



Northern Ireland  
Assembly

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**COMMITTEE FOR  
SOCIAL DEVELOPMENT**

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**OFFICIAL REPORT  
(Hansard)**

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**Licensing and Registration of Clubs  
(Amendment) Bill:  
Belfast City Council**

7 October 2010

**NORTHERN IRELAND ASSEMBLY**

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SOCIAL DEVELOPMENT**

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

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

Mr Simon Hamilton (Chairperson)  
Mrs Mary Bradley  
Mr Mickey Brady  
Mr Jonathan Craig  
Mr Alex Easton  
Ms Anna Lo  
Mr Fra McCann

**Witnesses:**

Mr Stephen Hewitt     )     Belfast City Council  
Ms Siobhan Toland     )

**The Chairperson (Mr Hamilton):**

Joining us to give evidence to the Committee are Stephen Hewitt, building control manager, and Siobhan Toland, head of the environmental health service. You are both very welcome. The session is being recorded by Hansard.

**Ms Siobhan Toland (Belfast City Council):**

I would like to thank the Committee and the Chairperson for allowing us to set out the council's position and take part in the discussion. We will briefly summarise the key points of our response. We will also make a few points about the community safety work that we do.

I am responsible for the council's environmental health service, which incorporates the traditional environmental health functions, as most people know, but also the community safety teams and the district policing administrative teams. We lead on the community safety partnership for Belfast and chair its strategic tier. We will probably refer to some of the groups that are involved in that. One is the licensed premises group, and the other is the Holylands inter-agency group, which is also chaired by the council.

We are here today to articulate the council's views, which are set out in the response that we submitted. As you would expect, that response went through the council's processes and procedures. We have not yet had an opportunity to take through our council structures the two additional and interesting bits of information on the alcohol promotions ban and the approach to tackling alcohol pricing interventions, which we received from the Committee Clerk last Friday. Therefore, we cannot articulate a view on those issues on behalf of the council today. However, what I can say from the outset is that there is a high degree of concern among members of Belfast City Council about the impacts and harms that alcohol causes.

Hopefully, during the discussion, those aspects will come out from Stephen and me in terms of the debates that we have had around licensing or other aspects to do with community safety and issues that councillors raised in general. However, we do not have a position on those particular points.

**Mr Stephen Hewitt (Belfast City Council):**

I have worked in Belfast for 20 years, and, for the majority of that time, I have been involved in entertainment licensing. Many premises that we license for entertainment are also licensed to sell alcohol, and it is fair to say that the vast majority of complaints and objections that we receive are about bar and club premises, which also sell alcohol.

I have been involved in the Get Home Safe initiative from the outset. It was instigated by the police in Belfast to tackle the growing problem of alcohol-related violence in the city centre. Get Home Safe is now managed by one of Siobhan's teams, but I am involved in the licensed premises group, where the council and police officers meet to consider the small number of premises that present difficulties in relation to violence and alcohol-related antisocial behaviour.

A key aim of the group is to provide information to inform the decision-making process of the council's licensing committee. It is that committee which has considered the draft Bill and formulated the response that is before you today.

I will briefly outline the main points of the council's response to the Bill. In relation to closure provisions, the council welcome those powers if they strengthen and augment the enforcement option open to the police for dealing with problem premises. The Great Britain equivalent of the provision provides that the police can make a closure order where there is disorder or where the officer believes that there is likely to be disorder. In addition, there is a provision for closure if public nuisance is being caused by noise coming from the premises and a closure is necessary to prevent that nuisance. We would like to point out that there is no equivalent provision in the Bill.

The council has powers under entertainment licensing to suspend a licence where there is a serious threat to public order or public safety. However, our experience shows that that cannot bring about the immediate closure of premises. Therefore, on the rare occasions when we have had to consider suspension of an entertainments licence, the potential option of a more immediate measure as proposed here is welcome.

The only other point on closure provisions is that the level of fine for disobeying a closure order appears to be a lot lower than in England and Wales. The council believes that that does not necessarily present a deterrent to non-compliance with the closure order.

The council supports the introduction of a penalty points scheme. The council is required to seek the views of the police in relation to any application for an entertainments licence. Although it would probably not be grounds to refuse an application, the fact that an applicant had penalty points for liquor licence offences would point to his overall suitability and fitness to hold a licence.

With regard to the proof-of-age scheme, the council welcomes any initiative aimed at combating the problem of underage drinking and suggests that consideration be given to a mandatory proof-of-age scheme.

The council's last point relates to authorisations for special occasions. Many social clubs are in residential areas, and the council is concerned that an increase in the number of late licences has the potential to lead to more incidents of noise, nuisance and disturbance for residents. If that increase is to be included, the council requests that provision be made in the Bill that the police must notify the council of any application for a late licence to ensure that it does not conflict with any condition of an entertainments licence imposed as a result of objections from local residents. The council recognises and welcomes the reduction in the number of late licences following a previous draft licensing Order, which was effectively the potential for a late licence every night of the week for a club.

**Ms Toland:**

Under the community safety team, and managing the Belfast Community Safety Partnership, we have a Safer Belfast plan for 2009-2011, which has four key priorities. One of those priorities is around reducing alcohol-fuelled violent crime. The other priorities are tackling antisocial behaviour, reducing hate crime and feeling safer. The two antisocial behaviour and alcohol-related agendas are interrelated and complement each other. Stephen mentioned the Get Home Safe partnership, which was set up in 2002 to encourage people to get home safely.

It is about responsible behaviours, and the partnership includes the Police Service, the Department of Justice, local universities and the Public Health Agency. The campaign slogan has recently been refreshed to "Stay together, stay safe", and it is about making young people more aware of their behaviours, particularly around safety. It also has a knock-on effect on the aspects of their behaviours that relate to antisocial behaviour. It is also about showing the difference between good and bad nights out and how drinking can affect that.

The Get Home Safe partnership also includes a number of positive interactions with the licensed trade. It offers off-licence training, and there is a voluntary code of practice with the licensed trade on the selling of alcohol to under-18s. Some of the things that were referred to earlier about bags and other aspects have been tried. As well as those elements of education and training, we also undertake joint enforcement operations with the police to tackle the sale of alcohol to minors, and that is supported through Belfast Community Safety Partnership. There

are also alcohol by-laws in Belfast; there are certain streets designated where you should not be consuming alcohol. Again, we use joint enforcement operations with the police to tackle that together.

The licensed premises group that Stephen referred to is an inter-agency group. It talks about particular licensed premises and problem-solving around them. It comes up with agreed solutions, and all the partners pool their resources together.

The Holylands inter-agency group was set up in 2005 by the chief executive of the council, and he has chaired the group since then. One of the key problems that that group has led on, in partnership with the Department for Employment and Learning (DEL) and the Minister's input, was the events of St Patrick's Day 2009. We worked in partnership with DEL and produced an inter-agency action plan. That plan has five categories of interventions, one of which deals with alcohol and alcohol controls, including some of the legislative provisions that we are discussing today. That inter-agency group would like to see the Bill taken forward and very much welcomes it. There are other measures that are complementary to it in the Criminal Justice (Northern Ireland) Order 2008 that we also want to see in the action plan.

There is another aspect of our work in relation to health. A new unit was formed earlier this year in partnership between the council, the trust and the Public Health Agency — the Belfast Health Development Unit. It has five key priorities around on the health agenda, and one of those deals with alcohol. We are looking at a number of measures, including the education of young people, and we work with the Eastern Drugs and Alcohol Coordination Team (EDACT) to deliver projects in that area. We are also looking at the Total Place approach — approaches that are best practice, obviously, in some of the councils in England in the area of alcohol harm reduction. It is essentially about big partners pooling their resources, being up front about the resource that they have contributed and looking at that. It will be a bit of time before we can see where that goes, but there is an evidence-based suggestion that this will work and be more effective in tackling the issues.

We strongly advocate the use of joined-up approaches to tackling the issues around alcohol, and that is demonstrated by the partnership approach that we have taken. Thank you for

listening; we welcome a discussion on the issues that have been raised.

**The Chairperson:**

It is good for us to hear from Belfast City Council. The scale that your city has — we heard from the police last week that there are 440 licensed premises, and obviously you import a lot of people into the city on a Friday or Saturday night from all over the country. A lot of the problems are probably more visible and acute in Belfast.

You raised the issue of noise nuisance, and that was also mentioned by the police last week. I want to probe how that might operate in practice, because after last week's session I thought that *[Inaudible]*. Working in practice may not be that simple. What provoked that in my head is that I know that councils are responsible for monitoring and dealing with noise disturbance and the police are not. This legislation moves the closure powers to the police. They can do it on the basis of various criteria; disorder is the one that is there at the minute. If we add noise nuisance to that, how might that happen in practice? The police do not have the experience, wherewithal or capability, other than to say subjectively that something is a bit loud. I now think that the music that I thought was all right 10 years ago is too loud. There is an element of subjectivity. How do you see that working? How has experience elsewhere worked in practice? Does it involve councils working alongside the police? Will the police say that something is too loud, and one of your officers go out, test it, and, if it is too loud, move to closure? Or is it simply in the hands of the police?

**Ms Toland:**

That is an interesting point. Belfast City Council has adopted a night-time noise provision that allows it to serve fixed penalties on residential properties. That is also expanding under the Clean Neighbourhoods and Environment Bill. We will be able to serve those on commercial properties, including bars and clubs. It will be so many fixed penalties and then look at further consequences to see whether we need to take any further action.

We currently work in partnership with the police on licensed premises, in particular, and in partnership with our colleagues in licensing. It is fair to say that noise is one of the key elements of antisocial behaviour that is looked at through the licensed premises group that we review. It is

often related to patrons leaving the premises. Discussions like that have come up at the licensing committee in terms of looking at controls and extra conditions that you can put on in terms of tackling patrons and the nuisance that they cause.

We do not get that many complaints about strict noise breakout from bars or clubs. Complaints tend to be around outdoor events or concerts. We have usually had an input into the planning and licensing processes for bars and clubs so as to try to mitigate and control the breakout. It is really around the management of the bar or club, and complaints are often received during the summer months, when doors and windows are left open. Double lobby doors, or other measures that usually prevent noise breakout, are left open during the summer months, or, perhaps, windows are left open because the air conditioning is broken. That gives rise to noise breakout. In those cases, if it is severe enough, we work in partnership with the police and attempt to call and give advice.

We have no immediate power to do anything in relation to that, but that power would be rarely used. The only circumstance in which I think that it could be used is in an area of high density of a particular problem — maybe some of the scenarios that we have in the wider university area. If there was a nuisance premises and noise breakout, we would look at working in partnership with the police, but we would be there to provide the noise evidence. That can usually be picked up pretty subjectively, and it would be dependent on the number of complaints received. It would be proportional to that.

**Mr Hewitt:**

Noise breakout from premises can be controlled through working with the licensee and putting measures in place to prevent it. The majority of complaints about noise that we get from local residents relate to patron dispersal. There are a lot of instances where you have large crowds of people milling about an area. The bar closes at 1:00 am, but they are there at 2:00 am, waiting for taxis, shouting and carrying on and making noise. The legislation would be best placed to try to address that noise disturbance and disorder, because although the council will try to limit that through entertainment licensing, the powers to close, or the threat of closure, due to that disorder, would be powerful in certain instances.



**Mr Craig:**

I have listened with interest to a few of the comments that you have made, especially about the late-night openings of the clubs and the concerns around that being extended too far. From what you said, I gather that you have concerns about the number of 120. At the minute, registered clubs can open late one night a week if they so desire, but you have concerns about a 150% increase.

You highlighted a couple of issues. You recommend that fines for digressing from a closure order should be increased to £20,000. What is the reasoning behind that?

The other issue is proof of age, and you have raised an interesting thing there. You would like proof of identity before patrons go into the premises, rather than after purchase. It would be interesting to hear your logic behind that.

**Mr Hewitt:**

Registered clubs can use a late-night licence once a week, and many do not use it that frequently. We do not have a huge amount of complaints about registered clubs; most of our complaints are about pubs and clubs. However, they have the facility to be open late every night of the week. We are suggesting that if registered clubs are allowed to open late more frequently, there may be an increase in the problems that arise from them.

It is fair to say that, over the past three years, we have not received a huge volume of complaints about registered clubs. However, 80% of registered clubs in Belfast are in residential areas, so we do have a slight concern that more frequent later opening would lead to an increase in complaints.

With regard to the fines, I am not advocating that every licensed premises that disregards a closure order should be fined £20,000. All that I was saying was that the legislation in England and Wales provides for a fine of up to £20,000, whereas here the fines that can be applied only go up to £1,000. I am concerned that a fine of £1,000 is not as much of a deterrent as a higher fine of up to £20,000.

**Mr Craig:**

That is a good point.

**Ms Toland:**

Our experience from the Get Home Safe partnership, which works with the vintners, is that there are responsible vintners and less responsible vintners. On some of the schemes that we have tried, such as the plastic bags scheme and, more recently, the voluntary code of practice, great work has been done in partnership with responsible vintners. However, not all vintners will sign up to it. It has probably been tested most in the south Belfast area and not as much in other parts of Belfast, so it is really uncharted water. The experience of colleagues professionally has been that something that is not mandatory will not be complied with. Therefore, the suggestion is that the Committee might consider proof of age as a test of entry as opposed to a challenge about the age of certain people.

**Ms Lo:**

I was interested in what you said about noise nuisance usually being caused by people coming out of pubs and waiting for taxis. I get a lot of complaints from residents in south Belfast about people coming out of pubs and walking through the streets in drunken crowds.

**Mr Craig:**

It is you singing on your way home, Anna. *[Laughter.]*

**Ms Lo:**

How can the Bill cover noise when the patrons who are making it are leaving the premises? Will we be talking about a vicinity, right in front of the pub, or is it a kind of boundary?

**The Chairperson:**

The Bill refers to actual disorder “in the vicinity of” *[Inaudible.]*

**Ms Lo:**

That is noise nuisance covered, then.

**The Chairperson:**

It may not be. That is something that we will have to probe: whether noise disturbance outside a club or a pub counts as disorder. It may not be fisticuffs, but it is disorder of a kind, so we need to test whether it is covered or not.

**Ms Lo:**

At the moment it is not covered, as far as I can tell. We are talking about the actual disorder, not imminent disorder or noise nuisance. You would advocate that, and I would very much advocate that as well.

**Mr Hewitt:**

We have a number of premises in the Malone Road area, where residents are very vociferous in complaining. It is primarily about patron dispersal. We have gone down the route of entertainment licensing in the past and tried to determine where the people are coming from: were they walking up the road from the city centre, or coming from house parties? We have had some success through restricting entertainment licences. Those have been challenged through the courts in proving that patron dispersal from certain premises is attributable to those premises. It requires a strong body of evidence from the police and from local residents giving evidence to the courts, showing examples of how they were disturbed by these people. Proving vicinity can be difficult, but it is not impossible.

**Ms Lo:**

Residents in my constituency have been getting up at 3.00 am and taking photographs of people from the windows.

**Mrs M Bradley:**

We have the same problems in Derry. Former shirt factories in the city are now apartment blocks, and more people are living in the city centre. It is the same situation. They could have three, four, five or six bars around them. How do you identify what bar they are coming out of? It is well-nigh impossible. We have the same problem, and it is a difficult one to deal with. However, if the police have the power to deal with the whole area at one time, that will be good.

**Ms Toland:**

We cannot deal with noise in the street; it has to be on a premises. People look to use the noise services, but when it is in a public area, we cannot deal with it. The only control at the moment is relatively weak: patron control and management. However, it is restrictive, and that is why we advocate that it should be looked at in partnership with the police. The response must be proportionate. Through the licensed premises group, we can get information that shows how often complaints are coming in, the level of noise and the times. Evidence can be built up on which decisions can be based. There are possible solutions there, and they could be built into guidance on this if noise is looked at. However, at the moment, there is a big gap in the legislation on noise. People sometimes refer to it as noise but it is often antisocial behaviour. There could be the odd shout or scream, but it is probably not very nice behaviour, fights and various things in the street that we cannot deal with. A persistent problem with a particular premises can be looked at proactively. However, there needs to be legislation to allow that to be exercised.

**Mr Brady:**

Dispersal is a difficult area. In Newry, where I live, there is one particular place. I have said this before to the Committee: it is like driving into the ‘Thriller’ video at 1.00 am. Taxi drivers will not go near it after midnight. It is horrendous. That is easily identifiable. People bus in from as far away as Newtownards to this place.

**The Chairperson:**

Now hold on a second — *[Laughter.]*

**Mr Brady:**

You have to take responsibility for your constituents.

The point is that there are other areas where there are three or four premises and it is difficult to link patrons to particular premises, whereas there are other cases where the premises are much more easily identifiable. We must strike the balance; it is difficult but not impossible. It comes back to where the responsibility of proprietors stops. People can get drunk in an establishment and go half a mile away and cause huge problems because of the amount of drink they have

consumed. It is kind of an arbitrary thing.

The entertainment licence, I accept, where there is a persistent offender, can be dealt with. However, other premises are responsible. I take the point that registered clubs are responsible in most cases, even though they are in residential areas. There are very few complaints against registered clubs. The problem is nightclubs that go on to 1.30 am and 2.00 am. Therein lies the difficulty. That is obviously a much bigger problem in south Belfast, particularly if Anna Lo is experiencing the night life in her constituency and singing on the way home. However, that is a microcosm of what we are dealing with.

**Mr Hewitt:**

The point is that a closure order would be the very last resort. We work with premises where issues come up by gathering information and sitting down with the licensee. We outline the problems and look for solutions with them, police and others. It is a stepped approach. It is possible that the threat of closure is enough to make a licensee take that extra step to address the problems.

We have the power to suspend a licence where there is a serious threat of public disorder. In the past seven years, we have exercised that power four times, and then it was not about public disorder but public safety. We would rarely get to the stage of wanting to use it. However, there will always be one or two premises that will not co-operate, no matter much —

**Mr Brady:**

The particular premises that I talked about has CCTV. When quite serious incidents have happened in the past, with people being badly injured, it has turned out that has not been recorded. Just down the street, city centre CCTV has made a difference because those cameras look directly up and down this particular street, whereas, before, there would have been no recording. That may be something that can be used if you are going for closure orders, in a more defined way.

**Mr Hewitt:**

Residents are very keen to see CCTV put up, although, of course, it involves big expense.

**Ms Toland:**

That touches on the key point of the difference between antisocial behaviour and alcohol issues around the premises and its patron. Identifying what patrons were in the premises responsible for the antisocial behaviour is very difficult and hard to prove. Those are the types of things that we struggle with on the inter-agency group, because the stuff that we are talking about in relation to the wider university area applies to the whole of Belfast and beyond.

The action plan talks about alcohol disorder zones, fixed penalties and the power of seizure, and improving the designated places for drinking in public. Those are obviously under the Criminal Justice Order (Northern Ireland) 1996, and we are discussing with the Department of Justice how we can bring forward those proposals. Again, they are probably more of a tool to deal with matters beyond the premises, which is relevant to the community safety strategy that we hope will be launched later this autumn and on which there will be consultation. For us, it is about a package of measures, of which this is only one, but we are acutely aware that there is a gap in the noise element.

**Mr Brady:**

The ID thing is interesting, because the majority of people who cause the problems leaving premises in the early morning are not underage drinkers; they are 18-year-olds and people in their 20s. The ID thing is certainly laudable, but it seems to be done on an ad hoc basis, certainly where I live. Requiring ID will not necessarily prevent the knock-on effect, because the problem is not caused by underage drinkers.

**The Chairperson:**

Thank you; that was very useful. When the council has formed a view on responsible drinks promotions, it would be useful to inform the Committee.

**Ms Toland:**

We would like to do that, yes.