



**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**

27 May 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 Mickey Brady  
Mr Jonathan Craig  
Mr David Hilditch  
Mr Fra McCann

**Witnesses:**

Mr Tom Bowler            )  
Mr Henry Johnston        )        Department for Social Development  
Mr Liam Quinn            )

**The Chairperson (Mr Hamilton):**

The Licensing and Registration of Clubs (Amendment) Bill was introduced to the Assembly on 17 May 2010, and the Second Stage will take place on 1 June. I welcome the officials from the Department, Henry Johnston, who is the director of urban regeneration strategy directorate, and Liam Quinn and Tom Bowler, who are from the social policy unit.

**Mr Hilditch:**

I declare an interest as an honorary member of Carrickfergus Amateur social club, which is a member of the Northern Ireland Federation of Clubs. I have also been a guest of the federation on a number of occasions and have attended its annual dinner.

**Mr F McCann:**

I am a member of the Irish National Foresters. However, I have not chopped a tree down yet, so do not worry.

**The Chairperson:**

Mr Johnston, the last time you were before the Committee you talked about gambling, and now you are talking about pubs and clubs. You get all the fun stuff. You are all very welcome.

Members will have the Department's briefing paper; a copy of the letter from the Minister that was received on 4 May 2010; the Assembly Research and Library Services briefing paper, which was produced in May 2009; a copy of follow-up information from Assembly Research and Library Services on the use of relevant police powers in England and Wales; a copy of the Licensing and Registration of Clubs (Amendment) Bill and the explanatory and financial memorandum; and a copy of the public notice to be published by the Committee following the Bill's Second Stage.

I invite you to begin by giving a brief outline of the Bill's proposals. I will then open the meeting up for members to ask questions.

**Mr Henry Johnston (Department for Social Development):**

I will begin with a brief overview, and Tom will answer questions on the details, as that is his area of expertise. Liam is new to the subject. Pat McAlister is hoping to retire in a few months' time, and Liam will take over. His area will be gambling, liquor, cafe society and other issues on trading. This will be Liam's first time before the Committee in that guise, so you can ask him some hard questions.

The Bill goes back to direct rule. The plan, under the previous Minister, was to bring forward relatively quickly this first-phase Bill. It was described as a modest package of reform, and it was meant to be a balanced package. Some of the provisions will allow clubs to open later and some will make it easier for them to compile their accounts. Other provisions are included to introduce a points-based system for pubs.

The Bill is designed to be a relatively balanced package, and it has taken the Department a

couple of years to achieve the consensus to allow it to bring the Bill forward. The current proposals are a first stage. There are plans to come back later with second-stage proposals, which will be a slightly more far-reaching examination of licensing areas. Those proposals will also address some of the more contentious issues on licensing hours and who has direct responsibility for issuing licences.

The Bill is a confined piece of legislation, which provides for a range of modest changes. The plan is to move it forward relatively speedily. We are happy to take any questions that Committee members may have.

**The Chairperson:**

Yes; questions may tease out some of the issues.

**Mr Craig:**

Henry, I agree that the Bill represents quite a balanced approach. The only issue that I have is with the provision to increase the limit for special occasion licences from 52 to 140 a year. That is slightly puzzling and perhaps not so balanced. Why was there such an enormous jump? What was the justification for that rise, because it has more than doubled? I am struggling to understand how that was well judged and balanced, or indeed “modest”?

**Mr Johnston:**

I move back from “modest”. However, I think that the figure is 120.

**Mr Craig:**

Is there a typing error in the document that I have?

**Mr Johnston:**

Hopefully, the Department’s briefing paper to the Committee has the correct figure.

**Mr Craig:**

I will not dispute that the correct figure is 120. I was reading from the sheet that I was given.

**Mr Johnston:**

That increase in provision was a result of approaches that the Minister received from representatives of a variety of licensed clubs that wanted to open later slightly more often. They

found the limit of 52 days a year to be quite restrictive, and 120 days was judged to be a more suitable figure. That limit will allow clubs to open for a number of special occasions and probably a couple of late nights during the week. All those late openings are subject to PSNI approval.

**Mr Craig:**

They may be subject to PSNI approval, but the general public who live close to those pubs will react badly to that increase. I struggle with the fact that the Department has more than doubled the number of nights each year that pubs and clubs can open late. The idea that those clubs can potentially open up two or three nights a week might sound reasonable to the Department, but it is far from reasonable for the residents who live close to those clubs.

**Mr Johnston:**

If there are disorder or noise issues, it is at the discretion of the PSNI to restrict.

**Mr Craig:**

Henry, the legislation on noise is the most frustrating legislation on the planet, because it is incredibly difficult to prove that someone has breached it. Local authorities have been stuck with trying to enforce it, and it is also very difficult for the police to take action on those grounds. I do not see the provision as being very satisfactory or as part of a reasonable or “modest” package. I do not have any issues with the other provisions in the Bill

**Mr Johnston:**

Do you see the increase from 52 to 120 as a bridge too far?

**Mr Craig:**

It is way over the top for me.

**Mr Johnston:**

At an earlier stage, consideration was given to putting some provisions on noise into the legislation. The Department of the Environment (DOE) is taking forward a piece of legislation on noise, which will extend the remit of its current legislation from domestic to licensed premises. Therefore, I take your point about some of the difficulties with enforcement. However, local councils will have powers of enforcement.

**Mr Craig:**

It is actually easier to stop bells ringing in Hillsborough than it is to stop a club from making noise.

**Mr Johnston:**

At the minute, the noise legislation does not apply to clubs. That will change when the DOE legislation comes into effect. Tom, do you want to talk about the figure of 120?

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

We did not use rocket science to arrive at the figure of 120. Basically, we doubled 52 and added extra for special occasions.

The crux of the matter was that the Minister was not aware of any particular evidence that clubs had been involved in any disorder, antisocial or noise issues. Margaret Ritchie did not feel that the increase would be significant. Obviously, someone who lives close to a club might disagree, but there is no recent evidence that registered clubs have been involved in particular noise issues. If any have been involved, that will emerge during the Bill's passage, but there have been none until now.

**Mr Craig:**

So, there was no reasonable evidence against the increase. Therefore, why do you not just extend the limit to 365 days a year? I would love to know where the figure of 120 days came from.

**Mr Bowler:**

It has long been the tradition that registered clubs are not on a par with licensed premises. It is fair to say that many pubs open late seven nights a week unless there are police objections. In that sense, the Minister felt that it was reasonable for club members to expect a reasonable amount of additional late nights. You would probably argue the opposite, but the increase met an expectation of clubs, and the Minister had talked to a number of people about that.

**Mr Johnston:**

It was also about trying to provide a balance; the clubs were keen to have more nights on which they could open late for their members, particularly to run special events and functions, such as weddings. That was a pressure.

There was no evidence of any significant problems with disorder, noise or nuisance around the clubs. On the other hand, there was pressure from the licensed trade — hotels and pubs — which was uneasy about clubs being given a particular competitive advantage. The figure of 120 was a compromise between 52 and 365.

**Mr Bowler:**

Clubs probably wanted to open late on around 300 nights. Clubs used that figure several times in discussions with us, although they have not referred to it in recent years. Ironically, clubs are probably disappointed with the figure of 120.

**Mr Craig:**

They will be a lot more disappointed with me.

**Mr Hilditch:**

I am going to fall out with Jonathan. Why increase the limit only to 120? *[Laughter.]*

**Mr Johnston:**

It really was just about trying to provide a compromise. The clubs were coming to us and saying that things had changed and that there was cross-subsidy between some of the income that they were generating from the club side of the business and some of the other parts of the enterprise that they were supporting. However, if they were to open late every night of the week, pubs, which already claim that they are under pressure, would be affected. Hotels would also be affected, because part of the reason why clubs wanted additional late-night opening was that they could run events for members that would otherwise have been held in hotels. Therefore, there would be pressure on both the hotel trade and the pub trade if the number of authorisations went beyond 120.

**Mr Hilditch:**

An allowance of 120 nights equates to an extra 35 minutes a week for the clubs. That is the average benefit over the course of a year.

**Mr Bowler:**

The benefit is two hours and a quarter a week.

**Mr Johnston:**

It should be two hours and a quarter.

**Mr Hilditch:**

The research that I have before me says that the benefit is 35 minutes a week. You probably have a document with that figure.

**Mr Bowler:**

It equates to 68 extra nights, at two hours a night. That is 136 hours. One can do the sums.

**Mr Craig:**

It is ok; he is just trying to minimise the impact.

**Mr Bowler:**

I think that the benefit is just over two hours.

**Mr Hilditch:**

Clubs see late opening as an opportunity. Clubs are basically in situ to benefit their communities, particularly where sport is concerned. Licensing can provide them with their only chance to have a regular income stream that allows them not only to subsidise but to survive. Therefore, they need something that will bring them on to some sort of level playing field. I know that it is difficult. I have spoken to vintners as well, and I know the difficulties that they are experiencing with the current economic situation. Therefore, the point is to get the balance right. Obviously, there is some disappointment that the Bill will authorise only 120 special occasion licences to any club in a year.

Is the proposed new provision, which will allow the police to close a club without going to court, in the Bill, or will it be considered in future?

**Mr Bowler:**

No; it is in the Bill. The Bill will allow the police to close a licensed premises or a registered club. For them to do that, a subtle difference needs to be recognised. Disorder must be connected to the registered club before the police can decide to close it. The police must then go



to a court as soon as possible after they have made that decision, so that it can be ratified. A court itself can issue an order to close a registered club, or any number of them, in a district that is experiencing disorder that is not necessarily connected to the club in question. That is also the case if there is the prospect of or imminent disorder. If the police want to close a club, disorder must be taking place, and it must be connected to that club. We are not aware of any recent evidence that clubs have any such poor history. Indeed, only one such order has been issued.

**Mr Hilditch:**

The situation with clubs has been cleaned up very much since the 1970s and 1980s, and, indeed, the federation is a very responsible organisation. The club that I mentioned is in the middle of a very confined area that is made up of two-up two-down terraced houses, and there are a lot of small streets in the town centre. Expenditure has been made on double glazing and soundproofing and so forth. Many responsible people are actually involved with clubs, and that leads me to ask about the 9.00 pm cut-off point for minors. If I go back to the activities of sports clubs, including fundraising events and trips, I know that a blind eye can sometimes be turned, but that is somewhat difficult to do if legislation exists to stop it. Clubs have a great deal of responsibility nowadays, and those sorts of functions officially have to finish at 9.00 pm. Other events have to be considered, especially with the World Cup coming up and bearing in mind other sporting occasions that communities come together to watch, such as rugby and football matches and test matches.

**Mr Bowler:**

You will know John Davidson, and I spoke to him about the matter a week or so ago. He phoned me, and, obviously, he was not a bit happy. As you would expect —

**Mr Hilditch:**

Is John ever happy?

**Mr Bowler:**

No, I do not think so, to be honest.

The Federation of Clubs would like more flexible hours that would start earlier in the day and last until the early hours of the following morning. However, you probably know that the 9.00 pm cut-off point applies to clubs and licensed premises. That is so that young people who are

under 18 can be kept out of the bar area or any other area that is used exclusively or primarily for the sale of alcohol. I am sure that you understand that those young people can be in the club and that they can be there until 9.00 pm.

**Mr Hilditch:**

That is where the confusion comes in.

**Mr Bowler:**

There is an exemption for sporting clubs, which do not need a children's certificate to allow children to be on the premises until 9.00 pm. I have heard it said often in the past that a very small club might consist of little more than a bar. I do not know whether that is the case any more, but, in that sort of scenario, applying that provision would be difficult. The Minister imagines that most clubs will have facilities for young people away from the bar. The 9.00 pm curfew applies to the bar area only and not to the rest of the club.

**Mr Johnston:**

We have heard people complaining about young people being moved to a changing area or to another area. However, a lot of the larger clubs should be able segregate, and that restriction applies only to the bar area.

**Mr Hilditch:**

If under-16 or under-17 teams were going to America and wanted to hold a fundraiser, they would be fearful that the legislation might go against them.

**Mr Bowler:**

We get the same view from hotels with regard to wedding receptions and from pubs when they run special events. The 9.00 pm curfew is not universally popular. However, in the past, Ministers wished to separate young people from direct contact with alcohol at the bar area. You may remember that a 10.00 pm curfew was proposed some years ago, but that was withdrawn. That, in itself, was controversial, and, if the 9.00 pm rule changed for clubs, we would be under pressure to change it for licensed premises, and the controversy would build.

**Mr Hilditch:**

Then again, there are nights when the big match does not kick off until 8.00 pm, which is why 10.00 pm was seen as the better time.

**Mr Bowler:**

That is for sure. The curfew does not fit well with such events, because the TV is likely to be in the bar area.

**Mr Craig:**

The TV could be moved out of the bar area.

**Mr Hilditch:**

Some of the clubs got round the situation very well by creating youth areas. However, there may be a confined space and clubs may not have the opportunity to expand.

**Mr Bowler:**

No.

**Mr Hilditch:**

Nevertheless, the club side of things has come on, and they are allowed to advertise to a certain degree on various things. I think that that was in the 1996 Order.

**Mr Bowler:**

Yes, the 1996 Order.

**Mr Hilditch:**

Certain things have moved on, and I hope that they will continue to move on through legislation.

**Mr Johnston:**

The issue is that the Bill is meant to be a modest package. We can look at wider issues at the stage 2 review. However, getting consensus in Northern Ireland on some of the wider issues will be hard, and we will get diametrically opposing views. Nevertheless, we will be revisiting some of the issues.

**Mr Hilditch:**

Thankfully, the climate is changing in Northern Ireland, hopefully for the better. In the 1970s and 1980s, the local club was the place to go, and people were behind fences with security cameras. I hope that those days are gone and that there is a much more open environment. We are now left with the crux of the clubs which exist to support communities, whether through sport or whatever.

**Mr Bowler:**

Yes.

**Mr F McCann:**

David has covered most of what I was going to say about the licences. A lot of lobbying is going on by both sides. The vintners are concerned that the clubs will be given an advantage. However, clubs are moving from a level of disadvantage to a level that will allow them to survive. I realise that there are severe survival difficulties for places of entertainment. David made the point that most clubs have made huge investments in their premises to make them better and safer places for people. It will not give them the advantage, but raising the number of late nights to 120 or 140 will help.

I have a couple of queries, and one was with regard to identification. The proof of age scheme is one example, and it refers to driving licences. However, not everybody has a driving licence. A lot of people carry their passports, but young people lose their passport and end up filling in forms for another one.

**Mr Johnston:**

That is my daughter.

**Mr F McCann:**

The two of us should declare an interest. Electoral identity cards are recognised as government documents, but most clubs, pubs and other places that sell alcohol have refused to admit people with those cards. Is there a possibility that clubs could recognise that form of identity, because if young people carried those cards, they would have no need to carry their passports or driving licences?

**Mr Bowler:**

That is one of the four accepted forms of identification: passport, driving licence, electoral card or any other proof of age standard scheme (PASS) card. In fact, the Federation of the Retail Licensed Trade, in conjunction with the Electoral Office — specifically, Douglas Bain, the Chief Electoral Officer — and the police, launched the new electoral card with the idea of allowing it to be used as identification by emphasising its benefits for young people. That was a joint campaign, and I think that the Electoral Office and the police are pleased with the take-up of the card by

young people. Everybody supports the use of the card. We just hope that it is well taken up. As you said, passports are a nuisance.

**Mr F McCann:**

I am glad to hear that there was a joint campaign to make it more recognised. However, quite a lot of premises have been insisting that people bring their passports along. Perhaps the information has not reached certain parts of our constituencies. Nevertheless, so long as it is taken on board —

**The Chairperson:**

Nobody will ask us for ID, Fra.

**Mr F McCann:**

We are probably too old to get into some places, although I am not saying that that has ever happened to me.

With respect to the closure provisions, a happy medium must be found that allows the authorities to deal with problems and difficulties with licensed premises as they arise. However, that can also create difficulties. In some areas, certain senior police officers do not like alcohol and have been putting licensees under pressure, creating serious difficulties for them. Another issue that was dealt with not long ago was that there must not be serious trouble in licensed premises. Late at night, the last thing that you need is a number of police officers going into a pub, because that ends up making the trouble worse. A mechanism must be put in place to allow the police to contact the owner or people who have influence in the area and can deal with trouble. The proper way to deal with such problems is through the courts.

**Mr Bowler:**

Are you thinking about the Rebel's Rest on the Falls Road?

**Mr F McCann:**

Yes, but that is not only place where there has been trouble.

**Mr Bowler:**

Occasionally, the police go in after hours, and the few instances that I have heard about ended in riots. One would think that, from a personal and, perhaps, a sane point of view, the police could

bring pressure to bear on the licence holder, by pointing out that they know what is happening and will take action through the courts. Going into premises at that time of night is not something that the police are in the habit of doing.

**Mr F McCann:**

In the instance that I am talking about, the police were met by 50 or 60 drunken people; however, the situation could probably have been sorted out better.

**Mr Bowler:**

Absolutely; I am sure that it could have.

**Mr Johnston:**

It is a matter of balance. The police have closure powers if there is actual disorder. We will produce guidance to inform senior police officers about how to exercise that power. I know that the police would prefer also to have closure powers to be used at the prospect of disorder. It is a compromise to get something that is broadly acceptable.

**Mr Hilditch:**

After today's news, what about playing ice-cream van music?

**The Chairperson:**

Maybe handing out 99s would sort things out. Where will this end? Fra hit on a point that reminded me of a case in which I was involved a year or two ago. You are right to say that the police would like much more power and flexibility, and sometimes particular officers can be overzealous, and, because of a lack of resources, they might wish to deal with establishments in their own way. Must the disorder have taken place on the premises? What if it happens outside in the adjoining street? If something happens outside the establishment's door, is that it?

**Mr Johnston:**

There would need to be a causal link.

**The Chairperson:**

That is where the problem lies, because trouble could spill out of a bar and across the street, and it would no longer have anything to do with the establishment. Someone across the road might be

fighting, and an overzealous police officer might abuse that power.

**Mr Bowler:**

If that officer were to get it wrong, the courts will soon tell him or her. The police have to —

**The Chairperson:**

What about the bar? It might be closed down, or it might get a reputation that it does not deserve.

**Mr Bowler:**

The subtlety of the provision is that the courts, acting on police intelligence, can make a closure order as a result of disorder in an area that is not necessarily linked to a licensed premises. It could be linked, but it does not have to be. If the police want to close a licensed premises, that premises must be linked to disorder. As you said, the difficulty is that the trouble may begin in the pub and spill out on to the street, and the argument could be made as to whether it is, in fact, linked to the pub. The official advice is that it is a matter for the police in each circumstance.

**Mr Johnston:**

Hopefully, the guidance will address some of those issues to give the officer on the scene more clarity on what to do and what the best practice is.

**Mr Bowler:**

I do not think that a fight in a bar would trigger a closure order. The disorder would have to be a little worse than that. That power was last used several years ago.

**The Chairperson:**

The experience from across the water would show that a very few closure orders have actually been issued.

**Mr Bowler:**

The power is a last resort.

**Mr Johnston:**

It is a last resort for the closure of individual premises, but the wider closure powers are used quite often across the water, particularly in relation to football matches.

**The Chairperson:**

Yes; bars are closed down prior to football matches.

**Mr Johnston:**

The provision replaces a power previously held by the Secretary of State, which was only used once.

**Mr Bowler:**

Yes; that is correct. In England they have football-related legislation, which means that bars near football grounds must close for the duration of the match. The closure orders here are simply public-order related.

**The Chairperson:**

Public disorder can move, and the one thing that is constant about it is alcohol and where that alcohol is consumed. Someone could have too much to drink before they enter a bar, a disturbance could kick off and spill into the street, and the bar could be held responsible for what began hours before in someone's house. Clarity is required in that area.

**Mr Bowler:**

As Henry said, the police will be cautious with the powers at the beginning. The Department does not anticipate that there will be many instances of closure notices being issued. It will be of no help to licensees if the police get it wrong once, but it will not happen again as the courts will put an end to it.

**The Chairperson:**

Some licensees will be worried that their reputation will be ruined if that power were to be used incorrectly even once. I have seen that happen even with the current legislation.

**Mr Bowler:**

The guidance will take account of that.

**Mr F McCann:**

I again refer back to my own experience when the police closed a bar down because it was



serving alcohol after hours, even though there had been no trouble. If the police had contacted someone who had responsibility for that bar, the riot that ensued could probably have been avoided.

**Mr Hilditch:**

We have just come out of a culture of shebeens and drinking dens, and regional closures could allow that culture to emerge again and become a regular feature in certain areas. We must carefully watch that area. In trying to move the legislation forward, we do not want to return to where we were in 1970s and 1980s.

**The Chairperson:**

We may be able to use closures to force people into football matches.

**Mr Hilditch:**

That might be an idea.

**Mr F McCann:**

It depends which team is playing.

**Mr Hilditch:**

Licensed premises can be watched, and police can keep an eye on known troublemakers. If shebeens were to re-emerge those people could be anywhere.

**Mr Bowler:**

As Henry said, these provisions will replace the current powers, which lay with the Secretary of State, and which are now held by the Department of Justice. The police closure is a more immediate thing, and we will be careful in how it is used.

**Mr Brady:**

I have some sympathy with all the views that have been expressed. When I was growing up in Newry, we lived directly opposite a drinking club. One night, somebody asked the doorman where to sign in. He said, "You do not sign in, you weigh in." It was that sort of club.  
*[Laughter.]*

**Mr F McCann:**

He has been waiting for half an hour to get that in.

**Mr Brady:**

The club was notorious. When I worked in Belfast, I knew people who used to come down to Newry to drink in it because it stayed open all night. That was in the 1960s, before the conflict kicked off, and the police just stayed clear of the club.

David is right to say that things have changed. Not that long ago, women were not allowed into a lot of the clubs in Newry, such as the Ancient Order of Hibernians and the foresters club, and I am sure that it was the same in Belfast and other places.

**Mr Hilditch:**

Then the trouble started.

**Mr Brady:**

The club that I lived opposite was the first in Newry to allow women in. That is not a sexist remark by the way.

The majority of registered clubs are well run and experience very little trouble. The main problem in Newry is the nightclubs. One nightclub is in a residential area, and, at the weekend, driving down the streets at 1.30 am is similar to driving into the middle of Michael Jackson's 'Thriller' video. It is frightening. *[Laughter.]*

Even taxi drivers will not go into those streets after 11.30 pm. That nightclub is causing a lot more trouble than any registered club, the majority of which are well run.

Is there perhaps room in legislation for the communities in which there are problems to have some sort of forum, so that people can sit down with the licensed vintners, the Federation of Clubs, or those responsible to come to some agreement about clubs that are causing particular problems? I imagine that the clubs that cause problems are in the minority. Such a forum may be a vehicle for progress in the local communities. In fairness, most clubs in my area are not in residential areas. As David mentioned, clubs in residential areas, such as the one in his area, can be very well controlled. Some nightclubs, however, do not close until 1.00 am or 2.00 am, and

that can result in people wandering around at 2.00 am in all sorts of conditions. That is the problem.

**Mr Bowler:**

When Margaret Ritchie announced her longer-term reforms to transfer responsibility for liquor from the courts to the councils, those were linked to the review of public administration (RPA) timescale. A key element of the reforms was to set up forums, as has been done throughout the UK. Any policy would have to be discussed and debated, and forums would be made up of community interest groups. Forums are tricky to get going at present, because there are probably already a lot of community bodies doing exactly that. However, we need something with more teeth and a statutory basis.

**Mr Brady:**

That is what I mean.

**Mr Johnston:**

That is something that we want to return to.

The other issue that has been highlighted is the mismatch between the entertainment licence and the liquor licence. It is obvious that people are not drinking orange juice after the entertainment venue in a club closes and another venue opens. There is an issue as to the alignment of those licences.

**Mr Hilditch:**

By way of information, Derry/Londonderry has a very good nightlife management scheme in its city centre. There is also a pilot scheme in Coleraine. Looking at those schemes would be a good way forward.

**Mr F McCann:**

In Belfast, problems are tied in with the entertainment licence. If owners are challenged about noise or trouble coming from pubs, it is usually down to a local councillor to arrange a meeting between local residents, the council and the owner of the premises to try to get some agreement. If pubs do not abide by that, the local council goes after their entertainment licences.

**Mr Brady:**

It is also about clubs taking responsibility. In my area, some clubs in which there has been trouble take the attitude that, as soon as someone leaves the premises, it is not their problem. The trouble may happen within two feet of the club, but owners wash their hands of the matter, despite having been serving drink to the person involved for three or four hours beforehand.

**Mr Bowler:**

I think that the law in England and Wales was reviewed and changed four or five years ago. I recall something similar to that, which meant that, within a specified proximity of the place where police were pretty sure that a person got the alcohol, the pubs or clubs involved had a responsibility. That is an enormously tricky problem to legislate for. However, you are right, Mr Brady, that is the key to the problem, and, all too often, the police are left to pick up the pieces because the pubs will not do so. It is awfully difficult.

**Mr Brady:**

We cannot legislate for people to take responsibility for a situation that they have created. Responsible management is required.

**Mr Bowler:**

Perhaps pressure must be brought to bear by the forums that you mentioned, but that may, unfortunately, be too far down the line.

**Mr Brady:**

So is RPA, by the sound of it.

**Mr Bowler:**

Well, absolutely; it will probably come first.

It is obviously an offence to breach the law, but the one being discussed is tricky. It must be clear who has caused the offence and who has created it. However, trying to nail licensed premises with responsibility for rowdiness outside the premises is, and always will be, tricky.

**The Chairperson:**

I want to raise a couple of points before we draw the session to an end. Let us jump forward,

hypothetically, to where the legislation as gone through, the Bill has become law and there is a modest 110% increase in the number of nights on which clubs can open late. That does not automatically translate into every club opening late on an additional nearly 60 nights a year. Only yesterday, I made it my business to speak to a man who runs the bar in a sports club in my hometown. I mentioned that the Committee was to have this briefing and asked whether he thought that his club would avail itself of the extra nights. He said that it did not fully avail itself of the 50 late nights currently available. It is difficult to provide precise details, but has the Department discussed with registered clubs how many of them are interested in opening for additional hours and the way in which that might equate to the overall number of extra opening nights?

**Mr Bowler:**

No. I am sorry to disappoint you, Chairperson. The clubs' main focus appears to have been to get more late nights. I do not think that there has been any meaningful dialogue about the logic of Minister Ritchie's proposal. I believe that clubs felt that they should be on a par with licensed premises, so the debate was not that broad, to be honest.

**The Chairperson:**

Yes. As I said, the increase from 52 to 120 is not modest, in the sense that it is more than double. If we were to extrapolate that across the overall number of clubs in Northern Ireland, it may be possible to characterise it as modest, but that is difficult to know. How could we know how many clubs would —

**Mr Bowler:**

It is Sod's Law that the clubs that are in neighbourhoods where people are concerned about noise or disruption may be ones that will take advantage of the change. We understand that. However, the difficulty is that a rule cannot be passed that affects one club and not another.

**Mr Johnston:**

One would suspect that the bigger clubs with greater membership and greater ability to run larger events would avail themselves of it more than some of the smaller clubs, which would find it difficult to get enough members in to make opening the bar worthwhile.

**The Chairperson:**

Finally, heaven forbid that the Social Development Committee should pose a question about social policy, but, I will. Without necessarily expressing my personal view, I raise what may be regarded as a contradiction in the Bill, which is that its objectives include, according to the paper, dealing with the misuse of alcohol and tackling the wider societal problems that are caused by such misuse.

That is the very noble objective of the Bill, and I think that everybody would ascribe to that. However, there is an increase of more than 100% in the number of nights that clubs are able to open late. I am not stating a personal view, but I am making the point that some could argue that there is a contradiction in that, in trying to tackle misuse or overconsumption of alcohol, the legislation will lead to greater opportunity for the consumption of alcohol and the attendant problems that we are talking about. I know that the Bill is intended to tackle some of those attendant problems, such as violence, but, as a matter of social policy, how do you tally that contradiction?

**Mr Johnston:**

There is indeed an apparent contradiction. The argument from the licence trade concerns the problem, to which you alluded earlier, about people coming pre-loaded to pubs. The licensed trade would argue that a lot of the problems related to excessive consumption are fuelled by the retail sales of alcohol, promotions and sales below cost price. That is an area that we are looking at.

**The Chairperson:**

I will go off on a tangent. If one were to stop 100 people in the street and ask them about problems with alcohol, more people would probably say that there is a greater problem with alcohol consumption in society rather than the measures in this Bill. Do you intend to look at that in the second Bill?

**Mr Johnston:**

We intend to look at that in advance of the second Bill, and we are doing some work with the Health Department, as obviously health is the big agenda. We are looking very closely at some work that has been done in the Republic on banning promotions. In Scotland some actions are being taken on minimum pricing. There was a recent court judgement, where the Republic and

Austria were taken to the European Court and failed in defence of what they were doing on the minimum pricing of cigarettes.

It will be interesting to see whether the Scottish Parliament will be able to drive forward the minimum-pricing agenda for alcohol or whether it will come a cropper too. The Scotch Whisky Association is fundamentally opposed to it and will almost certainly take the Government to court. They are not so much worried about the consumption of whisky in Scotland but about the message that would go around the world from Scotland about Scotch whisky if there was an issue. I doubt that Glenfiddich will be affected by minimum pricing.

**The Chairperson:**

It is too dear.

**Mr Johnston:**

That is an area that we will be looking at. There has recently been some movement on a revalorisation of the duty rates. Some work has been done on that, particularly in relation to some of the cheaper alcohols. That was one of the problems in Scotland; the two-litre bottles of White Lightning-type cider were a major problem. The other thing that we have learned from Scotland is that, although the perception is that it is all about binge-drinking teenagers, in Scotland, although there is a problem with binge drinking by teenagers, and perhaps too much of our attention has been on that, there is actually a problem with people of my age — late middle age — drinking.

**The Chairperson:**

Do not be hard on yourself.

**Mr Johnston:**

I will go home and have a glass of wine. *[Laughter.]*

**Mr F McCann:**

Or a glass of White Lightning. *[Laughter.]*

**Mr Johnston:**

That problem exists, particularly in Scotland. There is a huge health problem relating to higher than recommended consumption of alcohol daily and, more worryingly, weekly. That is something that we are looking at again.

**The Chairperson:**

So we should not look at the Bill and assume that that whole agenda is dead?

**Mr Johnston:**

No.

**The Chairperson:**

That is still going on a parallel track. Sorry, I cut you off when you were speaking about the fact that there is an apparent contradiction.

**Mr Johnston:**

There is an apparent contradiction, because we are saying that there is a problem with excessive consumption of alcohol. The contention is that we are providing some choice and availability for drinking in licensed premises. Although there is some problem with drunkenness in that context, a greater problem appears to be a consumption of large amounts of alcohol in people's homes before they go out, or if they are just staying in.

**The Chairperson:**

In that respect, the Bill might have been enhanced had that other piece of work been completed. You would have had both Bills at the one time.

**Mr Johnston:**

We are choosing to see how to see how Scotland gets on with the introduction of minimum pricing. If it is successful, we would be keen to push that forward. If it fails because of a legal challenge, that could be a problem.

**The Chairperson:**

There is no point in two regions failing.



**Mr Brady:**

What has been said about off-licences is absolutely true. Sainsbury's in Newry, for example, by its own admission, sells more alcohol every weekend than any of that supermarket chain's other stores in Britain or Ireland.

**The Chairperson:**

It probably sells more alcohol than food.

**Mr Brady:**

It does actually. Obviously, a big proportion of those sales are to people from the South. However, the drinking problem in the North is no less serious than it is in the South. Therefore, proportionately, the store sells as much alcohol to customers from the North. The fact is that young people get overloaded with alcohol before they go out. We have all seen that. It happened with some of my older children.

Another point that I want to make about electoral identity cards is that when our youngest child was voting for the first time at 18 years of age, his school printed ID cards. That is another avenue to explore. He had his ID card a couple of months before the election.

**Mr Bowler:**

I think that the Electoral Office went into schools. We met Douglas Bain to discuss that. He said that the office would rigorously pursue Challenge 21 and would line young people up and force them to get ID cards. We hoped that that would be of additional benefit to young people.

**Mr Brady:**

Most kids I know who are the same age as my son already have ID cards.

**Mr Bowler:**

That is good.

**Mr Brady:**

Therefore, if they need to produce ID to show that they are 18 years old, they can do so.

**Mr Bowler:**

Absolutely.

**Mr Johnston:**

It is useful to inform us of premises that do not accept ID cards, and we can chase that up. I am sure that the Electoral Office will have another blast at promoting them in the autumn.

**Mr Bowler:**

As you are probably aware, if those premises are members of the Federation of the Retail Licensed Trade, they have no reason not to accept those ID cards. It is hard to believe. Some door staff just will not accept them, but they must be acting under the pub's management.

**Mr F McCann:**

Perhaps, it is just the case that door staff are unfamiliar with the cards.

**Mr Bowler:**

It could simply be bad training. The matter is certainly worth pursuing.

**Mr F McCann:**

I want to make another point that relates to the general debate on alcohol. During the past 10 or 15 years, people's drinking habits have changed. It is a fact of life that young people do not go out until 11.00 pm or midnight. They gather in houses and other places to drink.

One big problem is the sale of alcohol in supermarkets, where a tin of beer is cheaper than a tin of Coke. That in itself poses problems. We have learnt from other briefings that, because large supermarkets buy alcohol in huge quantities, they can practically give it away in order to encourage people to come through their doors to buy other items. Advertisement of cheap alcohol is also a problem.

We talk about clubs getting an extra 60 or 70 late nights each year. That pales into insignificance in comparison with the huge amount of alcohol that is sold in supermarkets' off-licences and the problems that that poses. We need to look at how to deal with that. In previous briefings, we have learnt that people in the South have realised that there is a specific problem with regard to the sale and advertisement of alcohol in supermarkets and the special offers to

bring people in. We need to look at that also.

**Mr Johnston:**

Again, that is one of the other pieces of work that we are running in parallel at present. We are looking at promotions control, cross-selling and cross-marketing in supermarkets.

**Mr F McCann:**

I may have lost a few thousand votes with those comments. *[Laughter.]*

**The Chairperson:**

Surely you have enough that you can afford to lose them.

I think that we have covered everything on the Bill. Thank you.