



Northern Ireland
Assembly

**COMMITTEE FOR
SOCIAL DEVELOPMENT**

**OFFICIAL REPORT
(Hansard)**

**Licensing and Registration of Clubs
(Amendment) Bill:
Clause-by-Clause Scrutiny**

18 November 2010

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Members present for all or part of the proceedings:

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

The Chairperson (Mr Hamilton):

We move to clause-by-clause scrutiny of the Licensing and Registration of Clubs (Amendment) Bill. At its meeting on 16 November, the Committee agreed to return to this today.

Clause 9 (Authorisations for special occasions)

The Chairperson:

Clause 9 is the only clause about which the Committee has yet to determine its view. The clause amends the Registration of Clubs (Northern Ireland) Order 1996 to increase the number of occasions, from 52 to 120 in any year, on which registered clubs may apply to the police for later opening to 1.00 am, or to midnight on a Sunday. A club must give at least seven days' notice of the event and may, at the police's discretion, include a number of occasions in one application.

Some members have indicated that they would support an amendment to the clause that would limit the number of special authorisations to 75 a year as opposed to 120. There was support for and opposition to such an amendment. I take it that that remains the case and that no one has had an epiphany and changed their mind over the past couple of days.

Mr F McCann:

I propose that the Committee goes for 120 special authorisations.

The Chairperson:

Well, the Bill provides for 120 special authorisations. In the absence of any amendments, I will put the clause as drafted to the Committee. Does anybody else want to say anything at this stage? For the benefit of members who were not present on Tuesday, I recap that we debated the number of days to be stipulated in the clause. Jonathan proposed that it should be amended to 75 days, and we discussed that, but, to use an X Factorism, there was a deadlock.

Ms Lo:

The Alliance Party is thinking of proposing that it should be 104 days, just to be in the middle. In the case of Jonathan's amendment failing, we will propose a limit of 104.

The Chairperson:

It is like an auction. I feel like David Dickinson without the tan here. *[Laughter.]* OK, so I will put Jonathan's amendment. Jonathan, do you want to say anything? He is asleep.

Mr Craig:

It is basically as was. 75 days would be a 50% increase, and I honestly think that they would be doing quite well to get that, because it would be damaging to other trades.

Mr F McCann:

I understand where Jonathan is coming from. He has made it clear all along that, if he had his way, there would not be any increase at all. Obviously, 75 is a compromise for him. However, we should remember that the initial proposal was to allow 156 applications and that 120 was the compromise between that figure and no increase. That 120 falls somewhere between the maximum sought by the clubs and no increase, so accepting the clause as drafted is a fair compromise.

At the start of this process, there was some confusion in the Committee about the nature of clubs. We got confused with the likes of nightclubs and the trouble associated with them. I declare an interest as a member of the Irish National Foresters and of Cumman na Méirleach on the Andersonstown Road.

Mr S Anderson:

It is still there.

Mr F McCann:

I have nine membership cards.

The Chairperson:

Was everyone in the Felons Club the other evening a member?

Mr F McCann:

I signed them all in.

The evidence to the Committee clarified the clear difference that there is between a nightclub and a registered club. Everyone from whom we took evidence, probably with the exception of people from the pub trade and hoteliers, said that, in general, clubs run a good show and that there is no trouble or hassle. If we were to limit the number of special authorisations to 75 a year, we would be near enough penalising clubs because of what happens at other institutions.

The Chairperson:

Jonathan can speak for himself, but the thrust behind the idea is to increase it to acknowledge that there is a demand for some clubs to be open a bit more. It is not a matter of taking a pub's side or a club's side but of trying to be a bit flexible. If we were to set the limit at 75 days or, as Anna suggested, 104 days and that proved to be OK in that there was not any additional hassle or concern, the limit could always be increased at a later stage if there was continued demand for it.

We all know where we are. We have thrashed the issue out, and opinions are pretty firm. I will put Jonathan's amendment to the Committee.

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 18, line 42, replace “120” with “75”. — *[Mr Craig.]*

Question put.

The Committee divided: Ayes 4; Noes 4.

AYES

Mr S Anderson, Mr Craig, Mr Easton, Mr Hamilton.

NOES

Mrs M Bradley, Mr Brady, Mr F McCann, Ms Ní Chuilín.

Question accordingly negatived.

The Chairperson:

Anna Lo abstained. Do you want to put an amendment?

Ms Lo:

I propose a limit of 104 days. Last Monday, I talked to my colleagues. We thought that an increase to 120 days was excessive and that Jonathan’s amendment for 75 days was reasonable. The thinking was that, if his amendment were to fail, we would propose a limit of 104 days.

The Chairperson:

Of course, Jonathan and other members still have the right to table an amendment at Consideration Stage and to make an argument on the Floor of the House for a limit of 75 days. The Committee can take a position on Anna’s amendment now. You are effectively arguing that up to two special authorisations a week be allowed.

Ms Lo:

Yes, for a Friday and a Saturday.

Mr Craig:

I accept Anna’s argument. I do not want to be accused of being unreasonable, and I see the logic behind her amendment. I think that a limit of 120 days sends out the wrong message, and, for that reason alone, I will back Anna’s amendment.

The Chairperson:

There is more logic to it being 104 days than 120 days in that it is arrived at by multiplying the 52 weeks of the year by two.

Mr S Anderson:

We need to get the right balance, and I have always come from the perspective of business so as not to impact greatly on business. Especially in these economic times, we need to take that aspect into account.

The Chairperson:

I will put it to a vote.

Question proposed:

That the Committee recommend to the Assembly that the clause be amended as follows: In page 18, line 42, replace “120” with “104”. — *[Ms Lo.]*

Question put.

The Committee divided: Ayes 5; Noes 4.

AYES

Mr S Anderson, Mr Craig, Mr Easton, Mr Hamilton, Ms Lo.

NOES

Mrs M Bradley, Mr Brady, Mr F McCann, Ms Ní Chuilín.

Question accordingly agreed to.

Question, That the Committee is content with the clause, subject to the Committee’s proposed amendment, put and agreed to.

Clause 9, subject to the Committee’s proposed amendment, agreed to.

Long title agreed to.

The Chairperson:

That concludes the clause-by-clause scrutiny. I thank the Committee for its diligence. I also thank everybody who gave evidence and the officials from the Department for being here throughout the process. Their help and support has been very much appreciated.