise.

**The Chairperson:**

We will move on to clause 3.

**Mr Bowler:**

We have sort of dealt with clause 3. It introduces a proof of age scheme, and it specifies the identity cards that should be used, which we have spoken about. Those include passports, driving licences, electoral ID cards and proof of age standard scheme cards. The trade's Challenge 21 literature refers to those forms of ID. That literature encourages people in the trade to challenge anyone who looks under 21 years old to produce those cards. Therefore, in a sense, we are putting into law only what exists at the moment.

**Mrs M Bradley:**

For my own benefit, I would like to ask Tom something about licences. You said that if someone was going to have penalty points put on their licence, they would have to hand the licence in. Is it

held for a certain length of time? Can that person still operate their business while it is held?

**Mr Bowler:**

Absolutely; that licence remains valid.

**Mrs M Bradley:**

That is OK; I just wondered about that.

**Mr Bowler:**

I skipped over that point actually; I was trying to speed the discussion up, and I missed that bit.

**The Chairperson:**

We will always drag people back.

**Mr Bowler:**

To tie up the proof of age issue, we are going to bring in an offence that is liable to a fine of up to £1,000 if premises fail to display proof of age notices around the tills. Those notices will say what the offences and fines are for underage sales, and there will be a fine if premises do not display them. In a sense, it will be easier to see who complies, because you will be looking for *[Inaudible due to technical difficulties.]* That is a proof of age.

**The Chairperson:**

Clause 4 deals with application to limited liability partnerships.

**Mr Bowler:**

In the UK, a limited liability partnership is a corporate body. Corporate bodies are permitted to apply for liquor licences, and I think that the Order is being amended to reflect that. Legislation on that has been passed recently, and we are just tidying up and making the Order state that it is fine for a limited liability partnership to apply for a licence.

**The Chairperson:**

Clauses 5, 6 and 7 replicate clauses 1, 2 and 3 but apply to registered clubs. Are there any differences in those that we should consider?

**Mr Bowler:**

Not really. Instead of a licensee being guilty, an official of a club could be guilty of an offence. However, they are so similar that I do not think that it is worth considering.

**The Chairperson:**

Clause 8 deals with accounts of registered clubs.

**Mr Bowler:**

Clauses 8 will make amendments to the Registration of Clubs (Northern Ireland) Order 1996. The Department, in partnership with the PSNI, wants to look at clubs' accounting requirements and, hopefully, simplify them. There is a need for primary legislation to have suitable provisions to enable that to happen, and that is what clause 8 does. It removes some of the strict requirements that are in current licensing law. It relaxes some and removes others. Ultimately, its purpose is to introduce new and, hopefully, more relaxed regulations in due course. It is hoped that that will make clubs' accounting systems a wee bit more flexible.

**Mr F McCann:**

I want to discuss an issue that I believe we raised during the previous meeting on this matter. Sometimes clubs' committees change regularly. In some clubs, problems have arisen due to lack of experience in dealing with certain matters. Is provision being made to enable clubs' committees to tap into training?

**Mr Bowler:**

That was the case. When clubs' accounts began, their accountants and others weighed in with a series of training courses. It really was great stuff, and the police also aided in that. The Bill will actually relax current requirements. In a sense, clubs are now fairly experienced at accounting, and the Bill will make it easier for them. Therefore, I am not sure that clubs will feel any great need to train people any more.

**Mr F McCann:**

OK; that is no problem.

**The Chairperson:**

We will move on to clause 9, which deals with authorisations for special occasions. I know that

members are interested in that.

**Mr Bowler:**

As you know, clause 9 intends to increase from 52 to 120 the number of late nights that a registered club can apply to the police for each year. It is really as simple as that. Members may have seen statistics that we gathered since we last presented to the Committee. Those show that of 315 clubs that were surveyed, only 40 used the full quota, which, at present, is 52 each year, and 81 clubs did not use any late nights at all. Therefore, the statistics probably indicate that there will not be a huge number of clubs that intend to use 120 late nights each year. The Minister's view is that the provision should prove useful to those clubs that want to use it.

**Mr Craig:**

Were the police consulted about that?

**Mr Bowler:**

We have spoken to the police over the years about the matter, and they had expressed some reservations about the numbers involved. Ideally, they would not be in the position of having to approve clubs' late nights; the matter would go to a Magistrate's Court. To try to assist the police, therefore, the Bill allows more than one late night for each application. At present, each application to the police is for one late night, but the Bill will allow multiple nights for each application. However, we appreciate that the police have an administrative issue with that. The Minister felt that the increase was not unreasonable. Hopefully, the police's administrative system will be able to cope with that.

**Mr Craig:**

It is the old story. I agree that it might create an administration issue for the police. However, there is a bigger picture to consider. The problem is not that the police have to approve applications but that they and the other emergency services are the ones who are left to pick up the pieces when all this goes wrong. It affects the police in particular. I could take you to several areas in Lisburn where the provision will be used. However, I am tempted to use the word "abused". When it comes to policing it all, the police will have to pick up the pieces. I know that there is opposition to the increase to 120 late nights. That is certainly the case locally. The police are asking the very simple question of where the additional resources will come from to actually police all this. However, the answer is that they will not get those additional resources. Why are

we introducing something that, statistically, is not being used at present? We are going to make the situation worse.

**The Chairperson:**

I agree with the member in a certain sense. Prior to the Second Stage debate, I spoke to various local clubs about their level of usage of the provision in question. None of them said that they used anywhere near the current 52 late nights. We asked about usage figures in the Committee and in the Second Stage debate. Initially, we were told that those figures were unavailable and that they would remain so. Although the Minister said that that does not necessarily prove demand one way or the other, if around 75% of registered clubs currently use fewer than 30 of the 52 late nights, it is indisputable that there is not a huge debate to be had. That is persuasive enough for me to say that there is not a huge demand to increase 52 late nights to any number, never mind to 120. Around 75% of clubs would still use fewer than 30 late nights. However, some of the remaining 25% of clubs would use the 120 late nights. That would pose problems for people in the locality and for the police, who would have to deal with any associated problems, no matter how strengthened their powers are.

I am not persuaded that there is a need to increase the number of late nights to an arbitrary figure of 120. I remain to be convinced. I am not against more flexibility and a marginal increase. However, 120 late nights seems to be extreme, given that what little evidence there is suggests that there is not the demand for clubs having anywhere near that many. That is just my opinion.

**Ms Lo:**

I endorse what you are saying, Chairman. I do not understand the rationale for a jump of that extent, which is more than double the current figure of 52 late nights. I know that the police are not happy about it either, given the resource and administrative issues that they have to consider. Under the Bill, the police are not allowed to close premises in which there is imminent likelihood of public disorder. Therefore, they have to wait for something to happen before they can go in and close premises.

The new umbrella organisation, Pubs of Ulster — I cannot remember what it used to be called — has lobbied me, and it is not happy about clubs increasing their number of late nights. It could be argued that that is self-interest in that pubs obviously do not want more competition.



However, that organisation is saying that more than that is involved. Late night applications could be abused, and instead of operating for members, clubs could become premises for commercial use, such as weddings.

**Mr Bowler:**

Applications would be made to the police. It could be argued that, if a premises abused its late night application through disorder or other illegal activities, the police would be at liberty to refuse the application. Therefore, using the police is a fail-safe and could be a benefit. Therefore, the police's ability to say no has to be taken into consideration.

**Mr Craig:**

I understand that the police can say no. However, it is a legal minefield in the police saying no and their proving that there is a clear link between a physical place and the trouble that occurs 200 yds down the street. Despite the legislation, that legal minefield is not going to go away. Other members mentioned some of the difficulties that we have, even in trying to go in and be proactive. However, the issue is subjective. It will be tested in the courts, and my gut feeling is that we will end up in as big a quagmire as we are now. Under the legislation, the police's ability to close the clubs in question down is not as strong as we think the Bill will make it.

**Mr F McCann:**

You could be right in certain instances. I declare my membership of two clubs: the Irish National Foresters and Cumann na Méirleach in west Belfast.

**Mrs M Bradley:**

Are you only in two?

**Mr F McCann:**

I could get only two to take me.

By and large, the committees that run most of the clubs are genuine in trying to ensure that the clubs are run properly and are above board. We may find that there is less trouble in clubs than in certain pubs. That needs to be taken into consideration. In addition, over the past number of years, clubs have faced difficulties, especially when trying to provide entertainment, because they do not operate under the same rules as pubs, particularly when it comes to the provision of late

nights. That also needs to be taken into consideration. Also, clubs are probably among the biggest givers to charities, so there would be an impact on that.

Nowadays, many premises in the entertainment industry, whether they are pubs or clubs, are closing because they find it increasingly difficult to ply their trade because of the way that people's habits have changed. Many clubs have to close during the week due to lack of custom. You are right in saying that many additional late licences may not be used, but their availability would give clubs the possibility of increasing their income. Compared with pubs, clubs have been operating at a disadvantage. For example, pubs could have x number of late licences, so if they serve food, they can open late five or six nights a week, but clubs cannot do the same thing.

**Mr Armstrong:**

My concern is about whether the clubs that will use additional late licences are the same ones that use them often at the moment. Maybe those clubs use them every week because they are known in the area as a late club, and they stay open later because they want that trade. Perhaps that is why the percentage of clubs that use late licences every week or month is as it is. Maybe 52 late nights a year is sufficient, and because only certain clubs will use them, we do not need so many.

**Mr S Anderson:**

I wish to make a couple of points, and Anna touched on one already: business. It is well known that pubs in Northern Ireland, and probably across Ireland and England, are closing down at a fast rate. Regardless of whether one agrees with pubs and clubs, we are well known for our traditional pubs, and visitors come from near and far because of them. If we increase the number of late licences that are available to clubs to 120 a year, we would be allowing clubs to become more like pubs, which generally run their late nights at weekends — on Friday, Saturday and, probably, Sunday nights now. In addition, pubs cost more to run, and clubs are able to sell alcohol for much less, all of which, as Anna said, amounts to unfair competition. Clubs can also make use of voluntary labour. Maybe Fra works voluntarily for a few hours a week in his club.

**Ms Lo:**

For free drinks.

**Mr S Anderson:**

Too many clubs running too many late nights is pushing the pubs into a corner, and it is unfair

competition. Have we had feedback from Pubs of Ulster? What is its opinion of the Bill?

**Mr Bowler:**

It does not like the Bill. I stress that we are talking about private members' clubs. I know that everybody has views on the matter, but such clubs are restricted to members and their guests. Technically, therefore, the extra late nights will not be available to the public; they will be available only to club members and their guests. That is the law. The Pubs of Ulster do not like the Bill because they share your concerns. It has made it clear that it regards some private members' clubs as competition. It probably does not seem fair to say that it is up to the police to sort that out. It is a very difficult situation, but the law is clear on who may go into a club and who may not. Therefore, in theory, there is no real element of competition. If any premises are operating illegally, I am afraid that it is up to the law to take action.

**Mr S Anderson:**

It is not easy to police a club. I take the point that there are some good, well-run clubs, but it is unfair. I still think that 52 days a year seems, by and large, to be sufficient at present, and your statistics bear that out.

**Mrs M Bradley:**

I declare myself teetotal, so I get no benefit from pubs or clubs.

**Ms Lo:**

They serve tea and coffee.

**Mrs M Bradley:**

I know they do.

Pubs have suffered recently as a result of the smoking ban, but so have the clubs. That shows that there is a balance. The police now have as hard a job to do policing pubs as they do policing clubs, given the number of young people who go to pubs and drink too much. However, I take some comfort from the increase in the extension of the special licence and from the fact that the police can make a decision. They know the geographic area of the pubs and clubs involved, and they will use their discretion. Therefore, I take some comfort from that. However, you said that not everybody takes up the licence.

**Mr Bowler:**

Of the 300 clubs that we looked at, only 40 used their full quota. Members realised that that is quite a low figure.

**Mrs M Bradley:**

They have the option.

**Mr Quinn:**

During the consultation, Pubs of Ulster, which was formerly known as the Licensed Vintners Association, lobbied the Minister. It was against any increase for clubs. On the other hand, the Federation of Clubs argued that there should be an increase. The Minister listened very carefully to the arguments, and one of the things that influenced his decision was that a lot of the good work that clubs do represented a benefit that he felt needed to be reflected in the local areas. That work is done particularly in the sporting field, where the clubs use the funds that they raise for the good of the local community, for provision of sporting teams and for facilities for young people. On that basis, he took what we agreed was a balanced view that there would be an increase to 120. The clubs were looking for 360, but he felt that that was excessive. Pubs of Ulster lobbied for none, but he did not think that that was appropriate, given the hard times that the clubs and pubs are facing. That was the basis of the discussion and of how the decision was made.

**Mrs M Bradley:**

Have the police reported to the Department on the increase in the hours?

**Mr Bowler:**

The police have made it clear that they would prefer that the increase did not happen.

**Mrs M Bradley:**

Have they made that clear?

**Mr Bowler:**

They have made it absolutely clear, and the Minister is well aware of that.

**The Chairperson:**

We will have an opportunity to quiz both those organisations on 14 October.

**Mr F McCann:**

One of the points that we raised earlier was about trying to get a meeting of minds between those who run the pubs and those who run the clubs to bring them together to see whether you could get some agreement between them. Liam touched on my second point. In most rural areas where the GAA operates, it provides the centrepiece through the entertainment, whether it is on the field or in the club at night. It puts huge investment into developing clubs, which pay for the increase in teams. That also needs to be taken into consideration whenever people look at the late licences.

**The Chairperson:**

We have more aired our views on that issue than come to some sort of conclusion on it. However, we will do that at a later stage.

I think that that is all that we have to say about the Bill at this stage.