



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**

14 October 2010

**NORTHERN IRELAND ASSEMBLY**

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SOCIAL DEVELOPMENT**

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

Mr Simon Hamilton (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 John Davidson	)	Northern Ireland Federation of Clubs
Mr Danny Murphy	)	Ulster Gaelic Athletic Association
Ms Katie Nixon	)	Northern Ireland Sports Forum
Mr Kevin Stevens	)	Golfing Union of Ireland
Ms Janice Gault	)	Northern Ireland Hotels Federation
Mr Eugene McKeever	)	
Mr Eugene Cassidy	)	Pubs of Ulster
Mr Colin Neill	)	

**The Chairperson (Mr Hamilton):**

Joining us are John Davidson, chairman of the Northern Ireland Federation of Clubs; Katie Nixon, executive manager of the Northern Ireland Sports Forum; Danny Murphy, who is from the Gaelic Athletic Association; and Kevin Stevens, the secretary of the Golfing Union of Ireland. It is an eclectic bunch; more eclectic than members of this Committee, anyway. You are all very welcome. The meeting will be recorded by Hansard for the purposes of compiling a report. Please kick off with a briefing, after which I will open up the session to allow members to ask questions. I do not know how you want to handle it: perhaps one person will speak on behalf of everybody or everyone could speak briefly.

**Mr Kevin Stevens (Golfing Union of Ireland):**

Thank you, Chairman. Each of us intends to speak, and we will cover four areas. I will briefly give an introduction, and then we will look at the legislation, some of the changes that we think are necessary and the impact that the proposals in the Bill will have on volunteers. We will then address the issues of antisocial behaviour and drinks promotions, as we have been asked to.

The Department for Social Development (DSD) has clearly identified a growing problem that affects not just our jurisdiction but all parts of this island and further afield, and that is the growing abuse of alcohol, especially, although not exclusively, by the younger generation. Statistics clearly demonstrate that growth. In saying that, however, in bringing forward the legislation, the Department must realise that the content of what is proposed only scratches at the surface of the root causes of the problems that have been identified. In fact, some would say that it does not even touch the main source of the problem. We reiterate the comments that were made by the Chairman in response to the Minister at the Second Stage of the Licensing and Registration of Clubs (Amendment) Bill:

“We all know that the real problem with excessive alcohol consumption in Northern Ireland is not necessarily in our pubs, hotels or registered clubs... The real societal problem is the mass consumption of alcohol in the home.” — *[Official Report, Volume 52, No 3, p150, col 2].*

That is not what the legislation is aimed at addressing.

**The Chairperson:**

I am not sure whether I sounded just as elegant as you. *[Laughter.]*

**Mr Stevens:**

We would go further and highlight the fact that the club sector in Northern Ireland is not a source

of the problems that have been identified. It remains the most regulated sector of the licensing trade. This issue has, and will continue to have, a detrimental effect on the positive contribution that clubs can and do make to our society. We would compare small businesses with clubs. We would also highlight the fact that the vast majority of clubs are run by volunteers and point out the amount of legislation that clubs have to overcome or get through.

The explanatory and financial memorandum issued by the Department outlines three options that were considered following restoration of the Assembly, the first of which was to do nothing. Extra information provided under that option stated:

“This would leave government open to criticism that not enough is being done to combat the growing problems of breaches of licensing legislation, alcohol-related harm and public disorder.”

That is not a situation that we recognise in the club sector, which encompasses some 600 clubs and 250,000 members in Ulster. That being said, we are not against updating and changing the legislation that deals with how licensed premises, particularly clubs, are regulated, so long as doing so does not adversely affect the operation of clubs and their volunteers, because clubs are an essential part of the fabric of life in our country.

In our view, initial legislation should be aimed at tackling the root causes of the problem — as I said, this legislation does not do that — which are to be found in other sectors. Particular issues are the availability of low-cost alcohol from supermarkets, off-sales and the antisocial behaviour associated with both. Legislation should not penalise sectors that have, to date, shown that they do not contribute to the behaviour that has been described.

We support the contributions that the Committee Chairman and Fra McCann made in response to the Minister during the debate on the Bill’s Second Stage. They both re-emphasised that the Bill does not address the root cause of the problem. Therefore, our view is that a problem has been identified in the proposed changes but not addressed.

We support the proposed changes to legislation to ban alcohol promotions and are keen to promote the message that we may not be part of the problem but we can be part of the solution. Therefore, we will work closely with the Department and the Committee to support any legislation to outlaw alcohol promotions that have been identified, but we wish to clearly state that the sector that we represent has never condoned such practices.

**Mr John Davidson (Northern Ireland Federation of Clubs):**

I will go through some of our proposed changes to the Bill. We have made a full submission to the Committee. Time does not allow us to go into the nitty-gritty of that, but I will bring the main points to members' attention. The contribution of clubs to sport, leisure and community life has been recognised by respective Ministers — particularly, and more often, under direct rule — which we appreciate. In view of that, we feel that it is time to show tangible appreciation of that contribution through appropriate amendments to the proposed licensing review. We are concerned that appropriate consideration has not been afforded to the federation's overall submission.

As feared, the devil is in the detail of the penalty points system, which has the potential to unfairly penalise the registered club sector, even though it is not a contributing factor in the growth of social problems such as antisocial behaviour. A business operating on a turnover of £5 million or less is not required to operate under a prescribed system of accounts that incurs mandatory penalty points for failures, yet those administering in the registered club sector are, in the main, elected volunteers who can be criminalised for minor infringements. If there was ever a time to abolish the penalty points system for accounts, it is now, when everyone is striving for a normal society. I ask this question of everyone sitting here: has anyone genuinely looked at the accounts system of clubs when considering the penalty points system proposed in the Bill? If you have not, I would appreciate it being done.

Children's certificates should be modified to permit children to be on sports club premises until 11.00 pm with a parent, guardian or club official, which would cater for sporting events, including sports awards evenings. The vast majority of our clubs pursue sports that continue well past 9.00 pm. A few examples include golf, sailing and yachting, GAA, cricket, and so on.

We appreciate that late licence extensions is a contentious area; however, we have lobbied for approximately 30 years for additional late extensions as a potential means of increasing funding with which to maintain and develop our sporting base. Sports clubs of all kinds are under financial pressure. As a result, there is a distinct possibility of closure in a growing number of cases, which, as you would expect, would be a serious loss to the sporting base of Northern Ireland. We feel that three late extensions a week should be available, which is not unreasonable considering the holiday periods and the sports events and charity awards that we hold.

In the past, we had talks with the then RUC head of policy, and they revealed that the restriction on advertising was time-consuming and unnecessary, took up valuable police time and resulted only in complaints from licensees. In the modern era, there is no reason for such a restriction. Due to population shift, club members live over a considerable area, and we should be able to use the media to inform members of events and the like.

We appreciate that the Minister intends to amend the accounts regulations. However, will the regulations go far enough when compared with the requirements on other business sectors that do not have to work under a prescribed/mandatory system? Consideration must be given to small clubs, a number of which are seasonal. I reiterate that the club sector relies on a substantial volunteer base, which should be encouraged and not dissuaded from continuing to make a valuable and important contribution. Based on our accounts, we have submitted to the Committee various suggestions as to how the accounts system should be modified.

We request that favourable consideration be given to permitting all sports and recreation clubs in Northern Ireland to introduce a voluntary common pass card, which would act as a form of security. Consequently, clubs would voluntarily give their members a pass card, which, although not guaranteeing access, would enable other clubs that they visit in the Province to see that they are members of a qualified and responsible organisation.

In conclusion, although we seek numerous other amendments, we feel that it is important for the Committee to focus on the issues highlighted by this representative body today.

**Ms Katie Nixon (Northern Ireland Sports Forum):**

I want to take a moment to look at the impact of the legislation on volunteers. The Northern Ireland Sports Forum is the independent voice for voluntary sport in Northern Ireland, so we have a particular interest in legislation that may impact on sporting volunteers.

Ninety-two percent of sports clubs rely on volunteers to survive, and those volunteers tend to take up administrative and board roles. Sports clubs make up 90% of all registered clubs in Northern Ireland. Therefore, the majority of our clubs will be affected by the legislation. In addition, sporting volunteers represent around 30% of all voluntary activity in the Province, and, for every £1 that is spent on sporting volunteers, £30 is generated for the economy. Their contribution to society in Northern Ireland is unquestionable, and we believe that the overall

impact of the legislation will be to increase the burden on clubs and their volunteers.

DSD's draft volunteering strategy aims to promote the value and benefit of volunteering; to improve the volunteering experience; and to support volunteers and organisations that involve volunteers. We would argue that applying what could be viewed as a draconian penalty points system to clubs that are administered by volunteers goes against the entire ethos of the strategy. How would that be fair to our hard-working volunteers, and who, under those circumstances, would put themselves forward to be a volunteer?

We also want the Committee to consider 'Sport Matters: The Northern Ireland Strategy for Sport & Physical Recreation 2009-2019', a cross-departmental strategy that names sports clubs as integral to the delivery of the physical literacy programme of which Northern Ireland is in desperate need. Should we not, therefore, be doing all that we can to support our clubs and volunteers to carry out that essential role, because who can provide access to facilities and sport better than community-based sports clubs?

We must remember that volunteers work for their clubs because they are passionate about them and that any money generated by a club goes directly back to it for the benefit of its members and the wider community. It is important that we distinguish between public houses, hotels and restaurants and private members' sports clubs. Clubs are different, given the volunteer-led community dimension of associations that do not strive to profit but to survive. In light of the current economic climate, any income stream is essential for their survival.

We hope that, in considering the legislation, the Committee will give due regard to the dedicated and hard-working volunteers who are the lifeblood of sports clubs in the Province and who will bear the brunt of the significant impact that we believe the proposed legislation will have.

**Mr Danny Murphy (Ulster GAA):**

I have been asked to address what is probably the most controversial by-product of alcohol consumption: antisocial behaviour. GAA social clubs wish to address the matter in the context of the control that sports bodies have over their memberships. Our social clubs are, by law, not-for-profit bodies, and they form a vital part of communities. We use our social facilities to generate income that allows for social support in the community; allows clubs to reinvest in the

local communities through their work in providing sport and recreation for people of all ages and abilities; gives people the opportunity to participate in activities; and promotes sport, culture and heritage.

Our clubs have clear rules and regulations on the use of alcohol on club premises with social clubs. Those rules cover various issues and include a ban on putting alcoholic drinks into cups after teams win them. They are supported by an alcohol and substance abuse programme that has been rolled out over the past three years. That programme promotes the idea of a sensible approach to alcohol and puts out a strong message against the misuse of alcohol, drugs and illegal substances. We have also targeted our Live to Play programme at 14- to 20-year-olds.

Our social clubs are controlled by the general environment that allows members of GAA clubs to socialise and enjoy alcohol before and after games. All social clubs are run by our volunteers, with the best interests of the community inherent in every aspect of club activity. Our clubs believe that the provision of social clubs helps to reduce the high intake of alcohol in uncontrolled environments, which, as has already been said, include homes, public places and the precincts of off-licences. The GAA clubs allow families to socialise and relax in a friendly and controlled setting.

The Committee must consider the statistics that have come from the Department of Justice (DOJ) and the Department of Health, Social Services and Public Safety (DHSSPS). Almost every social occasion involves alcohol, and, as a country, we binge drink more than any other country in the European Union. We spend more money on alcohol pro rata than any other European country, and, between 1996 and 2001, there was a 347% increase in the number of cases of intoxication in a public place. Some 98% of PSNI and gardaí officers believe that alcohol is the main cause of public order offences. Between 1989 and 1999, alcohol consumption in Ireland increased by 41%. During the same period, it declined in 10 other European countries, while rates of suicide here increased by 45%.

I want to support those statistics with some worrying information from DHSSPS. If teenagers drink before they are 15, they are four times more likely to develop a dependency on alcohol than those who wait until they are 21 years old before starting to drink alcohol. They are also seven times more likely to be involved in a car crash and 11 times more likely to suffer unintentional injury after drinking. Those are very clear points that the legislation does not deal with. It is



critical that we address them if we are to control the use of alcohol.

The GAA is community-based, with a high level of voluntary engagement. Its sense of communal pride provides a substantial bulwark against any form of antisocial behaviour in our communities. Our rules require clubs to control the circumstances in which alcohol can be provided, and the sale of alcohol to under-18s is not permitted in our clubs.

It is the GAA's belief that social clubs provide a different environment that allows a controlled level of drinking, and, as such, it would recommend an extension to the hours in which minors are allowed to be on registered club premises; from 9pm to 11pm. That would take into account the fact that many of our underage and adult matches finish after 9pm during the summer, and it would allow families, who are central to our club activities, an opportunity to spend time together after the games.

We welcome the proposals to increase the number of nights for late licences, but we feel that there should be three each week. That is essential for us to maintain our club structure, and it would provide GAA social clubs with the option of running more events in the clubs. That would increase potential income, directly benefit Gaelic games culture and heritage and encourage a proper and temperate attitude to alcohol.

**The Chairperson:**

I want to put on record my praise for the work that registered clubs across Northern Ireland carry out. I am a member of a registered club and know a little bit about what makes a club a success. We all acknowledge the work that goes on, often on a voluntary basis, to make clubs of all kinds — particularly sporting clubs — the success that they are. When you see the success that Northern Ireland's team is having in the Commonwealth Games and the disproportionate impact that a country the size of ours is having on the sporting world, you realise that that success often comes from the grass roots, and registered clubs help to develop that. Therefore, I appreciate the work that goes on, and I appreciate the contribution that clubs make to the fabric of Northern Ireland.

I do not disagree with your view that there are gaps in the Bill, and I maintain my position that the Bill as initially drafted is incomplete. In many respects, it has an inherent contradiction in that it increases access to alcohol in some respects but does not do anything about bigger, wider

social problems. Committee members have raised concerns about that, and there has been some progress on addressing the issue of irresponsible alcohol promotions. Work is also ongoing in the Department on the pricing issue. That would obviously have an effect on supermarkets and the perceived problems there.

**Mr Easton:**

Thank you for your presentation. I was a wee bit alarmed by some of the suggestions made by the Northern Ireland Federation of Clubs. One suggestion was that officials of clubs should be barred from office only if they have unspent convictions for sex offences or fraud, yet the clubs are advocating that children should be allowed in the club's licensed premises at all times coinciding with events. I would have thought that you would not want someone with a spent conviction or an unspent conviction for sex offences on your premises, especially if you are advocating more leniency in letting children on your premises. That is an absolutely crazy situation, and it is one that you might want to reflect on.

**Mr Davidson:**

I genuinely feel that very few clubs would allow that type of person to be a member. Indeed, I do not know of any that would. The clubs' constitution and common rule book states that a club has the right under law to prevent any person of bad character from becoming a member or to terminate a person's membership. We do not encourage or want to see that type of person anywhere near our sporting or recreational clubs.

**Mr Easton:**

OK. I am grateful that you said that. However, you used the word "unspent", and I am saying that you would not want such a person on your premises regardless of whether their conviction was spent or unspent.

**Mr Davidson:**

Yes, indeed. We agree.

**Mr F McCann:**

I declare my membership of two clubs, as I do nearly every week: the Irish National Foresters and Cumann na Méirleach in west Belfast.

**Mr Easton:**

Is there a forest in west Belfast?

**Mr F McCann:**

Apparently there used to be. One part of west Belfast is rural.

As a member of clubs, I know that clubs set strict criteria for people who wish to become members, and there can be a lengthy parole period before people are accepted as members. However, there needs to be a clear distinction between clubs in the whole argument and debate around binge drinking and special offers. I would like you to comment on that. The other week, I raised the issue of late-night clubs that operate in town and city centres sometimes being lumped in with general clubs. There needs to be a separation of those types of clubs. One type provides late-night drinking with all the freebies that go along with that, while most other clubs do not, by and large, involve themselves in that sort of thing. Do you agree that a distinction needs to be made between clubs?

**Mr Davidson:**

There is a need for that. We have spoken to certain editors and reporters about editorials in some of the press, and broadcast media is also guilty. In virtually every incident of antisocial activity, the word “club” is used. However, private members’ social club are never involved; it is always the nightclubs.

A classic example of that appeared on the front page of ‘The Irish News’ last month over the all-you-can-drink-for-£25 night. The newspaper stated that people were coming out of a club, but they were not coming out of a private members’ club. We know the area, and we know the nightclub involved. We are a bit concerned that the word “club” when used not to refer to a private members’ club has the effect of lumping us all in together.

**Mr D Murphy:**

The definition of what we are talking about as “clubs” needs to be looked at. We, as registered clubs or registered private members’ clubs, are defined as being sporting or recreational. Therefore, the definition needs to be looked at. Fra McCann talked about the role of the club in its community. The Sport Matters strategy clearly articulates the role of a club, under a section titled “Community cohesion”. Clubs are very much part of community cohesion. The Sport Matters strategy also states that the value of sport and recreation is set as a net financial

contributor to the economy equal to 2% of GDP. That fact should not be overlooked.

**Mr F McCann:**

My second question related to late licences. We have received evidence from people who oppose the extension of late licences. How would an extension benefit your clubs?

**Mr D Murphy:**

We play quite a number of games on Friday, Saturday and Sunday nights. If we play at 7.00 pm, the game will finish at around 8.30 pm or 8.45 pm. If we operate to a 9.00 pm deadline, that leaves no time for people to come into the club to socialise. The permitted nights are to be increased to 120 in the legislation. However, we feel that a late licence on those three nights should be available. If members check the facts, they will see that, currently, not everyone takes up the option of having extended hours, although some do. It is to allow for it to happen rather than for a club to take advantage of the situation.

**Mr Davidson:**

It is fair to say that clubs have used their late bars extensively to fund-raise on behalf of the majority of our charities in the Province. It is for that reason that we wish to see an increase in the number of late nights permitted a week. Other sections of the licensing trade can avail themselves of a similar late-night facility. Club members have proven themselves to be responsible. There is none of the antisocial behaviour there that one sees on our streets. I came from Windsor Park on Friday night. As I passed through Bradbury Place, I noticed the volume of people standing in the area. There were boys and girls sitting on pavements with glasses. Two ambulances and a number of police cars were standing by. That is not the scene at our clubs when we have late-night bars.

**Mrs M Bradley:**

You are very welcome. I concur with what Danny said about later opening hours after football matches. That could apply to all sports.

**Mr Stevens:**

Yes, it could.

**Mrs M Bradley:**

It is not a bad suggestion. I would not have too much trouble with that.

**Mr D Murphy:**

I appreciate that.

**Mr Stevens:**

We appreciate it as well.

**Mrs M Bradley:**

Everything would be controlled. As it is, young people are on the streets and everywhere else, on Friday nights, drinking and causing concern for people.

**Mr D Murphy:**

The member raises an interesting point. I want to go back to John's response to an earlier question. If people are on premises that are controlled by a club's rules and regulations, there is a disciplinary process through which, if they step out of line, their membership will be restricted or they will be removed from the club. That is an important factor in controlling the overall abuse of alcohol.

**Mr Davidson:**

I would not like to see the debate on antisocial activity and some sections of the trade's irresponsible attitude towards promotions mask the issues that we want to bring to the table, which include the children's certificate, PSNI rights of entry, penalty points and accounts' regulation. There is a whole raft of issues. We have made submissions, and we hope that they are not being masked by the antisocial problems that society has, not just in Northern Ireland but in the whole United Kingdom.

**The Chairperson:**

I understand.

**Mr S Anderson:**

Thank you for your presentation. I have some experience, albeit from some years ago, of family in the pub trade. One typical question that I am asked concerns the number of late licences being

granted in a year. The number has increased over the years, and now you are asking for 156 nights. How do you view that?

You touched on the differences between clubs and private members' clubs. I am not a member of a club, but if people and families can sign others into clubs for functions and suchlike, do you consider that to be taking trade away from the pubs, in the sense that clubs more or less become the social scene? I am sure you will agree that small businesses such as pubs are having great difficulty at present. There is no doubt that people will be lobbied from different directions on the issue. People strike a balance when going out to socialise with friends and partake in a drink, because, in this economic climate, they have only a certain amount of money to spend. If they go out on a Friday night, they will not also go out on a Saturday or Sunday night, and if they go to a club, they will not be going to the pub. If the maximum number of late nights is increased to, say, 156, do you foresee a shift away from pubs to clubs?

**Mr Stevens:**

There is a choice to be made, but the signing-in of other people tends to be club members signing in family or extended family members. Whereas the pub trade is open to the general public, the club is not, so there is a big difference between the two. Yes, there is social activity at the club: that is part and parcel of being a member. Members wish to bring their family and friends to partake in that activity, but the big difference between the two is that one is open to the general public and the other, significantly, is not. The big difference is that the member who signs people into the club is responsible for them and for their behaviour. There is a big difference between the two sectors, but it comes down to a choice for individuals.

**Mr Davidson:**

One must consider that the club is the community. Take my club in the heart of east Belfast: it has 1,100 members, so we are the community. There is another big club that probably has around 2,000 members. It is the same scenario on the Falls or the Shankill.

Clubs can also be charitable. When a club gets a request to raise funds for Marie Curie Cancer Care, Chest, Heart and Stroke or another charity, it sets out to aim to raise as much as possible for that charity. The only way in which to do that is to ensure that members and their guests turn out in numbers so that the charity benefits, not the club. The last charity night at my club was for Sport Northern Ireland, and the night was supported by Northern Ireland Council for Voluntary

Action (NICVA). We raise probably £3million or £4million per annum for charitable and worthy causes throughout the Province. Naturally, we benefit from the bar receipts. We are not naive, but the profits that we derive from bar sales are ploughed back into the club to develop its sporting basis and ethos. That is what the clubs are all about.

**Mr S Anderson:**

I do not dispute that assertion in any way, and I appreciate and congratulate you on the way in which many of the clubs run. Many charities certainly benefit from clubs' fund-raising. However, we are talking about granting licences for three late nights a week. If things go well, we could be talking about four nights a week a couple of years down the line. I am sure that you agree that Northern Ireland and Southern Ireland are very proud of their Irish pubs and Ulster pubs. No one wants to see those small pubs fall off the end of the conveyor belt. We want to try to protect them.

I take the point that you make, Mr Murphy, about the playing aspect. Three times a week, teams are out on the field. That is to be commended, especially as young people are being given that opportunity. That has been demonstrated by the Golfing Union. We have the Ryder Cup, and the Chairperson talked about the boxing and other sports. I commend the different sporting sports. You have asked for 156 authorisations, and you say that there is a great need for an extra night a week on top of the two that the Bill would allow for at present and that that would be of great benefit to you. Do you foresee a conflict with the pubs in the sense that, because they are smaller businesses, that would have a greater impact on them?

**Ms Nixon:**

There is obviously a conflict, but it comes down to survival for sports clubs as well. We need to look at the wider benefit of sports. If you compare like with like, or try to determine who is to survive and who is not, it is the sports club rather than the pub that creates a wider benefit for the community. I appreciate your point: we do not want any small business, or any business, to go out of business, but sports clubs need to generate income. We are looking at widespread public spending cuts, and sport will be greatly affected by those. The governing bodies are not going to be able to distribute as much funding to their clubs; therefore, the clubs will have to look at other ways in which to create income to ensure their survival. The money from one extra night a week, when a club can run fund-raising events and its members can put money behind the bar and buy raffle tickets, goes directly back into the club and ensures the survival of that club and its sport in

the community.

**Mr D Murphy:**

During the season, from April to September, we operate almost every night of the week. The nights on which there is a demand for social facilities are those nights that I mentioned.

I will make a couple of broader points. Since the 1980s, legislation as it has applied to registered clubs has been viewed as pretty draconian. In some circumstances, to deal with the abnormal times that we went through, it probably was. The law was then modified by the Registration of Clubs (Northern Ireland) Order 1996, which we viewed as being hugely restrictive. The permitted times, for instance, were in many cases unusable, because they were set directly at times when matches were being played. In some cases, therefore, clubs' availability to us was practically negligible. We believe that having, hopefully, entered normal times, the registration of sports clubs legislation from here on should take account of the normality of the society in which we live.

I will refer to my colleague's point. We are not out to compete with pubs or the licensed trade. We are, in effect, part of the people who provide places where alcohol can be consumed. We have demonstrated that we are a very sensible organisation. All our colleagues in the federation have taken a pretty sensible approach to the matter. If there are issues that emerge from what we are seeking, we will be the first to assist in dealing with them. We believe that what is happening here can be beneficial in a wider context in dealing with the use or, dare I say it, abuse of alcohol.

**Mrs M Bradley:**

I understand what Sydney is saying about pubs and clubs. As a non-drinker, I would go to a club before I would go to a pub. That matters a great deal to families who are members of clubs, because if not all members of a family drink, they can all go out together and socialise. There is a good social scene in a club, which is an attraction to people. I know that small pubs are suffering, but I believe that the smoking ban has been a bigger blow to the pubs than the changes in licensing laws. That is my position, Sydney. I would go to a club with family members, but I seldom go into pubs.



**Mr S Anderson:**

Do you enjoy the club scene? *[Laughter.]*

**Mrs M Bradley:**

I enjoy the club scene. *[Laughter.]* I am talking about sports clubs.

**Mr F McCann:**

I want to follow up on what Sydney was saying. Clubs and pubs are being affected, not by each another, but by the changing attitudes in the way in which people look at entertainment today. It was said earlier that most people postpone going out until 11.00 pm or midnight and instead go for late-night sessions. That has a knock-on effect. I see the effects on clubs and pubs in the area in which I live. Going back quite a few years, pubs used to complain that clubs had a clear advantage when it came to opening hours. That was in the days of Sunday closing. At some stage, however, there was a complete reversal and many of the powers were taken away from clubs. The problem is trying to find a happy medium that accommodates people.

Pubs have serious overheads. I do not know whether there is any interaction between clubs and pubs to work out the best solution. Both sectors provide a great deal of employment. One will have to speak to the other to come to some type of agreement.

**The Chairperson:**

I want to raise a couple of points. First, what are members' views on irresponsible drinks promotions? My second point relates to the number of late licences. Much of this is arbitrary. The witnesses suggest 156 late licences, which is three a week. The Department suggests 120, which is two a week, with a few more for high days and holidays. Currently, 52 late licences are allowed, which is one a week. The figures are arbitrary — it's a case of pick a number.

There are other issues around increasing the number of late licences even to 120. We have sought evidence, in so far as one can, on the present demand for late licences. The evidence is that the overwhelming majority of registered clubs — between 70 % and 80% — are not even threatening the upper limit at this time. They are using only around half of the nights that they are entitled to. Therefore, only a small number of registered clubs are using the 52 nights or anything near it. Can you see how providing for 156 late nights, which is the opportunity to average three a week, may work in some cases but will not be applicable in the vast majority of

cases?

That is where I see a contradiction in the case laid before the Committee, in that you are increasing access to alcohol. I accept that, by and large, registered clubs are not contributing to the problem of antisocial behaviour. However, what you suggest will increase opportunities for the consumption of alcohol in society without addressing some important points. It does so, although the statistics do not suggest that there is a particular demand for late-night opening. You suggest a trebling of opportunities for late-night opening, while the Department suggests a doubling. How do you respond to those points?

**Mr Davidson:**

It is evident that the vast majority of small clubs do not apply to the PSNI for their late bar but still operate it. One can assume that the PSNI probably applies a high degree of common sense to the situation. I have been in many establishments and clubs that have not applied for licences but are kept open to 11.45 pm or 12.15 am. They have not gone through the motions. Many clubs have the illusion that they should use a late bar licence only for fund-raising, presentation of trophies, but not for members' social nights. That practice is established.

**The Chairperson:**

That is interesting in itself. Do you have any views on irresponsible drinks promotions?

**Mr D Murphy:**

Yes; very much so.

**Mr Davidson:**

We have submitted a response on that. It is envisaged, subject to consultation, that regulations would ban alcohol promotions if the promotion relates to an alcoholic drink that is likely to appeal largely to under-18s. The Registration of Clubs (Northern Ireland) Order 1996 prohibits the consumption of alcohol by under-18s, which private member clubs and social and recreational clubs enforce. We support that as good practice.

The regulations would likely also ban promotions if alcoholic drink is provided free or cut-price when purchasing one or more drinks, whether alcoholic or not. That is not a common

practice in private member clubs, and that type of promotion should be outlawed, except where it applies to non-alcoholic drinks. The practice of an alcoholic drink being provided free or cut-price on the purchase of that particular drink — two-for-one offers — should be outlawed.

Another promotion provides an unlimited supply of alcohol for a fixed charge, including any entrance fee; for example, “all you can drink for £10”. Alternatively, people pay an entry fee, and then drink free until 10.00 pm. That has to be one of the worst forms of drink promotions in the licensing trade, and it should be prohibited. To our knowledge, that practice does not take place in the club sector.

Some promotions encourage people to buy a drink or a larger measure of alcohol than they had intended. Sensible drinking habits should be encouraged, and such a practice should be discouraged. Any promotion that is based on the strength of alcohol, thus encouraging an increase in consumption, should be outlawed. Again, that practice is not promoted in the club sector.

Any promotion that promotes rewards or encourages drinking alcohol quickly — for example, drinking games — should be outlawed. Although practices such as drinking a yard of ale and the dentist’s chair are alien to the club sector, they should be outlawed. I have never even heard of some of those games, believe it or not. *[Laughter.]* That is the truth.

Another promotion that would be banned is where alcohol is offered as a reward for prizes, unless the alcohol is in a sealed container and consumed off the premises. Private member clubs have raffles to raise funds for charitable and good causes. To our knowledge, however, such prizes overwhelmingly have to be taken off site.

The practice of one person dispensing alcohol directly into the mouth of another, other than where the other person is unable to drink without assistance because of a disability, should be outlawed. Promotions that encourage specific groups to drink free or at a discount — for example, “women drink for free”, half-price drinks for under-25s, discount nights for students, or cheap drinks for the fans of specific sporting teams — is not a practice in private member clubs, and should be outlawed.

Other specific promotions may include the supply of alcohol on licensed premises at a reduced

price during a limited period on any day — happy hours. Happy hours and any other promotion that encourages excessive consumption should be prohibited, although some happy hours are responsible.

Officials are continuing to liaise with the Office of the Legislative Counsel about the viability and practicality of bans on differential pricing of alcoholic products being included in the Bill. If, as we suspect, that relates to selling products as loss leaders, or at heavily discounted prices, the federation finds itself in a Catch-22 position. Although we agree that outlets should not be permitted to sell below cost, that nevertheless affords a benefit to those on low incomes, pensioners and the unemployed, who will be paying a price for irresponsible consumers, who form the minority. Hopefully, common sense will prevail.

The federation has produced a poster, which we will distribute to all our clubs Province-wide to display in their premises. The poster states: “We may not be part of the problem, but we can be part of the solution.” We are proud of our association with the promotion and development of sporting, social and recreational activity. Nevertheless, clubs have an important role to play in helping to address the problems associated with binge drinking by encouraging good practice and not permitting irresponsible drink promotions on club premises. We want clubs to abolish happy hours, “buy one, get one free”, “drink all you want for £25”, drinking games, yard of ale competitions, or any other promotion that encourages binge drinking. The poster will be enlarged and distributed to every one of our clubs Province-wide.

**The Chairperson:**

Thank you very much. That was helpful. That issue was not initially covered in the Bill, but we are still taking evidence on it. Thank you again for coming along, and for your input into the Bill.

Joining us now are Janice Gault, who is the chief executive of the Northern Ireland Hotels Federation; Eugene McKeever, who is the president of the federation; Colin Neill, who is the chief executive of Pubs of Ulster; and Eugene Cassidy, who is a member of Pubs of Ulster. You are all very welcome. I remind everyone to turn off their mobile phones, because the proceedings are being recorded by Hansard. Please make an opening presentation, after which we will move to a question-and-answer session.

**Ms Janice Gault (Northern Ireland Hotels Federation):**

Eugene and I will talk about hotels, and then Colin and his Eugene will talk about pubs.

**The Chairperson:**

Everyone needs a Eugene.

**Ms Gault:**

Indeed. Each one comes free with a packet of corn flakes. Thank you very much for the invitation to speak to the Committee. We have given our submission about the amendments. Eugene will discuss the late licensing issue, and I will look at the other aspects, including the recent papers that we were sent by the Committee.

We, as hotels, are pretty clear about our role. We are fairly heavily regulated, we are licensed to sell drink and we are a commercial range of entities. We probably provide around just over £90 million worth of a wage bill, and we pay somewhere between £7 million and £8 million in rates. Our role is primarily a visitor role, a tourism role and a role in the community.

We fully respect the role that clubs have. It is very important. Most of our members appear to be members of one or more clubs. Our concern is the movement towards non-membership-type activities. That has been an ongoing issue with our members. Last week, a members' club advertised for non-member-based function business, which is covered by people taking out social membership. It has been advertising widely in the local community for weddings, which is a direct part of our business. We have been charged by the Department of Enterprise, Trade and Investment (DETI) to increase visitor spend here. It is currently £37 a person, which is the lowest in any GB region. In the Irish Republic, it is currently £62.50, based on the euro conversion. In Scotland, it is about £62. We have been asked to contribute more in visitor spend. We have also been asked to increase visitor numbers. To do that, we have to be able to survive as an industry. We would like the whole area of club membership, including registration, to be looked at in some way.

We wish to see a more cafe-based society. That is quite important. We do not encourage any form of irresponsible drinking. Most of our members, when I spoke to them and surveyed them, said that they would only ever offer a food-related drinks promotion; for example, something along the lines of a free glass of wine with two main courses. Very few of them are keen to do

that. Most of them have never engaged in any such activity and have no intention of beginning to do so. They are very aware of the fact that we are also in a family market, which is a big trade here. They do not want any incidents of social disorder. I have spoken to the PSNI in that regard. In general, it is quite happy with the way in which things are regulated in our sector. We have a very close relationship with the police, and we would like that to continue.

We do have genuine concerns about the future. Over the past year, there has been a severe drop in rate and revenue. Our problem is that we cannot compete commercially with people who do not have the same cost structure as us. That will be one of the features going forward. We have to remain open 365 days a year. We have to have a staff to meet that, and we have to cover those costs.

If we have to compete with somebody who does not have to do that, we simply will not be able to continue to trade. That is our stance on that issue. Eugene will comment on how late licensing will impact on us.

**Mr Eugene McKeever (Northern Ireland Hotels Federation):**

I am president of the federation, and I own three hotels in the Province, so I come from the private sector. I am also a member of a sports club, so I take on board some of the points that were made about them being well run and controlled. In that respect, I have no issues with clubs.

One of the issues raised in the presentation — it was also mentioned by the Chairman — is that most of the 52 late licences already available are not being taken up. The obvious question is why people who are not using their present allocation want 120 late licences. The point was also made that, largely because of overheads, the cost factor for a hotel is much higher than that of a club, sometimes as much as 30% or 40% higher. The witnesses from the clubs said that they are manned mostly by volunteers: however, we are not. We do not have anybody who volunteers for anything, apart from going home early or something. Obviously, we have to pay our staff.

The caterer in my club has no overheads whatsoever: he pays his wages and buys his food, and that is it. Consequently, because of his cost factor, his food is about half the price that I could sell it at. That is good for the members, which is no problem, and they are all happy about that because he is such a good caterer. On a Sunday, you cannot get into the place. There is obviously a relaxation of policy in that I could arrive with 20 members of my family and sign

them all in. There may be a wedding or an anniversary with 50 or 60 guests. Where does it go from there?

I take the clubs' point that, if a game of football is played in the evening, they want families and their kids to be able to come together afterwards for a social gathering. That is a very important part of the social infrastructure of any community. We have no objections to that whatsoever. However, what happens if clubs start to get 120 people in twice a week, say every Friday and Saturday night, and start to run outside functions to which anybody can turn up? People could be allowed to hold their works' do at a club, and all they would need is one person to sign them in. They would think, "Happy days". I am told, "Eugene, you cannot compete: the club charged me £15 a head and you are looking for £25." Of course I cannot compete. I would be doing well to charge them even £25. That is our commercial view of clubs.

Janice touched on the issue of social responsibility and the problems of binge drinking and drinks offers, and we concur with what the pubs said about those problems. I am certainly against such activity. A meal for two and a bottle of wine, which many hoteliers offer, is not promoting drinking as such, but I am against cut-price drinks, half-price drinks and the like.

**Mr Colin Neill (Pubs of Ulster):**

I thank the Committee for the opportunity to present my evidence. I will cover some of the nuts-and-bolts issues and then Eugene Cassidy, who operates a pub in Belfast, will explain the day-to-day challenges of running a family pub.

I will start by stating categorically that we have nothing against clubs. I praise the clubs' federation and the work that clubs do. Nearly every one of my members is a member of a club, and I have often helped to set up a club by advising them on occasional licences and stuff. I think that clubs do fantastic work. Pubs of Ulster is against any venue — a pub, registered club, so-called nightclub, a hotel or whatever — acting irresponsibly or outside the regulations as laid down in legislation. We have been working very hard in our own sector to drive that message forward.

As an organisation, Pubs of Ulster may be better known as the Federation of the Retail Licensed Trade Northern Ireland. Straight away, you can guess why we changed the name. The organisation was established in 1872 and represents pubs, bars, cafe-bars, restaurants and hotels.

A member talked about not going into a pub; often, you may be in a pub without knowing it because it does not look like one. The pub has a traditional image and name, but many a restaurant now has a pub licence.

We are well embedded in the economy. PricewaterhouseCoopers estimates that we put £1 billion into the economy each year and employ about 35,000 people. However, we will be watching that figure after the comprehensive spending review. We are a family-friendly market; family business is a major part of our market. Nowadays, we are a chameleon: we are a breakfast place in the morning; a restaurant during the day, and, by 9.00 pm, we become a pub. Sometimes it is hard to see that.

There are three major coffee chains in the UK: Costa Coffee, Starbucks and J D Wetherspoon. It is interesting to note that we are a major player in the coffee market, so it is not all about alcohol. I use a line about people not going to the pub for alcohol. People look at me and tell me that that is strange, but it is true. Anyone who is looking purely for alcohol can get a can of beer for 21p in the supermarket, against £3.00 a pint in the pub. They will, of course, go to the supermarket. People go to the pub for another reason, and they may have a drink when they are there, and that drink may be alcoholic.

We are not only part of the local economy: 80% of all tourists visit a pub, and 70% of all tourists eat in a pub. The Lonely Planet guide lists the top 25 things to do in Northern Ireland, and number one is to visit the pub. Those are Tourist Board figures and not figures that we have come up with on the back of an envelope.

Small businesses, registered clubs and pubs face common challenges. We identify with the comments made about the changes in social trends, the impact that the smoking ban has had on the industry, the massive impact that the increase in drinking at home or on the street has had and the low cost of alcohol. It is estimated that the pub industry sells, in round figures, 25% of all the alcohol sold in the Province, and that the off-licence trade, which includes the majority of supermarkets, sells 70%. Therefore, we are no longer a major retailer of alcohol, although that connotation is still there. Most of our members employ doormen to keep people out rather than throw them out, as the market has changed.

We support the proposals regarding proof of age, penalty points and power of closure that the



Bill introduces. We realise that, as always, the devil is in the detail, and we hope that the Committee will support our call for the Department to work with us and the police so that we can not only develop regulations but ensure that they are enforceable. More often than not, we have regulations, but try taking them through a court; convictions are never made. I am aware of one licensed restaurant in Belfast that had 21 convictions for breach of its alcohol licence, and the police got it shut down only because it allowed too many people into the premises and the insurance companies pulled the plug. We can have legislation, but it is of no benefit if it does not work. We are not looking for a favour, but we understand how the industry works. Working together would allow us to introduce effective legislation.

One of the major issues to come up is the provision of 120 late night licences for registered clubs, the argument being that the pub industry has one for every night of the year. In reality, we have about 120, because there is no need for a late licence on a Monday or Tuesday night; workers would be there on their own. Given how the industry is at the moment, workers are there on their own even on Friday nights, so there is not a big need for late licences. We are not against the clubs getting something; we believe that they should get something, and there is a compromise position. Like ourselves, the clubs trade in a difficult environment, and we support some movement for them, but we feel that it would be excessive to go to that level.

There are also concerns about enforcement of the regulations in all of the sectors. There are requirements on all establishments. I differentiate between responsible clubs and irresponsible clubs. Responsible, registered clubs operate within the law, and we fully support them and cooperate with them. Irresponsible clubs, like an irresponsible pub, will find the loopholes and flout the legislation. There are issues around enforcing current legislation. Recently, I had a conversation with a senior policeman, who said to me, "You do not expect me to enforce the requirement that people sign into clubs, do you?" To be honest, I do not, because there are so many other demands on police time. However, it is an ineffective control as regards regulating practice. It is about trying to make sure that we operate on a level playing field and that we all operate within our own legislation. If anyone strays across those lines, no matter what sector they come from, it puts pressure on the others in the industry.

We support the proposals for a liquor licence review. Again, the devil is in the detail. Regulations should apply across all sectors so that they tackle alcohol abuse and deal with anyone who breaks the law. We are totally against the misuse or abuse of alcohol.

I will now hand over to Eugene to explain some of the difficulties that have arisen.

**Mr Eugene Cassidy (Pubs of Ulster):**

Thank you very much for asking us to be here, folks. My friend Eugene and I are at the coalface, and we see the problems day and daily. The big issue is controlling the sale of alcohol. The way I see it, the only establishments that control the sale of alcohol at the minute are pubs and hotels; it is definitely not the clubs that do so. I say that because certain clubs in Belfast open until 6.00 am. Why are they open that late? I do not know. One club in Belfast has an open-door policy whereby anyone can walk in and get a pint for £2. That particular club has caused more hassle and problems than any other in Belfast, and it is, of course, still operating.

**Mrs M Bradley:**

Was Fra down at it? [*Laughter.*]

**Mr Cassidy:**

Last week, I walked into two clubs on the Falls Road in Belfast, and I could not tell whether they were clubs or pubs. I was not asked to sign in or for anything at all, and the drink was about 60p cheaper than the local pub.

**Mr Craig:**

Was Fra there? [*Laughter.*]

**The Chairperson:**

Fra, your image is being tarnished.

**Mr F McCann:**

You would think that I was an alcoholic.

**Mr Cassidy:**

I do not know one club in Belfast — apart from maybe conservative clubs — that is a private members' club. There is no such thing; they do not exist.

Another problem is that clubs advertise that they are available for 18th birthday parties. We

would not touch them with a bargepole. You can forget about having birthday parties for anyone younger than 24 or 25 years of age, because there is no way that everyone at an 18th birthday party is 18 years old. Clubs will take anything and anybody.

I was a wee bit annoyed at some of the things that were said by the representatives of the GAA. If you are involved in a sporting organisation, the last thing you should be talking about is alcohol. I played GAA for years. As soon as my club began to sell alcohol, it dropped two divisions, and it is still there. No alcohol is allowed in the Holy Family Boxing Club or any boxing club that I know of. Perhaps that is why our boxers did so well at the Commonwealth Games.

Drink should be sold in an environment that is controlled by responsible publicans and hoteliers. They will prevent drunk people from coming into the premises and will not serve people if they have had too much. No matter what you might think, that is not happening in clubs. Eugene said that we have no volunteers, and he is right. Everyone who works in our pubs expects to get paid.

What do clubs give to the Exchequer at the end of the year? The answer is nothing. Instead, they divide up their profits, which are supposed to go to members. I heard someone say that one club in east Belfast has 2,000 members and another has 1,500 members. That is simply not true; there are associated members who are not full members, and the divvy is divided up among the full members. They get their fair share, but they are paid in alcohol rather than money. That has happened in north Belfast for years. Instead of giving men their bonus at Christmas, the local clubs give them 20, 30 or 40 tickets for drink that must be drunk within two or three days. Is that responsible? It is not, but it is happening, and that is part of the problem. The clubs should use their profits to give money back to the Exchequer at the end of the year by paying capital gains tax and proper rates like we do, instead of giving their profits out in alcohol. It is an unfair playing field, and it is time for change.

By the way, the late licences do not affect me at all. My pub closes at 12.00 am on a Friday and Saturday night, because, in my opinion, if you do not have enough drink in you by 12.00 am, you need to go and see a doctor. *[Laughter.]*

That is it in a nutshell. I could go on about it all day, but those are the basic facts as I see

them. Thank you for listening.

**The Chairperson:**

Thank you very much. Some members have indicated that they want to ask questions. Jonathan, follow that.

**Mr Craig:**

You have stolen my thunder, and I never thought that I would say that about an ex-GAA player.

*[Laughter.]*

Eugene, I will make no comment, other than to mention that your thoughts on clubs are similar to mine. It defies logic that they are associated with sport yet, unfortunately, now seem to be totally reliant on the sale of alcohol. What sort of message are we sending out? Clubs want to encourage sport and healthy living yet are trying to fund that by encouraging something that is far from healthy.

I admit that, because of my background, quite frankly, I do not have a lot of time for alcohol, end of story. Your comments are absolutely right, and Colin hit the nail on the head. If I go out for the night with my family, we are not looking to even be associated with alcohol. However, we could now go into most of your premises to have a meal — and probably spend an absolute fortune on soft drinks — but that would be the end of it. To be honest, most people now do not even notice that they are in a pub or a hotel. That is the nature of the game.

I have a question about late-night opening, which I find ludicrous. We are trying to regulate the system to discourage the abuse of alcohol, and I commend the Minister for his efforts on that. I have seen too many people go to an early grave. My wife is a paramedic, and she will tell you that, if alcohol were removed from our society, the health budget would not even be an issue, never mind any cuts that are coming in. Around 80% of the work that paramedics do is related to alcohol.

What is a sensible compromise, Colin? I do not see 120 late licences as a sensible compromise in any way, shape or form. Over 90% of clubs are not using the 52 late licences that are already available. Therefore, I have to question how sensible it is to increase the number of late licences from 52 to 120, given that the majority of clubs do not use the current provision. I

have surveyed most clubs in my constituency to see what the situation is, and I have yet to find a club that uses its 52 late licences, never mind one that would use 120. Perhaps an unholy clique somewhere is abusing the situation. What do you see as being a more sensible compromise on that issue? Although I would like to reverse the 52 late licences, I am a realist, and in the real world, that is not going to happen. However, we need to give clubs some leeway. Therefore, what do you envisage as being a more sensible compromise?

**Mr Neill:**

I agree with you, and I, too, am a realist. We are not suggesting that it should be no, nothing, never. There are a number of issues around late licences. The proposal to increase the number of late licences raises the issue of developing enforceable regulation around the control of all premises. The two go hand in hand, and we need to review the current position.

To be open and honest, I had it in my head that there would be something like 75 late nights a year, which would move some way towards helping clubs to be a bit more flexible around some of their events, without opening it up to full-on competition. I am aware that this was to be phase one of the liquor licence review and that phase two was to be tied into the review of public administration (RPA). However, with the RPA being, shall we say, a very hard thing to tie down at the moment, I appeal to the Committee to consider having an interim phase — phase one and a half — to take a long hard look at some of the current legislation.

I have to support the police in saying that the current legislation is unenforceable, and, even when it is enforced, it gets thrown out of court. That applies not just to registered clubs but to pubs and restaurants, too. A restaurant licence costs a few hundred pounds, as opposed to the thousands of pounds that has to be invested in a pub or hotel licence, and restaurants just set up and trade like pubs. The police take the licensees to court, but cases are thrown out for the strangest intangible reasons. Therefore, we have to give the police the tools to do their job and encourage the majority to comply, so that the police can concentrate on the minority that will not join a professional body and act in a responsible manner.

**Mr F McCann:**

I agree with Eugene that the boxing fraternity has survived for many, many years and created many champions. Equally, though, St Galls brought the all-Ireland club championship cup back to Belfast last year, and the team would probably not have been able to do that had St Galls not

been able to finance its team's training with money that it derived from the clubs. Some of the GAA clubs have 10 or 12 hurling and football teams. Had they not the finance that clubs provide, they would not be able to buy the hurls, rigs or uniforms. We are trying to get a happy medium.

I asked earlier whether representatives of pubs and clubs had sat down together to try to work out a common approach to the issue. I am a member of a couple of clubs, but I do not really socialise in them. When I go out, I socialise in pubs. I find the atmosphere more sociable when I am meeting friends. The major difficulty is the change in people's attitude to entertainment and drinking. There are certain popular pubs in the city of Belfast that people go to at 11 pm or 12 am that will stay open until 2 am, 3 am or 4 am. It is the likes of your premises, the hotels and pubs in local areas, that feel the pinch and suffer difficulties and problems as a result of the change in attitude.

**Mr Cassidy:**

People are leaving pubs now at 11 pm and 11.30 pm to go to clubs. What is the point in doing that if a club is supposed to close at 1 am? People have asked me to keep my pub open to 1 am, and I asked them what the point would be in doing that. They told me that if the bar stayed open until then, they could drink in the house until 10.30 pm and then come out, whereas now they are in the pub at 9.00 pm or 9.30 pm. I rest my case.

**Mr F McCann:**

I will ask you the same question that I asked in the last witness session. Do you see a difference between the registered clubs in the federation and nightclubs?

**Mr Neill:**

When we talk about clubs, we mean registered clubs. Technically, and according to licensing law, there is no such thing as a nightclub in Northern Ireland; all the nightclubs are pubs. However, I am very aware that there are a number of nightclubs, shall we say, in Belfast. As an industry body, we objected to the entertainment licences of two of our members being renewed by Belfast City Council because we support the police and because there was a public safety issue. We believed that the police were best placed to say that, and we felt that, as a responsible body, we should back them up. Those licences were reduced from 6 am to 3 am.

There is still an ongoing debate about this issue. The police are involved, and there are

matters that I know to be public knowledge. There are issues, and, as an industry body, we have a duty to help to resolve those issues. We are doing our best to do that. We have our own brief to challenge licensed premises that are operating outside the law, where the police are perhaps unable to. We are moving on that.

The member asked whether we engage in dialogue with the clubs' federation. We do; we have a lot of respect for that federation. We have worked together to develop a responsible retailing code of practice that would apply right across the industry. We have held a number of meetings, but that work is stalled because we want to ensure that we are working hand-in-hand with the Minister. We want to see whether we can take it further than the Minister proposes. We have talked to the federation about this issue, but I do not speak for it. However, the federation felt that its position was reasonable, and we agreed to disagree on this, as two professional bodies that work together on other things.

**Mr F McCann:**

Danny Murphy talked about the number of matches that finish at 9.00 pm or 10.00 pm and said that people go back to the clubs after the matches. Is that taken into consideration when late licences are being discussed?

**Mr Neill:**

We have looked at the figures for the current usage of late licences, and we noticed that there was not that great a demand for them. We felt that another 25 licences would allow for some flexibility. I do not know the registered club industry, but, if it is anything like the pub industry, it can be pretty lonely on a late Friday night, never mind a late Thursday night. Most pubs will not be too busy on a Friday night; Saturday night is the only night that there will be any sort of custom with a late licence. The need for late licences on Thursday nights has gone. Most people go to bed early in order to get up for work.

**Mr F McCann:**

My last point is about penalty points. Do you think that that sort of power should be left to the police to go into premises and close them down?

**Mr Neill:**

There are two issues: the penalty points system and power of closure. Penalty points are new;

nobody has had them before. Northern Ireland is leading the way, and it is nice to see that we are leading the way rather than just adopting GB or Republic of Ireland legislation. We are doing our own thing. Like everything, the devil is in the detail of how the policy is drawn up, but it will probably help to tackle some problem premises that sell after hours. The police have to mount a covert operation to try to catch them, and that comes at massive expense. Therefore, we support the proposal for a penalty points system, but we want everyone to work together and to be realistic about getting something that is effective. We do not want to throw the baby out with the bath water.

We support the current proposal for power of closure. I know that there has been a conversation about whether the police should be given power of closure for anticipated disorder. I assume that that is what the member is asking about. However, again, the devil is in the detail. We would have concerns if it were simply given without some sort of extra control mechanism. In another life, I worked in the retained Fire Service for 28 years, and, as a crew commander, I knew only too well that when you hit the ground and stuff gets exciting, the adrenalin is up and you make snap decisions. However, you almost need somebody on your shoulder to tell you to think about it. Therefore, if the police were to be given power of closure for anticipated disorder without any extra control, there should be some sort of system whereby the decision can be referred further up the line to someone senior who is not on the ground and who can look at the situation calmly.

There is a bar in Belfast with quite substantial premises that shows a lot of sport, and it showed two different football matches; one upstairs and one downstairs. In our own little Northern Ireland, the two matches were watched by different communities, and the police said that the bar could not show them because there would be trouble. They said that they could not have two communities in the bar at the same time, and they told the publican to shut the bar or to show only one match. The publican said that if he did not show them both, there would be trouble. Therefore, there is a science around running a pub. It is no longer about opening the door, letting people in and then chucking them out. That particular pub has certain types of music that it plays straight after a match and after the scores, depending on what the game is, to wind people down. There is a whole psychology behind that. My fear is that, if the decision is left to a police inspector who does not have the knowledge and expertise to understand the situation, he will simply say that the bar should be shut.



**Mr F McCann:**

I do not disagree with what you are saying, but, in the vast majority of cases, if a problem develops in premises, it would be better if the police negotiated with the keyholder or the owner to try to get something done. In the past, I have seen the police arrive at pub doors perhaps 10, 15 or 20 minutes after closing time. They are met with a lot of drunk people, which is a recipe for disaster. Therefore, it would be better to negotiate in those situations.

**Mr Neill:**

I agree. The problem premises are pretty well known. I am involved with the PSNI and councils in different areas where problem premises have been identified, and it is about doing the work beforehand and how you handle the situation. I would never tell the police how they should operate, but it is sometimes a case of acting immediately or waiting until the morning to go to the bar and tell the owners that they were out of line.

I sit on the Holylands interagency working group, and we all know the problems that exist in that area. Our organisation has a Northern Ireland remit, but members could see that there was a major problem there, so we got involved. In that instance, we could have recommended shutting all the bars and off-licences within a two-mile radius, but Tesco will still deliver. People would still walk beyond the two-mile radius to buy their drink. The Assistant Chief Constable is on record as saying that pubs are not his problem when it comes to violence. There is very little alcohol-related violence in pubs now. Our biggest challenge nowadays is that people turn up for the last hour of opening “pre-loaded” or “pre-fuelled”, and they drink until 11.30 pm. To be honest, if you were to let them into the bar, you would be lucky if they bought one drink, and they would probably throw up over somebody or spill their drink over somebody.

Pubs are not a profitable option, and I say that purely in a business sense, rather than in a moral sense.

If we turn people away, they are then standing on the street at 11.30 pm or midnight, intoxicated, and they do not have a taxi booked until 3.00 am. Therefore, they start trying to do all the pubs, end up in a group, end up in trouble, and are associated with us because they are drunks in the street. We did not put them there, and we have no control over them. Seventy per cent of alcohol is being consumed at home. Our industry has a major challenge to tackle a problem that is not ours, and we are doing that. We have just instigated a pilot programme called Purple Flag, which is a Quality Mark for a town or city centre that is clean, safe and accessible.

As an industry, we are trying to go beyond our own front door, and say, “Can we help? We are here at night, so can we get involved and do something?” However, our major challenge will always be that “pre-fuelling” situation, which is from where the major part of alcohol-associated violence comes.

**Mr McKeever:**

Overall, the Northern Ireland Hotels Federation, the pubs and the clubs are fairly well controlled in the drink that they give out. There is no question of that.

From a hotel point of view, people will go to a late-night function with carrier bags of drink, leave them in the car park, walk out, fill their glasses and walk back in, or bring them in under their coats. At least the Troubles brought an advantage, in that you at least had a right of search to get the bloody stuff off them. Now you cannot touch people. There is also the case of two people booking a room, only for all their friends to land in with their carry-outs.

We have a list of promotions that should stop, or not happen. That also has to apply to supermarkets. With the best will in the world, we still see three bottles of wine for £10 as great value. Therefore, people go out on a Saturday night planning to buy one bottle, end up buying three, and sit in the house and drink two of them. They then think, “Bloody heck, why did I do that?” It is time to look at supermarket off-sales and stop them from doing promotions and advertising to sell drink. We cannot stop people going to off-sales, nor would we want to. However, people seeing advertisements in the newspaper for three cases of beer for £15 leads them to drink to excess.

Colin is right about people going “pre-loaded” to functions. I have daughters, and they will have a bottle of wine or something before they go out. They say that they do not drink when they go out, apart from one drink when they pay to go into the disco. That is them for the night.

Control by the pubs, hotels and clubs will not stop binge drinking or problems on the street. The stories in the press about the lower Ormeau Road were terrible, saying the publicans should pay for the clean-up and policing bill. The publicans could not possibly have sold that much drink to get so many people that drunk. All Belfast would have been able to have a drink.

**The Chairperson:**

It must have been in the water supply. *[Laughter.]*

**Mr McKeever:**

They do not drink water. That is even dearer than beer now. *[Laughter.]*

**Mrs M Bradley:**

I thank you for your presentation. I realise pubs' concerns. You are right to say that there are many bars that we would not know are pubs, where people can get a decent meal and everything else. That is really the bars trying to make a living as well. That will impact badly on hotels, however, with people going to bars because they are a bit cheaper than hotels. Therefore, it is a snowball effect. Eugene was very honest in his remarks, but the Committee will consider all the evidence.

**Ms Lo:**

Colin and Eugene said that there may not be much custom for pubs beyond midnight. How many nights, on average, would a pub stay open late, or want to stay open late?

**Mr Neill:**

The majority of pubs would probably stay open late on Friday and Saturday. That tends to be norm. A tourism market could support a few opening a bit longer in Belfast city centre. However, there is not really the customer base or demand for late-night opening out across the Province. It is the old story of there being no point in standing there alone and running overheads and paying staff and such. Late-night openings are becoming less common. The weekend used to be a Friday and Saturday but is now moving to being a Saturday only.

**Ms Lo:**

Therefore, it is around 120 late nights a year, or even fewer.

**Mr Neill:**

Yes.

**Ms Lo:**

Interestingly, you said that nightclubs are also pubs. I did not realise that. As you know, we have

a number of nightclubs in south Belfast. They open so late. How does that operate?

**Mr Neill:**

Anyone in that game has to have a public house licence. We can sell alcohol only if we have an article 44 extension, which is granted by the court and allows us to extend our opening hours from 11.00 pm to 1.00 am. That extension can only be granted to premises that hold an entertainment licence or sell substantial food until 12.30 am. It is different for restaurants. Indeed, there are a number of restaurants that act as nightclubs, which is a really big problem.

In Belfast, entertainment licences are granted by Belfast City Council. For a time, those licences allowed premises to stay open until 6.00 am, the theory being that the bar stops selling at 1.00 am but people dance on until 6.00 am. I will pause there to let you think about that. That is why we have taken the attitude that 3.00 am should be the maximum. If alcohol can be sold until 1.00 am, the current legislation requires that customers drink up by 1.30 am. It is OK if there is a bit of dancing to wind down. As one of my colleagues says, pick up your girl and go home.

**Ms Lo:**

If you can find a girl. *[Laughter.]*

**Mr Neill:**

It is the entertainment licence that allows them to stay open. In order for pubs to get a late licence, licensees must satisfy the courts that they meet all the requirements to get an extension from 11.00 pm to 1.00 am. Licensees must also satisfy the council that they meet the requirements to get an entertainment licence. In both processes, the council can object, and in the council process, the general public can object. There is a very tight objection system, which does not apply to registered clubs. All that they have to do is ask the police for a late licence; they do not have to sell food or have live entertainment. They can have one of the 52 nights currently available to them, which is to become one of 120.

We are quite heavily controlled, and those controls are expensive. If a licensee wants to open until 1.00 am a couple of nights a week to offer live entertainment, not only is there the cost of the entertainment, which many bars cannot charge for, but the cost of applying for the entertainment licence. The licence fee, advertising and associated costs come to an estimated £7,000 a year — just to get an entertainment licence to let a licensee put a guy in the corner of a

country bar strumming a guitar. Those costs add to the situation.

**Ms Lo:**

In theory, pubs can ask for late-night opening the whole year around.

**Mr Neill:**

Technically, we have late licences all year around, but in practice, it would be a very optimistic publican that had a late licence to open until 1.00 am on a Monday night.

**Mr S Anderson:**

Thank you for your presentation. It is good to get the facts. Eugene Cassidy was telling us how the trade is doing at the moment, as was Colin. Saturday night is probably the main night for any pub. You talked about pubs in rural areas. I said earlier to the previous set of witnesses that the smaller pubs are closing. You know that better than I do.

Eugene also talked about what the pubs pay back. They pay their staff, their rates, their VAT and whatever else is going. How will the extension to the number of late opening nights — should it be 75 nights — have an effect? It is good that you have come here with what could best be called a compromise solution. The clubs began by asking for 150 nights and then 120 nights was suggested. However, you are now talking about 75 nights. How will that affect smaller pubs? Can pubs survive here?

**Mr Neill:**

To be realistic, even 75 nights will have an impact. We are trying to be fair and realistic. There are massive challenges in our industry, in the registered club industry and across the private sector. Those extra 25 nights could be the tipping point that causes pubs to close, especially those in rural areas.

Many rural pubs now open only for three days a week. To keep their licence live, they have to open for a significant amount of time. To be honest, if they could, to save costs, they would probably opt to open only on Friday and Saturday nights, but the legislation does not allow them to do that. The pub industry, particularly in rural areas, has taken a big hit. Some clubs compete directly with them by running events and public dances, but pubs cannot compete on price because their overheads do not allow it. In the short term, 25 additional late licences a year will

have an impact, but we have to be grown up about the debate and find a compromise.

**Mr S Anderson:**

Based on what we have heard about the impact that the legislation would have on struggling pubs, we will have to achieve a balance.

**Ms Gault:**

Our real concern about the additional late licences is the ability of clubs to run events. We think that the additional licences will be used to attract additional events, which already presents us with a major problem. Clubs are advertising events that are open to the public. The last that I heard, a wedding does not involve the attendance of members. We checked that out. You will be glad to hear that I will be getting married in Portstewart in a number of weeks. I have not found a groom yet, but I am searching. *[Laughter.]* I do not hear many people volunteering. Nevertheless, I can get married in a certain club for £60, which is 30% less than I can in a commercial operation, and I have no association with and have never been to that club. I have no idea what goes on in it, but I was told freely on the telephone not to worry, because I would become a social member when I paid my £60. Furthermore, the club told me that it would be able to provide a late licence.

My big concern is that 120 late licences a year will allow clubs to open late every Friday and Saturday night. Aside from running events to raise money for charities, the chances of them needing three late licences a week for their members are very limited. In a number of cases, they will be used to attract events, such as commercial events and fund-raisers, which are not necessarily of benefit to the club.

**Mr S Anderson:**

I do not want to prolong the evidence session, but we heard from Colin Neill that pubs are lucky to get trade to any degree on a Saturday night, whereas, according to Janice Gault, clubs are going the other way by getting around the regulations and advertising various events. Hearing about certain aspects of clubs has certainly enlightened me.

**Ms Gault:**

There is also the enforcement issue. We have complained about advertising, which carries a £2,500 fine for every officer of a club, only to be told that the regulations are very difficult to

enforce. We have a guy whose wedding business has gone down, and he asks us why the rules cannot be enforced. We want to see the definition of a club member and what he or she can do be tightened up. Clubs are fantastic at sports development, young people's development and community development. They are an integral part of society, but they cannot be allowed to move into a market in which they will have an unfair commercial advantage.

**The Chairperson:**

The issue has been well aired.

**Mr Neill:**

If I might mention the promotions legislation, on the Minister's proposals, we totally support anything that stops illegal or irresponsible promotions. Some of the promotions that have been mentioned do not exist here anyway, such as "women drink for free". I thought that that sounded great. I told my wife not to buy a round, because that has been the only way for women here to drink for free.

We are concerned about the term "happy hour". The proposals stipulate that prices cannot fluctuate in any 24-hour period; however, offering 50p off the price of a pint for two hours at teatime on a Monday night could not be classed as an irresponsible promotion. We do, however, recognise that five shots for a fiver at midnight on a Saturday could. We should try to find a formula that can accommodate both sets of circumstances; otherwise, there may be a drive towards even more irresponsible promotions. If publicans cannot change prices during the day, they may take things in the other direction and offer pints for £2 all day, particularly when faced with supermarket prices of 21p a can all day every day.

Eugene McKeever referred to the idea put about by the supermarkets that people buy alcohol in bulk, take it home and drink it responsibly. It is called the Coca-Cola effect, because Coca-Cola, which most people acknowledge has one of the most significant and professional retail operations, sell mass volumes at bottom prices to encourage people to buy and drink more of it. It is a science.

It has long been argued that it is irresponsible and unfair to prevent supermarket minimum-price promotions, because doing so would penalise the majority by making them pay more for the few who abuse cheap drink. The same argument applies to the pensioner buying his bread and

jam or the mother buying food for her kid. There is no such thing as a free lunch. If supermarkets are losing money on alcohol, the loss is being added on to the price of another product. Supermarkets operate on a standard margin. If they lose £20 million this year in alcohol sales, you can bet your bottom dollar that that is added on to all the other products.

On the promotions issue, we appeal to the Committee and the Assembly, instead of waiting on Scotland, to lead the way by bringing in minimum pricing in Northern Ireland ahead of Scotland, where a lot of research has been done but the political situation means that a majority vote cannot be secured. Although I believe that advertising is a reserved matter for Westminster, I would add to that a call for the Assembly to push for a ban on advertising alcohol price promotions. That alone would kill much of the activity.

Finally, the pub industry is the only industry that pays a social levy on rates. We pay around 30% more in rates because we sell alcohol. That is right, because the product that we sell has consequences, but it is time that that social levy was applied to supermarkets and the like, which now sell 70% of alcohol. That would generate a large income in such a tight time and would help to mop up the economic mess. Thank you.

**The Chairperson:**

That was very helpful. Thank you all for your evidence today and for your submission previously.