

# Legal & Civic Services Department



Belfast  
City Council

Our reference: NL/SMcN/tg

Date: 03 September 2025

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**Sent via email only:** [Victoria.Trimble@communities-ni.gov.uk](mailto:Victoria.Trimble@communities-ni.gov.uk)

Dear Victoria,

I am pleased provide the views on behalf of Belfast City Council in response to your letter dated 6 June 2025 relating to drinking in public byelaws and powers. Please note that this is response from my office that will be subject to Committee approval later this month. In summary, the Council would be supportive of commencing the powers in Sections 68-72 of the Criminal Justice (Northern Ireland) Order 2008 with the proposed amendments outlined in your letter as follows:

- to provide a specific power to police officers allowing the **seizure** and disposal of open and closed containers of alcoholic drinks in designated areas and in certain public order situations. It is **not** proposed that council officers would be provided with this power.
- to extend the powers conferred on police officers requiring individuals to stop drinking alcohol in a designated area, and **surrender** any alcoholic drinks in their possession, to council officers. Anyone refusing will be committing an offence and may be issued with an FPN. However, it should be noted that this will be a power which councils **may** use, and each council district will be provided with the option to "opt in".

Belfast City Council agrees with the general position stated in other council responses to the joint Department for Communities / Department of Justice consultation on potential amendments to the legislative framework and powers to deal with anti-social behaviour undertaken earlier this year. We are of the opinion that the legislative framework should be up to date and fit for purpose to address current issues around drinking alcohol in public. We are also of the opinion that additional legislative powers provided to constables to seize and dispose of alcoholic drinks would be beneficial, given that there is problematical consumption of alcohol in designated public places within our district.

Furthermore, we are supportive of the 'opt in' power for councils to require individuals to stop drinking alcohol in a designated area and surrender any alcoholic drinks in their possession to a council officer. From an enforcement perspective any additional powers for Council officers are welcomed given the somewhat cumbersome procedure currently in place whereby Council summonses are usually grounded on a statement from a PSNI officer, who may then be required to attend court on behalf of the Council to prove a case. It would streamline matters if the Council could "opt-in" and pursue enforcement without relying on the assistance of the PSNI in cases where that is appropriate.

It would also be beneficial to have confirmation that the powers regarding Fixed Penalty Notices contained within s69 would also extend to the Council, and how it is proposed that would work. The prospective clauses dictate that Fixed Penalty Notices should be paid to the Clerk of the Petty Sessions whereas normally FPNs issued by the Council are also discharged to the Council, so there may be procedural and administrative issues to be addressed around the issuing and discharging of FPNs. We look forward to further guidance that may be published on this provision.

Belfast City Council's current byelaws in relation to this issue (Consumption of Intoxicating Liquor in Designated Places, made on 1 March 2012 and in operation from 7 May 2012) includes a Schedule that lists designated public places. We are aware that the proposed legislation provides criteria for how a place is a designated public place, i.e. ((a) a public place in the district of the council and (b) identified in an order made by the council) and additionally that a council may by order identify any public place in its district if it is satisfied that nuisance, annoyance to members of the public or disorder has been associated with the consumption of intoxicating liquor in that place.

We understand that should the proposed legislation comes into force, Belfast City Council's current byelaws would cease to have effect. It would therefore be Belfast City Council's intention to revise and update our current Schedule of designated public places for purposes of new orders to be made. I note that the Secretary of State is to bring forward regulations in respect of the procedure for designating a public place. The Council would appreciate the opportunity to provide input into the drafting of these Regulations. It would be beneficial if the draft Regulations could be brought forward in a timely manner so as to ensure continuity by designating public places prior to the effective repeal of the bye-laws.

As your Department will be aware, in late 2023 Belfast City Council undertook a public consultation on proposed new byelaws for the City Centre aimed at reducing noise nuisance and making the area more welcoming to visitors and shoppers. After receiving a large volume of consultation responses, we are currently working on revising the draft byelaws that went out for public consultation, and we will be consulting with you on these. In our opinion, the proposed commencement of Articles 68-72 of the 2008 Order would complement the new byelaws to be introduced by the Council to make Belfast a welcoming and safe place for all.

Thank you for seeking our views on developing this important piece of legislation. We would be happy to engage further with you if desired.

Yours sincerely



**Nora Largey**  
**City Solicitor/Director of Legal and Civic Services**

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