

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

20th October, 2021

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Council Chamber and via Microsoft Teams on Wednesday, 20th October, 2021 at 5.00 p.m., for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Applications Approved under Delegated Authority (Pages 1 - 2)
- (b) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Banana Block, 310 Newtownards Road (Pages 3 - 10)
- (c) Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Northwood Linear Park (Pages 11 - 16)
- (d) Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16 - 20 Dunbar Street (Pages 17 - 44)

- (e) Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority (Pages 45 - 48)
- (f) Application for a New Licence to Operate a House of Multiple Occupation – 8 Jerusalem Street (Pages 49 - 78)
- (g) Application for the Renewal of a Licence to Operate a House of Multiple Occupation - 12 Curzon Street (Pages 79 - 106)

3. **Non-Delegated Matters**

- (a) Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 (Pages 107 - 180)
- (b) Amendment to Standing Orders and Operating Protocol (Pages 181 - 184)



Subject:	Applications Approved under Delegated Authority
Date:	20th October, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0	Main Report															
3.1	<u>Key Issues</u>															
	Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997, the following Road Closure Orders were made since your last meeting.															
	<table><tr><th>Location</th><th>Type of Activity</th><th>Date and Hours permitted</th><th>Applicant</th></tr><tr><td>Geneva Gardens</td><td>Street Party</td><td>2pm – 7pm 22nd Aug 2021</td><td>Bernadette Bridges</td></tr><tr><td>Across Belfast</td><td>Marathon</td><td>6am – 11am 03rd Oct 2021</td><td>Claire O'Neil</td></tr></table>				Location	Type of Activity	Date and Hours permitted	Applicant	Geneva Gardens	Street Party	2pm – 7pm 22 nd Aug 2021	Bernadette Bridges	Across Belfast	Marathon	6am – 11am 03 rd Oct 2021	Claire O'Neil
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	Geneva Gardens	Street Party	2pm – 7pm 22 nd Aug 2021	Bernadette Bridges												
Across Belfast	Marathon	6am – 11am 03 rd Oct 2021	Claire O'Neil													
<u>Financial and Resource Implications</u>																
3.2 None																
3.3	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>															
	There are no issues associated with this report.															



Subject:	Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Banana Block, 310 Newtownards Road
Date:	20th October, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Darren McCamphill, Lead Building Control Surveyor, Ext 2444

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues		
1.1	To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions to provide outdoor musical entertainment.		
	Area and Location Banana Block 310 Newtownards Road Belfast, BT4 1HE	Ref. No. WK/2020/01331	Applicant Mr Ralf Alwani Belfast Rooftops Ltd.
1.2	A location map is attached at Appendix 1		

1.3	Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before the Committee for consideration.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> a) Approve the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence, or b) Approve the application for the grant with special conditions, or c) Refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.
2.2	If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.
3.0	Main Report
	<u>Key Issues</u>
3.1	The applicant has applied to provide entertainment within the outdoor area adjacent to the main building known as the Banana Block (see Appendix 2 - Block C and public realm area). The area will serve the Banana Block building, which is also subject to an application for Indoor Entertainment. If the Committee is minded to grant the Outdoor Entertainments Licence, it will not be issued until such time as the Indoor Entertainments Licence is granted. The applicant has indicated that the outdoor area will only be used for entertainment when entertainment is provided within the indoor space.
3.2	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm.
3.3	<p>In addition, the following Special Conditions are usually attached to Outdoor Licences:</p> <ol style="list-style-type: none"> 1. Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual event set up proposals. 2. Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. 3. Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.

	<p>4. Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.</p>
3.4	<p><u>Representations</u></p> <p>Public notice of the application has been placed and no written representation have been lodged as a result of the advertisement.</p>
3.5	<p><u>PSNI</u></p> <p>The Police Service of Northern Ireland has been consulted in relation to the application. At the time of writing this report, the Council has not received a response. An update will be provided at your meeting.</p>
3.6	<p><u>NIFRS</u></p> <p>The Northern Ireland Fire and Rescue Service was also consulted and has no objection to the application. It will be invited to attend any planning meetings and will be provided with any associated event documentation for comment.</p>
3.7	<p><u>Health, Safety and Welfare</u></p> <p>The applicant is developing a management plan outlining how the area will be managed to ensure the health and safety of their patrons and staff. Policies on customer social distancing, staff social distancing, PPE, handwashing and waiter service will be included in the plan.</p>
3.8	<p>When received, the Service will provide a copy of the applicant's proposals to mitigate the spread of COVID-19 to the Health and Safety section of City and Neighbourhood Services for their consideration.</p>
3.9	<p><u>Noise</u></p> <p>The applicant has been advised that an acoustic report will be required prior to outdoor entertainment being hosted at the venue. The report will be provided to the Environmental Protection Unit for evaluation.</p>
3.10	<p><u>Applicant</u></p> <p>The applicant, and/or their representatives, will be available at your meeting to answer any queries you may have in relation to the application.</p>
3.11	<p><u>Financial and Resource Implications</u></p> <p>None.</p>
3.12	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>

4.0	Documents Attached
	Appendix 1 – Location map Appendix 2 – Block C and public realm area

Notes

Revision	Date	Description
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USI

URBAN SCALE INTERVENTIONS

Urban Scale Interventions Ltd

Portview Trade Centre

Newtownards Road

Belfast

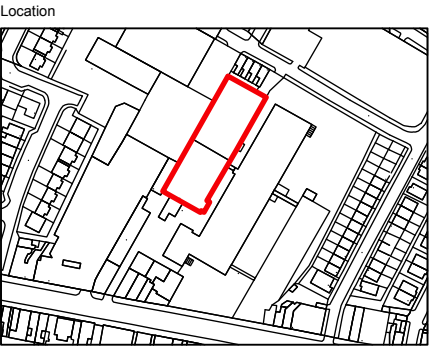
BT4 1HE

Phone: +44(0) 7590807432

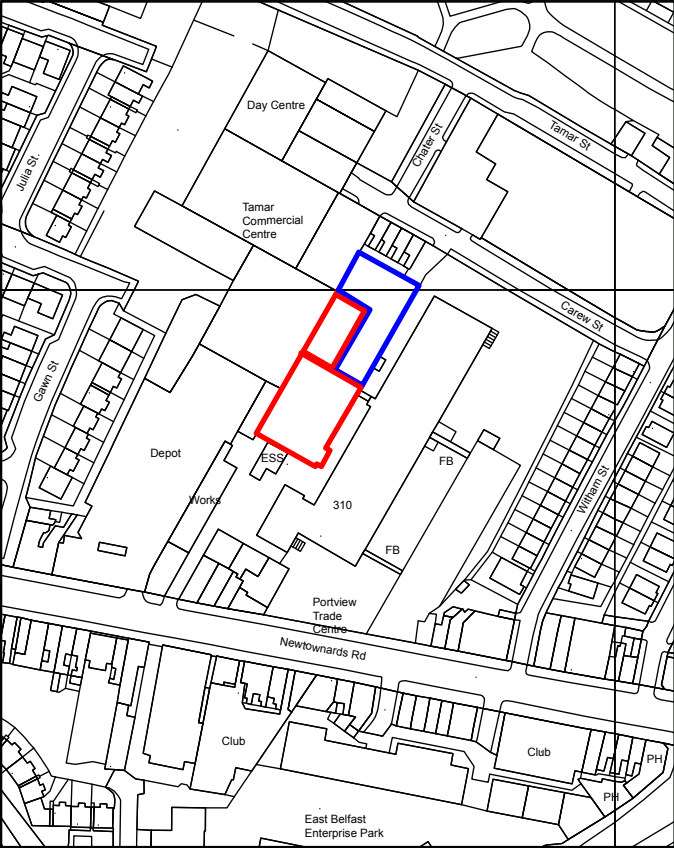
Email: info@urbanscaleinterventions.com

Web: www.urbanscaleinterventions.com

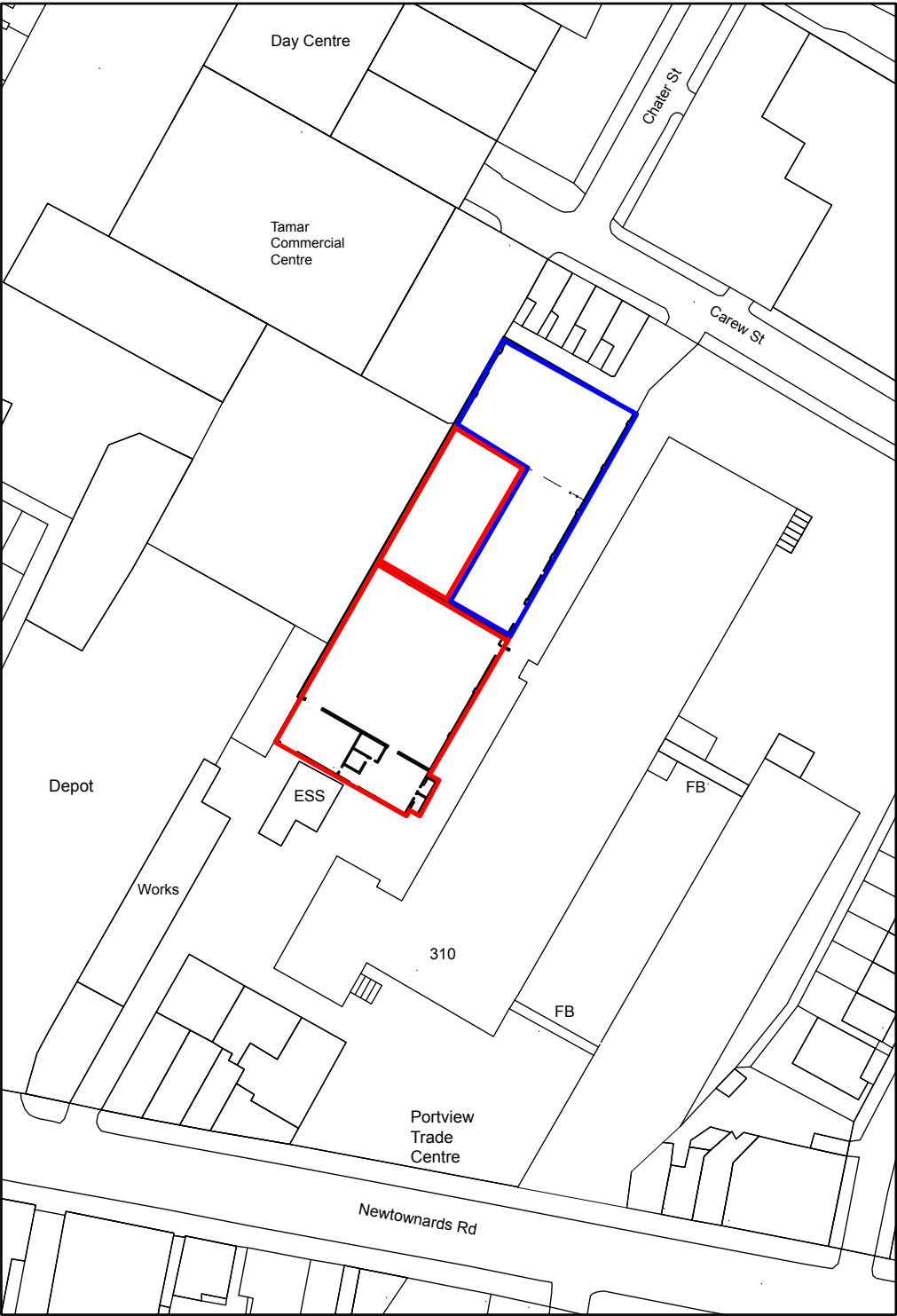
Belast | Derry-Londonderry | London



Project Name			
36 Banana Block			
Drawing Title			
Existing Plan			
Drawn	Checked	Approved	Status
HS	HS	RA	Planning
Date	Scale @ A1	Project No.	Revision
28/01/2021	Varies	036	01
Drawing Number			
036_BC_PL_001			



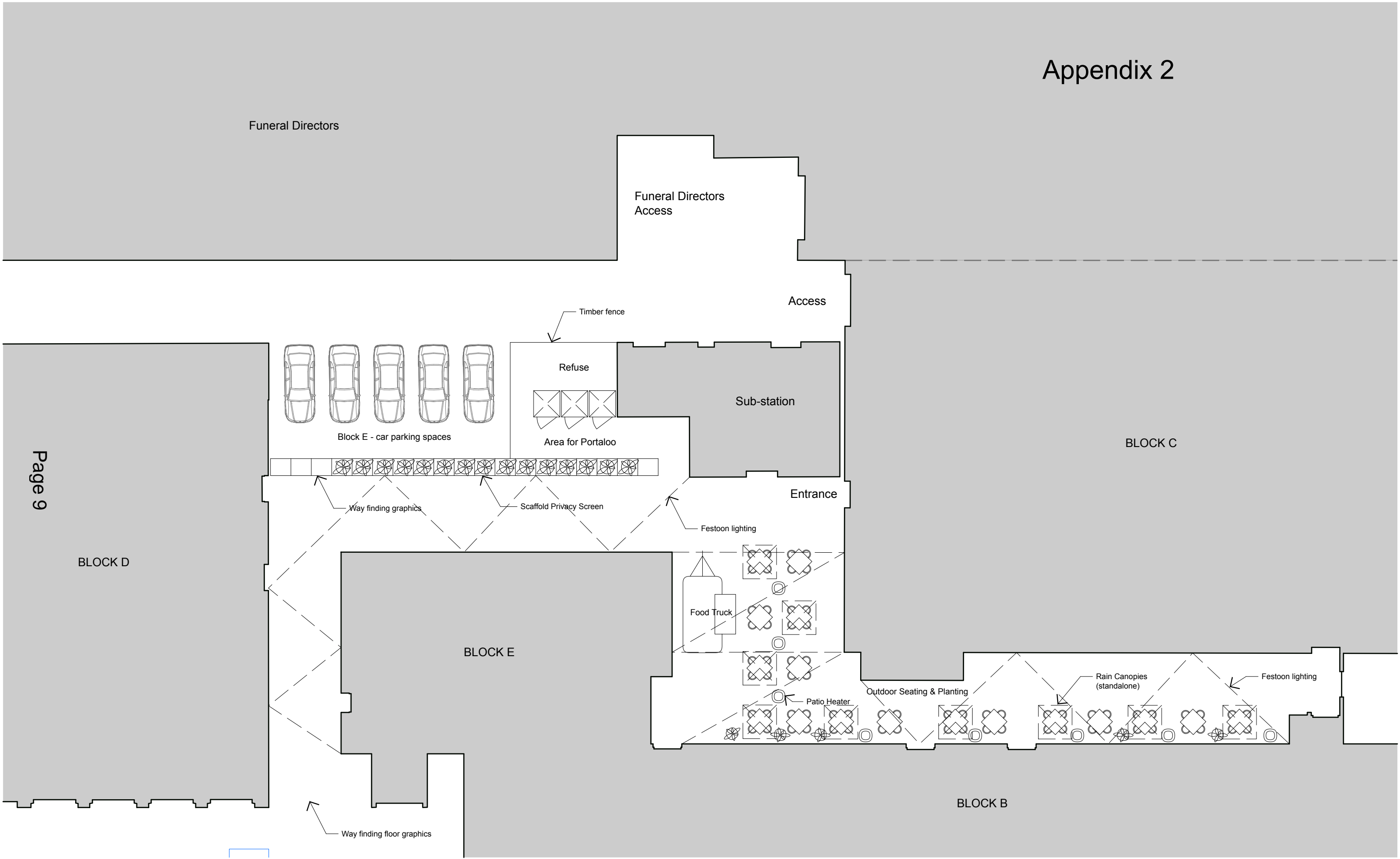
01 | Location Plan
1:1250



02 | Block Plan
1:500

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Appendix 2



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Subject:	Application for the Grant of a Seven-Day Annual Outdoor Entertainments Licence - Northwood Linear Park
Date:	20th October, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

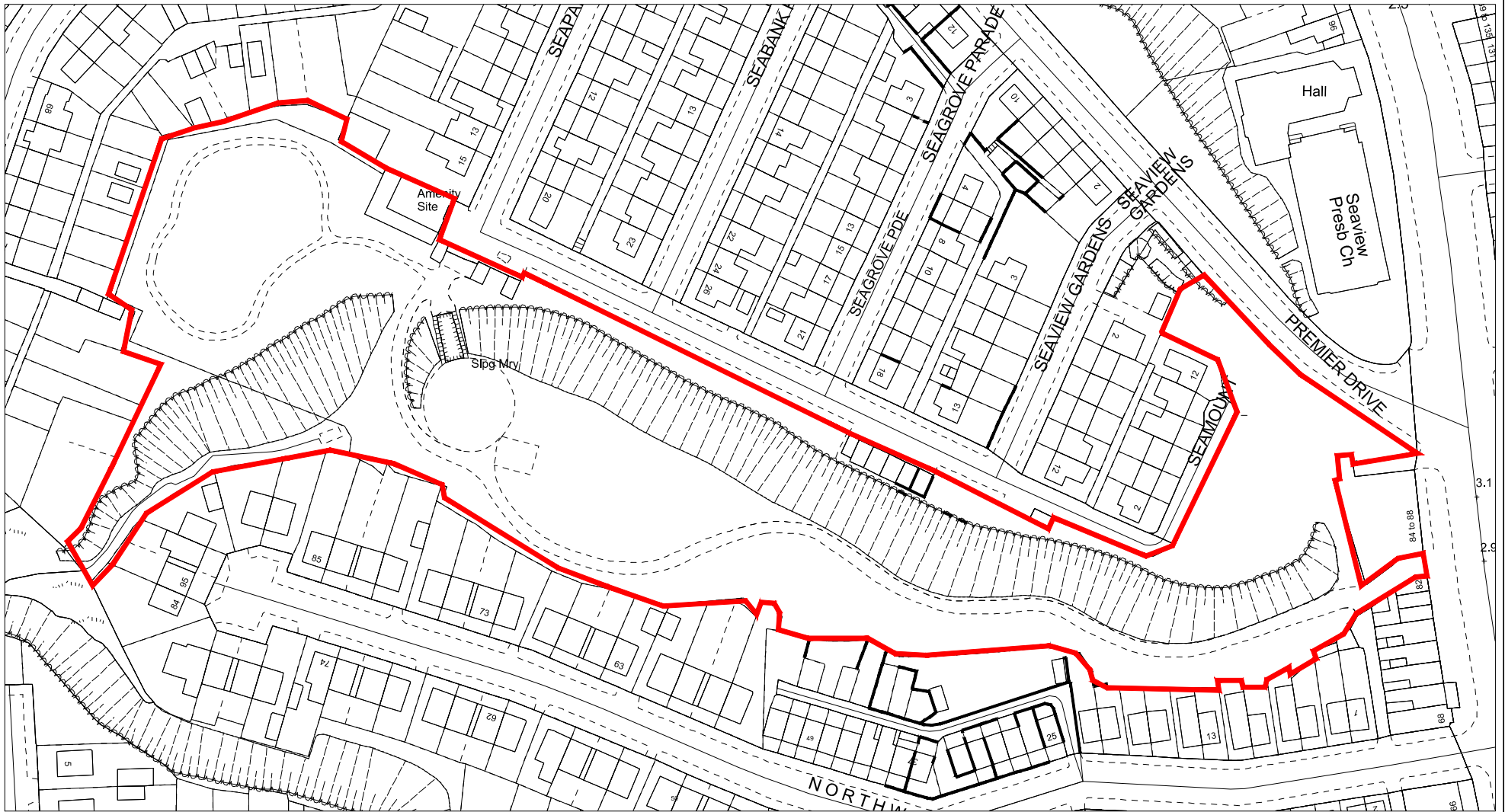
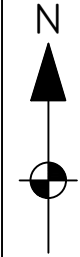
Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues		
1.1	To consider an application for the grant of a Seven-day annual Outdoor Entertainments Licence in respect of Northwood Linear Park, based on the Council’s standard conditions to provide outdoor musical entertainment.		
	Area and Location	Ref. No.	Applicant
	Northwood Linear Park Shore Road Belfast BT15 3LZ	WK/2020/	Mr. Ryan Black City and Neighbourhood Services Department Belfast City Council
1.2	The dates of a forthcoming community event proposed to take place in the park are such that this is the only Committee meeting at which this matter can be considered.		

1.3	A location map is attached.
2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:</p> <ul style="list-style-type: none"> a) Approve the application for the grant of the Seven-day annual Outdoor Entertainments, or b) Approve the application for the grant with special conditions, or c) Refuse the application for the grant of the Seven-Day Annual Outdoor Entertainments Licence.
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.</p>
3.0	Main Report
	<u>Key Issues</u>
3.1	As for all licences associated with Council parks, the applicant is Mr. Ryan Black, Director of Neighbourhood Services.
3.2	<p>The standard days and hours for an Outdoor Entertainments Licence are:</p> <ul style="list-style-type: none"> • Monday to Sunday: 11.30 am to 11.00 pm.
3.3	<p>In addition, the following Special Conditions are attached to Outdoor Entertainments Licences:</p> <ul style="list-style-type: none"> • Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals. • Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council. • Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event. • Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.

3.4	Members are reminded that all applications for the grant of Outdoor Entertainments Licences are subject to consideration by the Committee.
	<u>Dockside Festival</u>
3.5	At the Council meeting in July 2021, it was agreed to allocate £500k to a diversionary and festival programme, on the understanding that, as part of this programme, there would be events on Council land that would have to be organised within a tight timeframe.
3.6	<p>It was further agreed that all planned events must be compliant with Covid restrictions at the time, with the use of Council Parks for approved events granted, if required, in compliance with existing Council policies and use of Council parks and open spaces. Approvals were subject to:</p> <ul style="list-style-type: none"> • Negotiation of satisfactory terms and conditions of use, including any relevant fees, via an appropriate legal agreement prepared by the City Solicitor, including managing final booking confirmation dates and flexibility around 'set up' & take down' periods, and booking amendments, subject to; <ul style="list-style-type: none"> • The applicant resolving any operational issues to the Council's satisfaction; • Compliance with Coronavirus restrictions in place at the time of the event; and • The applicant complying with all relevant statutory licencing requirements.
3.7	Subsequently, at the SP and R meeting on 24 th September, The Hubb Community Resource Centre was awarded £44,000 to run a festival programme from 25 th – 31 st October.
3.8	Its showcase event is the Dockside Festival, which will utilise the Northwood Linear Park to host a family friendly, community event over the Halloween weekend on Friday 29th and Saturday 30th October.
3.9	Entertainment in the form of live bands and DJ's will be provided on both evenings of the Festival finishing by 11.00 pm.
	<u>Representations</u>
3.10	Whilst public notice of the application has been placed in the press the date of the advertisement is such that the 28-day statutory period during which representations to the application may be made will not expire until after the outdoor events are scheduled to take place.
3.11	In the circumstances, where notification of a planned event is provided and there being no suitable alternative outdoor licenced venue to re-locate to, Members are asked to agree to grant approval for the events only and issue a licence for 29th and 30th of October.
3.12	To issue the licence, from a regulatory and enforcement perspective, is preferable to an event proceeding unlicensed.
3.13	At the time of writing this report, no representations have been received to the application.
	<u>PSNI</u>
3.14	The Police Service of Northern Ireland has been consulted in relation to the application. At the time of writing this report the Council has not received a response. An update will be provided for Members at your meeting.

	<p><u>NIFRS</u></p> <p>3.15 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application. When additional fire safety information is available to permit an assessment being made the NIFRS will provide a consultation response.</p> <p><u>Health, Safety and Welfare</u></p> <p>3.16 Officers from the Service will engage with the applicant and event organisers in the lead up to the event to ensure all documentation and technical information is in place.</p> <p>3.17 When received, the Service will provide a copy of the applicant's proposals to mitigate the spread of COVID-19 to the Health and Safety section of City and Neighbourhood Services for their consideration.</p> <p>3.18 Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all safety and management procedures are in place.</p> <p><u>Noise</u></p> <p>3.19 The applicant has been requested to provide the Service with an acoustic report for the event. When received, it will be provided to the Environmental Protection Unit for evaluation.</p> <p>3.20 When a report has been developed for the event it will be considered by Officers to ensure the technical requirements are in accordance with all relevant legislation and guidance. The noise mitigation strategy must demonstrate that noise from the event will not cause unreasonable disturbance to commercial and residential premises.</p> <p>3.21 The organisers will also be required to produce a suitable neighbourhood notification letter and officers will agree the extent of its distribution prior to the event taking place.</p> <p><u>Applicant</u></p> <p>3.22 The applicant, and/or their representatives, for both the licence and the event will be available at the meeting to answer any queries you may have in relation to the application.</p> <p><u>Financial and Resource Implications</u></p> <p>3.23 None.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.24 There are no issues associated with this report.</p>
4.0	Documents Attached
	Location map



DRAWN BY M Treacy	Northwood Linear Park, Shore Road	SCALE 1:1250 @ A4
DATE 13/10/2021		

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Subject:	Application for the Grant of a Seven-Day Annual Indoor Entertainments Licence - Common Market, 16 - 20 Dunbar Street
Date:	20th October, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, ext. 2570

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues		
1.1	To consider whether to accept a late objection to an application for the grant of a Seven-Day Annual Entertainments Licence for Common Market.		
1.2	Premises and Location Common Market 16-20 Dunbar Street Belfast, BT1 2LH	Ref. No. WK/2020/1444	Applicant Ms Alana Fox Carlisle Inns Limited 2-14 Dunbar Street Belfast, BT1 2LH
1.3	The application was received on 9th July 2021. Subsequently, an objection was received outside the 28-day statutory period on 17th September, 2021.		

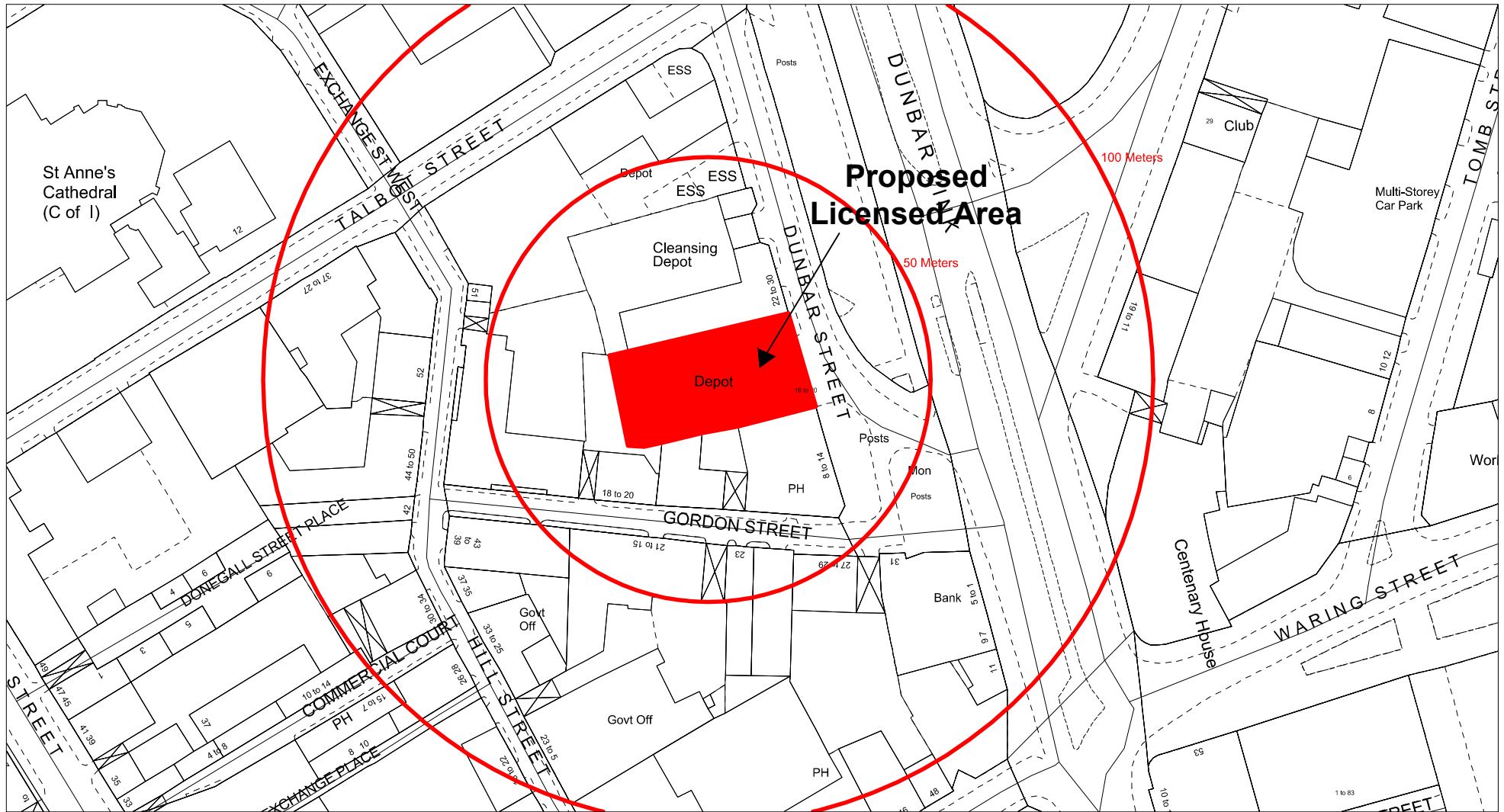
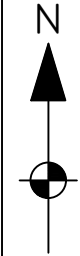
1.4	Should the Committee be minded to accept the late objection, it is then required to consider the application for the grant of a 7-Day Annual Indoor Entertainments Licence.
1.5	A location map is attached at Appendix 1.
2.0	Recommendations
2.1	As the objection against the application was received outside the 28-day statutory period the Committee is required to determine if it wishes to exercise its discretion to consider it.
2.2	If the Committee decides not to take the objection into account, then the grant application will be dealt with under the Scheme of Delegation.
2.3	Should it exercise its discretion, it is required to receive the person who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application. Both the applicant and the objector will be present should you decide to consider the objection.
2.4	Thereafter, taking into account the information presented and any representations received you are required to consider the application and to either: <ol style="list-style-type: none"> 1. Approve the application for the grant of Seven-Day Annual Indoor Entertainments Licence, or 2. Approve the application for the grant of Seven-Day Annual Indoor Entertainments Licence with Special Conditions, or 3. Refuse the application for the grant of Seven-Day Annual Indoor Entertainments Licence.
2.5	If the application is refused, or Special Conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court.
2.6	If the application is refused and an appeal is lodged, entertainment may not be provided during the appeal period.
3.0	Main Report
	<u>Key Issues</u>
3.1	The applicant, Ms Alana Fox of Carlisle Inns Ltd., has applied for the grant of a Seven-Day Annual Indoor Entertainments Licence, based on the Council's standard conditions to provide indoor music, singing, dancing or any other entertainment of a like kind.
3.2	Common Market is located in the former Arnotts Fruit Market building and Ms Fox is also the licensee for the building adjacent to Common Market, 39 Gordon Street and Lux, 2-16 Dunbar Street.
3.3	Mr Lawrence Bannon, who is a consultant and advisor to Carlisle Inns Ltd., has been liaising directly with the Service in relation to the application.
3.4	The Committee is reminded that, at the meeting on 18th January 2017, it considered a report regarding representations received outside the 28-day statutory period and agreed to adopt the following criteria when considering late objections:

	<ul style="list-style-type: none"> • Has a reasonable explanation been provided, in writing, by the objector as to why their representation was not made within the 28-day period; • Does the representation provide substantially different additional information to that already contained within representations that have been received within the 28-day period; • How far outside the 28-day period were the representations received; • The proximity of the objectors to the premises; • The number of other representations received outside the 28-day period; and • Whether there are any other material considerations which would warrant consideration of the objection. <p><u>Representations</u></p>
3.5	The objector was involved in a previous application for the provisional grant of an entertainments licence for this premises and, therefore, has knowledge of the building. That application was considered and approved by the Committee in December, 2018.
3.6	<p>The objector has confirmed that his main concern is the safety and welfare of the patrons of the premises and businesses in the immediate vicinity and in the objection has highlighted the following issues:</p> <ul style="list-style-type: none"> • That the premises are effectively being operated as a "pop up pub", • Lack of Planning permission for the current use, • Protection of patrons from the asbestos roof, • Inadequate provision of emergency exits, and • The PSNI is not aware of the application.
3.7	Further to the objection, both parties agreed to meet to discuss the objector's concerns and attempt to resolve them. Following this meeting, which took place on 6th October, the objector advised that he wished to uphold his objection.
3.8	The objector noted in the original representation that he was unaware of the application for an entertainments licence and that if he had been aware of it, he would have immediately objected.
3.9	A copy of the objection email is attached at Appendix 2.
3.10	Should you exercise your discretion, you are required to receive the person who made the representation, the applicant, and/or their representatives and, after having received their submissions, make a recommendation regarding the application. If you do not wish to exercise discretion, then the grant application will be dealt with under the Scheme of Delegation.
	<p><u>Details of the Premises</u></p>
3.11	<p>The areas where entertainment is proposed to be provided are as follows:</p> <ul style="list-style-type: none"> • Main Area (Ground Floor), with a maximum capacity of 290 persons • Mezzanine Floor, with a maximum capacity of 60 persons

3.12	<p>The applicant has applied to provide entertainment on the following days and hours:</p> <ul style="list-style-type: none"> Monday to Saturday: 12.00 pm to 1.00 am the following morning, and Sunday: 12.00 pm to 12.00 am.
3.13	The applicant initially applied to provide entertainment beyond the latest hour to which licences are normally granted for special events. However, Mr Lawrence Bannon advised the Service by email that they no longer require the extended hours at this time.
3.14	The applicant proposes to provide entertainment in the form of DJ's and live bands. During these occasions, they will operate a public bar facility via an occasional liquor licence.
3.15	This venue can potentially accommodate over 1,000 persons, however, the occupancy is restricted to 350 persons at this time due to emergency exit provision. A fire engineer has provided a strategy to ensure that adequate measures are in place to allow the 350 patrons to escape safely.
3.16	If in future the applicant wishes to increase the capacity, then additional emergency exits will be required. Mr Bannon has advised that he is negotiating with Belfast City Council to acquire permission to escape via the Council Depot on Dunbar Street.
3.17	Mr Bannon has advised that a Planning Application has been submitted in respect of the premises.
3.18	<p>A Layout plan of the venue is attached at Appendix 3.</p> <p><u>PSNI</u></p>
3.19	The PSNI has been consulted and has confirmed that it has no objection to the application. However, it does highlight that the proposed area is not covered by a 5(1)(a) Liquor Licence, as stated on the application form.
3.20	PSNI advises that, if the licence is granted, it expects that all current Covid-19 Regulations and Guidance and any current hospitality restrictions be strictly adhered to, implemented and enforced by the licence holder.
3.21	<p>A copy of its correspondence is attached at Appendix 4.</p> <p><u>NIFRS</u></p>
3.22	<p>The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and has confirmed that it has no objection to the application.</p> <p><u>Health, Safety and Welfare Inspections</u></p>
3.23	This building was previously used by Arnott's for fruit and vegetable storage. The applicant submitted a Building Regulations application for the change of use to an assembly building and a completion certificate for the works has been issued by the Service.
3.24	The existing roof of this building is covered with profiled cement-based sheets which contain asbestos. An asbestos report was submitted with the application, although the report did not mention the effect that loud music may have on the asbestos sheets. The applicant provided a further specialist report which detailed air sampling before and after playing loud music.

3.25	<p>This report was provided to the Health and Safety Unit within the City and Neighbourhood Services Department, which has confirmed that the report by the asbestos analyst indicates that noise-induced asbestos fibre release is unlikely and, subject to the duty holder's ongoing responsibility to manage the asbestos containing materials within the premises, it would have no concerns.</p> <p><u>Noise Issues</u></p>
3.26	<p>Given the nature of the entertainment in the venue, an acoustic report outlining the measures to be taken to ensure minimal disturbance to persons in the neighbourhood, either due to noise breakout or from patron activity, has been requested from the applicant. The acoustic report has been submitted to the Environmental Protection Unit and consultations are ongoing with the Licensee in relation to the report.</p>
3.27	<p>If the Committee is of a mind to grant the application for the Entertainments Licence delegated authority is sought, before confirming the licence, to attach any terms and conditions to the Licence regarding the management of noise. Such conditions will only be attached with the full agreement of the licensee.</p> <p><u>Objector's Representation</u></p>
3.28	<p>The objector's Representation Forms are attached as Appendix 5 and they have been provided to the applicant, as required by the protocol.</p>
3.29	<p>In general, the representations relate to concerns as follows:</p> <ul style="list-style-type: none"> • The premises do not have Planning Permission for the current use. • Contravention of the current planning consent brings into question the character and suitability of the applicant. • An opinion from an expert as to whether or not the asbestos could be released by sound energy or the transmission of vibration through rhythmic movement would not meet reasonable due diligence without physical on-site tests of a robust nature. • From knowledge of the premises and previous requirements of Building Control there are concerns regarding acoustics, fire compliance, toilet provision, emergency access and egress and noise nuisance in the neighbouring area.
3.30	<p>The objector has been invited to attend the meeting to discuss any matters relating to their objections, should they arise.</p> <p><u>Applicant's Representation</u></p>
3.31	<p>The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response is attached as Appendix 6.</p>
3.32	<p>The applicant's Representation Form has also been provided to the objectors, as required by the protocol.</p>
3.33	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> • The objection received is a commercial objection which is unfounded, without merit and does not stand up to scrutiny. • The meritless objections should be given no consideration. • Asbestos report submitted to the satisfaction of Belfast City Council Health and Safety.

	<ul style="list-style-type: none"> • Acoustic report submitted to Belfast City Council Environmental Protection Unit. • Building works completed to the satisfaction of Belfast City Council Building Control.
3.34	Following the PSNI response, the solicitor acting on behalf of Carlisle Inns Ltd confirmed that the application form was incorrect and the premises is not covered by a 5(1)(a) liquor licence.
3.35	He stated that there have been various applications for occasional licences at the premises which use the Article 5(1)(a) licence held by Carlisle Inns Ltd for the adjoining premises at Gordon Street. This is where the confusion has arisen.
3.36	The applicant and/or their representatives will be available at the meeting to answer any queries you may have in relation to the application.
	<u>Counter Representations</u>
3.37	No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.
	<u>Financial and Resource Implications</u>
3.38	Officers carry out during performance inspections on premises providing entertainment this is catered for within existing budgets.
	<u>Equality and Good Relations Implications/Rural Needs Assessment</u>
3.39	There are no issues associated with this report.
4.0	Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Objection Email • Appendix 3 – Layout plans • Appendix 4 – PSNI response • Appendix 5 – Objector's Representation form • Appendix 6 – Applicant's Representation form



DRAWN BY M Treacy	Common Market Arnotts Building, 16-20 Dunbar Street	SCALE 1:1250 @ A4
DATE 12/10/2021		

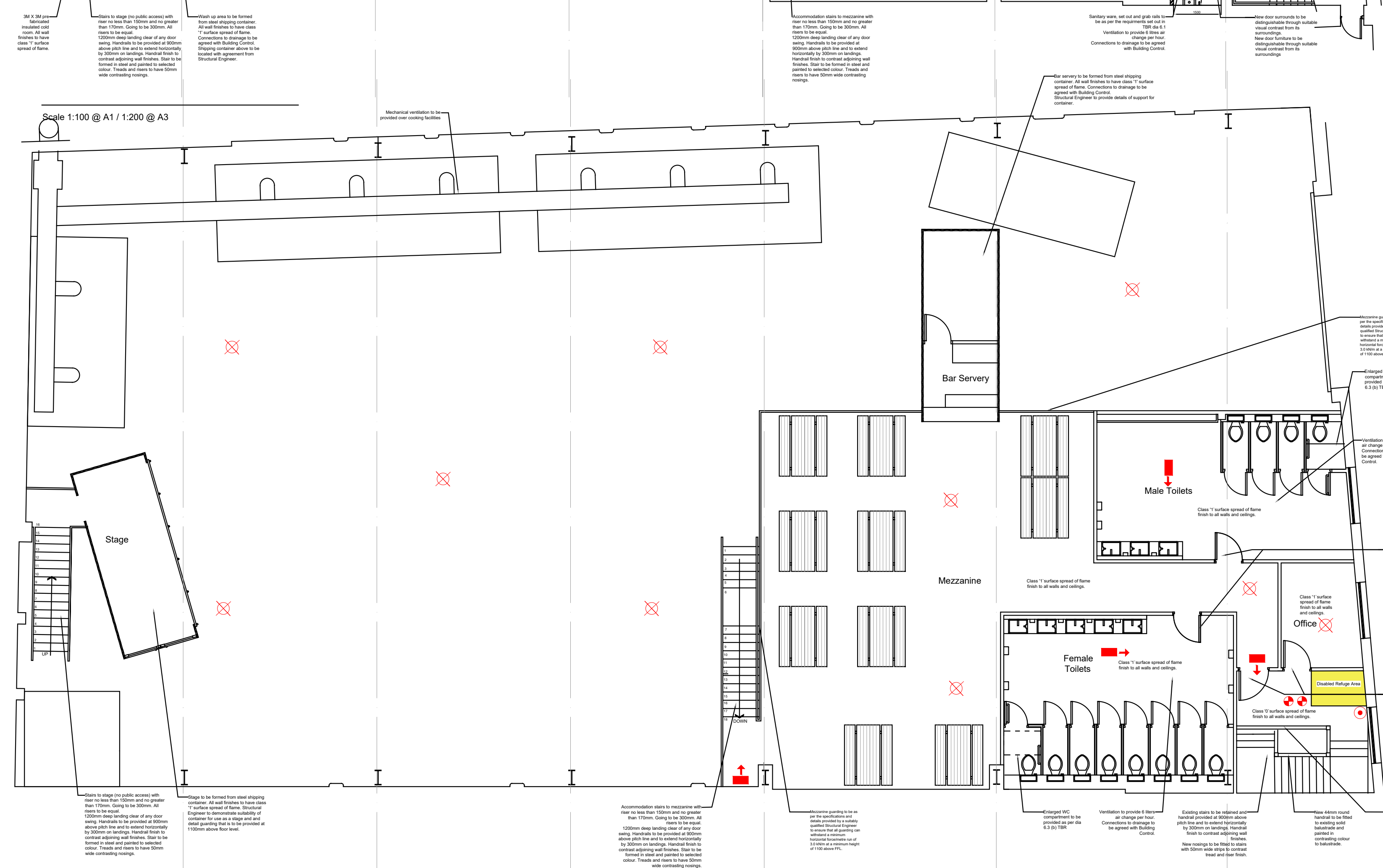
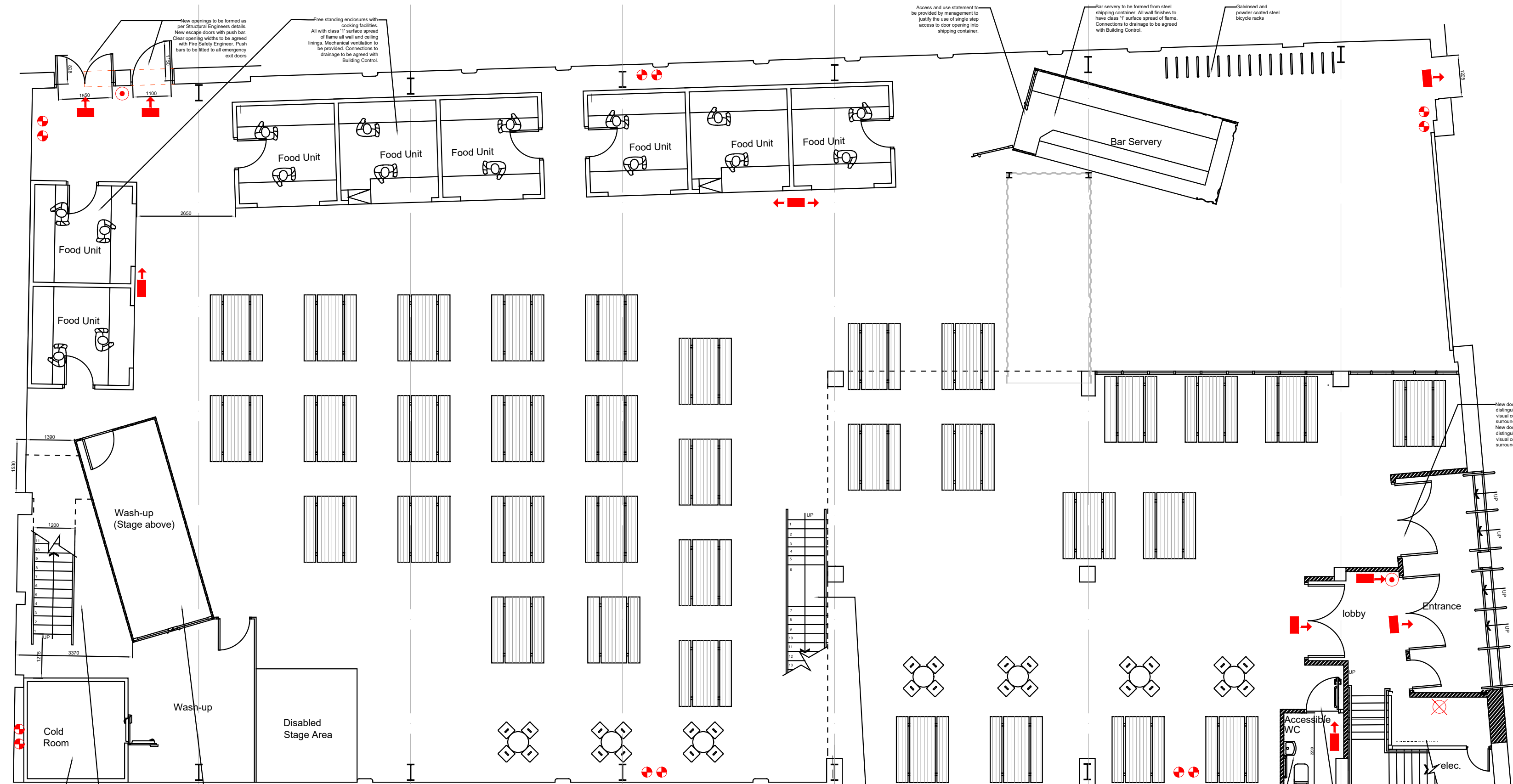
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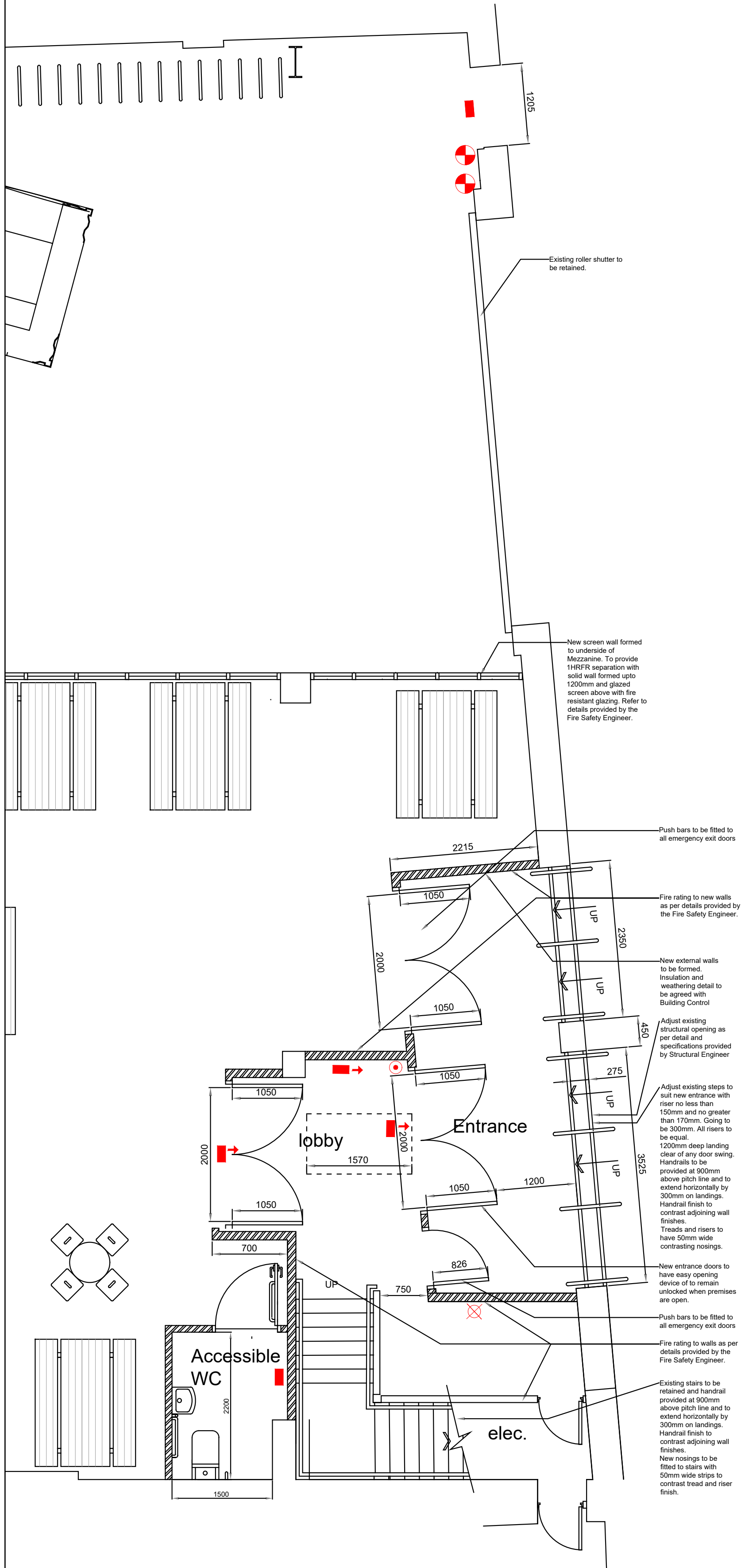
Proposed General Arrangement Plans

Scale 1:100 @ A1 / 1:200 @ A3



Proposed Mezzanine Floor GA Plan
Scale 1:100 @ A1 / 1:200 @ A3

Appendix 3



Proposed Ground Floor Entrance Detail Plan
Scale 1:50 @ A1 / 1:100 @ A3

KEY :

- FIRE EXIT SIGN
- BREAK POINT
- EMERGENCY LIGHTING
- SMOKE DETECTOR

PROJECT		Arnett's Fruit Warehouse	
ADDRESS		16 - 20 Dunbar Street, Belfast, BT1 2LH	
CLIENT		L Bannon	
DRG NO	REV	SCALE	DATE
PL-01	/	1:100@A1	July 2021
DRAWN BY	CHECKED BY		
MS	HJ		
DRG TITLE		Proposed Floor Plans - Electrical / Fire	

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	20th October 2021
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officer:	Vivienne Donnelly, City Protection Manager Kevin Bloomfield, NIHMO Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	Under the Scheme of Delegation, the Director of City and Neighbourhood Services is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0Main Report

3.1

Key Issues

Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016, the following HMO Licences were issued during September, 2021.

Premise Name	Licensee	Ward	HMO Policy Area or Development Node
2 Haywood Avenue	Mrs. Maura Carolan	ORMEAU	BALLYNAFEIGH HMO 2/03
499 Falls Road	Mr. Cathal Short	BEECHMOUNT	None
4 Harrogate Street	Mr. Gerard Meegan	CLONARD	None
70 Edinburgh Street	Mr. Michael Colquhoun	WINDSOR	EDINBURGH ST HMO 2/08
25 Landseer Street	Ms. Margaret Vivienne Clarke	CENTRAL	STRANMILLIS HMO 2/19
1 Mountcollyer Avenue	Ms. Susan McCann	DUNCAIRN	None
Flat 2, 30 Camden Street	Mr. John Jackson	WINDSOR	FITZWILLIAM HMO 2/10
190 Lisburn Road	Mrs. Joanna Williams	WINDSOR	None
18 Eblana Street	Mrs. Maireiosa Hamilton	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
66 University Avenue	Miss. Anne Marie Heron	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
Flat 2, 115 Fitzroy Avenue	Mr. Roy McCoy	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
Flat 1, 115 Fitzroy Avenue	Mr. Roy McCoy	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
Flat 2, 85 university avenue	Mr. Walter McKeague	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
1b Eglantine Place	Mr. Keith Leighton	WINDSOR	EGLANTINE HMO 2/09
1a Eglantine Place	Mr. Keith Leighton	WINDSOR	EGLANTINE HMO 2/09
55 Delhi Street	Mr. Mark Kelso	ORMEAU	BALLYNAFEIGH HMO 2/03
6 Ulsterville Drive	Mrs. Brenda McManamon	WINDSOR	ULSTERVILLE HMO 2/21
133 University Avenue	EMCC Solutions Ltd	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
45 Ridgeway Street	Mr. Declan Boyle	STRANMILLIS	STRANMILLIS HMO 2/19
40 St Ives Gardens	L&E Properties Limited	STRANMILLIS	SANDYMOUNT HMO 2/17
9 The Cloisters	Mrs. Geraldine McNicholl	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
56 Agincourt Avenue	GO2BSA Limited	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22

10 Sandhurst Gardens	Mr. Reid Thomas	CENTRAL	STRANMILLIS HMO 2/19
35 Melrose Street	Mrs. Jacqueline Fitzpatrick	WINDSOR	EDINBURGH ST HMO 2/08
17 Melrose Street	Mrs. Jacqueline Fitzpatrick	WINDSOR	EDINBURGH ST HMO 2/08
146 Cliftonpark Avenue	Mr. Mark Callaghan	WATER WORKS	None
10 Sandhurst Drive	Mr. Mark Hardy	STRANMILLIS	STRANMILLIS HMO 2/19
Flat 2, 37 Sandymount Street	Mr. Kieran Campbell	STRANMILLIS	SANDYMOUNT HMO 2/17
63 Rugby Road	Mr. Brendan Maguire	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
19 Donnybrook Street	Mr. David Allison	WINDSOR	EDINBURGH ST HMO 2/08
20 Penrose Street	Mr. Thomas Smyth	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
35 Magdala Street	Lottie Bear Limited	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
18 Fitzroy Avenue	E.L. Engineering LTD	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
38 Damascus Street	Mr. Alex Boyle	CENTRAL	BOTANIC, HOLYLANDS, RUGBY HMO 2/22
45 Stranmillis Gardens	Mr. John Kinney	CENTRAL	STRANMILLIS HMO 2/19
48 Sandymount Street	Mr. Richard John Finlay	STRANMILLIS	SANDYMOUNT HMO 2/17
88 Sandhurst Drive	Macleod Properties NI LTD	STRANMILLIS	STRANMILLIS HMO 2/19
12 Stranmillis Street	Mrs. Ann McManus	STRANMILLIS	STRANMILLIS HMO 2/19
43 Melrose Street	J. & A. Murphy Limited	WINDSOR	EDINBURGH ST HMO 2/08
24 Strandview Street	Ms. Emma McQuiggan	STRANMILLIS	STRANMILLIS HMO 2/19
29 Claremont Street	Ms. Caroline Grant	WINDSOR	FITZWILLIAM HMO 2/10
46 Ashley Avenue	Bandar limited	WINDSOR	ULSTERVILLE HMO 2/21
6B Stranmillis Park	Ms. Mary-Clare Dale	CENTRAL	STRANMILLIS HMO 2/19
6 Riverview Street	Mr. Declan Boyle	STRANMILLIS	STRANMILLIS HMO 2/19
141 Ulsterville Avenue	Mr. Alastair Aicken	WINDSOR	ULSTERVILLE HMO 2/21
30 Chadwick Street	Mr. Daniel Brennan	WINDSOR	MEADOWBANK HMO 2/15
47 Fitzwilliam Street	Mr. Trevor Mills	WINDSOR	FITZWILLIAM HMO 2/10
45 Colenso Parade	Mr. Jonathan Adrain Booth	CENTRAL	STRANMILLIS HMO 2/19
21 Stranmillis Park	Bandar limited	CENTRAL	STRANMILLIS HMO 2/19

	<u>Financial and Resource Implications</u>
3.2	None
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>
3.3	There are no issues associated with this report.



Subject:	Application for a New Licence to Operate a House of Multiple Occupation - 8 Jerusalem Street
Date:	20th October 2021
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues			
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	8 Jerusalem Street Belfast BT7 1QN	8360	TJHFT Limited and DMHFT Limited	CPS Property
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	Background			
1.3	The property had the benefit of an HMO registration granted by the Northern Ireland Housing Executive ("NIHE") which expired on 7th October 2018 for 4 persons.			
1.4	On 22nd March 2021, an HMO licence application was received from the owners of the accommodation. The NIHMO Unit searched the database of licenced HMOs and found that the property was not licenced as an HMO with the council. Officer's also searched the NIHE historical database which indicated the registration was not renewed after the expiry date of the 7 October 2018.			
1.5	Following the publication of this application, an objection was received in relation to the application. This objection raises concerns about the overprovision of HMOs in the locality			

1.6	As a valid objection has been received, the application must be considered by the Committee which must, after hearing from the objector and the applicant, decide whether to grant the application.
2.0	Recommendations
2.1	Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application.
2.2	If the application is refused, the applicants have a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision.
2.3	Objectors have no right of appeal but may be able to judicially review the Council's decision
3.0	Main report
	<u>Key Issues</u>
3.1	Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that: <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and: <ul style="list-style-type: none"> (i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or (ii) can be made so suitable by including conditions in the licence. <p>Planning</p>
3.2	As this is a new application, the NIHMO Unit consulted with the Council's Planning Service which, on 26th March 2021 confirmed that a Certificate of Lawful Existing Use or Development ("CLEUD") was granted with the planning reference LA07/2020/1277/LDE .
	Fitness
3.3	When considering the fitness of an applicant, the Council must have regard to specified offences and any other matter it considers to be relevant.
3.4	The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department:

	<p>(a) Environmental Protection Unit (“EPU”) - has confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - has confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - has confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.5	The applicants and managing agent have confirmed that they have not been convicted of any relevant offences.
3.6	The applicant or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have recently arisen, the PSNI has not been accepting or responding to notification of these applications. Officers are continuing to engage with the PSNI to find a resolution to this issue.
3.7	From information submitted to the Council’s Planning Service, in support of the Applicant’s application for a CLEUD, it would appear that the property was let as an HMO from 7th October 2018 (when the previous registration expired) to 31st March 2019, without registering it with NIHE as an HMO, in accordance with the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland.
3.8	Furthermore, the documentation submitted with the CLEUD application would appear to suggest that the property was let as an unlicensed HMO from 1st April 2019 to 31st August 2020, contrary to section 7(1) of the 2016 Act, which is an offence under the 2016 Act.
3.9	The Council was granted an order at Belfast Magistrates’ Court on 27 th July 2021 to extend the time afforded to it, to determine the applicants’ licence application. The application was made on the basis that the Council required time to write to the applicants seeking its comments on the evidence that was provided in support of their application for a CLEUD and the implication that the subject premises had been operating as an unlicensed HMO for a significant period of time; this being a relevant consideration for officers in determining whether the Applicants are fit and proper persons.
3.10	Unfortunately, due to an administrative oversight, officers overlooked writing to the applicants in this regard and, in error, issued a Notice of Proposed Decision to refuse the application on the grounds of overprovision only, on 5th October 2021.
3.11	A further Notice of Proposed Decision was issued on 6th October 2021 confirming that the Council proposed to refuse the Applicants’ licence application on overprovision and on the basis that it could not be satisfied that the applicants were fit and proper persons.
3.12	Officers would ask Members to note that the applicants are afforded a 14-day period in which to make representations in response to the Notice of Proposed Decision.

3.13	Members are also asked to note that NIHE inspection records refer to an arranged inspection of the property on 3rd December 2018, at which time the property was occupied by 2 persons and, as such, did not appear to be in HMO usage. Furthermore, the Managing Agent confirmed that the property was vacant when inspected by the NIHMO Unit on 7th April 2021, In addition, it was confirmed that 2 tenants took up residence on 10th April 2021 and a copy of the new tenancy agreement was provided to the NIHMO Unit.
3.14	Officers are not aware of any other issues relevant to the applicant's fitness.
	Overprovision
3.15	For the purpose of determining whether or not the granting of a licence would result in an overprovision of HMOs in the locality of the accommodation, and in order to ensure consistency as both a planning and licensing authority the locality was defined as being HMO Policy Area "HMO 2/22 Botanic, Holylands and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015.
3.16	The Legal Services Unit has advised that there is a clear requirement in Section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.17	On the date of assessment, 14 September 2021 there were a total of 1081 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands and Rugby" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1081 licensed HMOs have a capacity of 4948 persons.
3.18	The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.
3.19	The Council must also consider the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.
3.20	The Council recognises that there is a need for intensive forms of housing and to meet this demand, Houses in Multiple Occupation (HMOs) are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low income households and, more recently, migrant workers.
3.21	In September 2017, the Housing Executive published the document "Housing Market Analysis Update – Belfast City Council Area" which states "HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers."
3.22	On 6th October 2021, there were no licensed HMOs advertised for let on the website Property News in BT7, it was identified on the same website that there was 1 licensed HMO properties advertised for let in BT9 with a capacity of 3 bed spaces.
3.23	Members will be aware from BBC press reports that "Queen's offers students £1,500 not to take up university accommodation". The university said due to "unprecedented" demand accommodation in its halls was oversubscribed. Officers followed up on the press reports by contacting other Purpose-Built Managed Student Accommodation PBMSA. Student Roost confirmed that they have no accommodation across their 3 sites Great Patrick Street, John Bell House and Swanston Houses and are now operating a waiting list. Botanic Studios

	confirmed they are also completely full and have a waiting list. LIV Student Belfast indicate on their website that they are sold out.
3.24	Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.
3.25	The fact the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision. There is an argument that it may not do so as the premises are already being used as an HMO.
3.26	However, it should be borne in mind that planning permission was granted on the basis that the use had been established for 5 or more years and was therefore immune to enforcement. No assessment of overprovision was made at that time. Given the level of licensed HMO properties in this locality as set out above it would be highly unlikely that a planning application for a new HMO in the area would be successful as the thresholds in the 2015 Plan have been significantly exceeded.
	Objections
3.27	Following publication of notice of the application, an objection was received in relation to the application. A copy of that objection is attached at Appendix 3 . The objection appears to be on the basis of over provision.
	Attendance
3.28	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting. The objector will also be in attendance if the Committee wishes to hear from him.
	Suitability of the Premises
3.29	An inspection of the premises was carried out by an officer from the NIHMO Unit on 7th April 2021, at which time it was established that the property meets the physical standards for an HMO.
	Notice of Proposed Decision
3.30	On 6th October 2021, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the applicant setting out the terms of the proposed licence. (see Appendix 4)
3.31	The Notice of Proposed Decision stated that the Council proposed to refuse the licence as The Council is not satisfied that: <ul style="list-style-type: none"> (a) the granting of the licence will not result in overprovision of HMOs in the locality in which the living accommodation is situated. (b) the owner of the living accommodation is a fit and proper person for the purposes of granting a licence pursuant to section 8 of the Houses in Multiple Occupation Act (Northern Ireland) 2016.
3.32	A statement of reasons for the proposal was included in the Notice of Proposed Decision.

3.33

The statement of reasons outlined the following as the Council's basis for refusal:-

(a) Overprovision

Pursuant to section 12 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 "2016 Act" the Council is satisfied that the granting of the HMO licence will result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

For the purpose of section 12(2) of the 2016 Act, the Council has determined the locality as being HMO Policy Area "HMO 2/22 Botanic, Holylands and Rugby" as defined in the document "Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015 (the "2015 Plan")

In making this decision the Council has had regard to –

(a) the number and capacity of licensed HMOs in the locality

(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need

To inform the Council in its consideration of the above provisions, the Council has taken account of the 2015 Plan and in particular, Policy HMO 1 and Policy HMO 2.

On the date of assessment, 14 September 2021 there were a total of 1081 licensed HMOs in HMO policy area "HMO 2/22 Botanic, Holylands and Rugby" which equates to 45% of the total dwelling units, which in turn exceeds the 30% development limit as set out at Policy HMO 1. The 1081 licensed HMOs have a capacity of 4948 persons.

The total number of dwelling units in a Policy Area is measured by Ordnance Survey's Pointer database.

On the 06 October 2021 there were no licensed HMOs advertised for let on the website Property News in BT7, it was identified on the same website that there was 1 licensed HMO properties advertised for let in BT9 with a capacity of 3 bed spaces.

Anecdotal evidence from conversations with HMO managing agents suggest that there is currently a lack of HMO accommodation available in the locality. It is too early to tell whether this is a temporary problem or evidence of an emerging long-term supply issue.

Officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.

(b) Fit and proper person

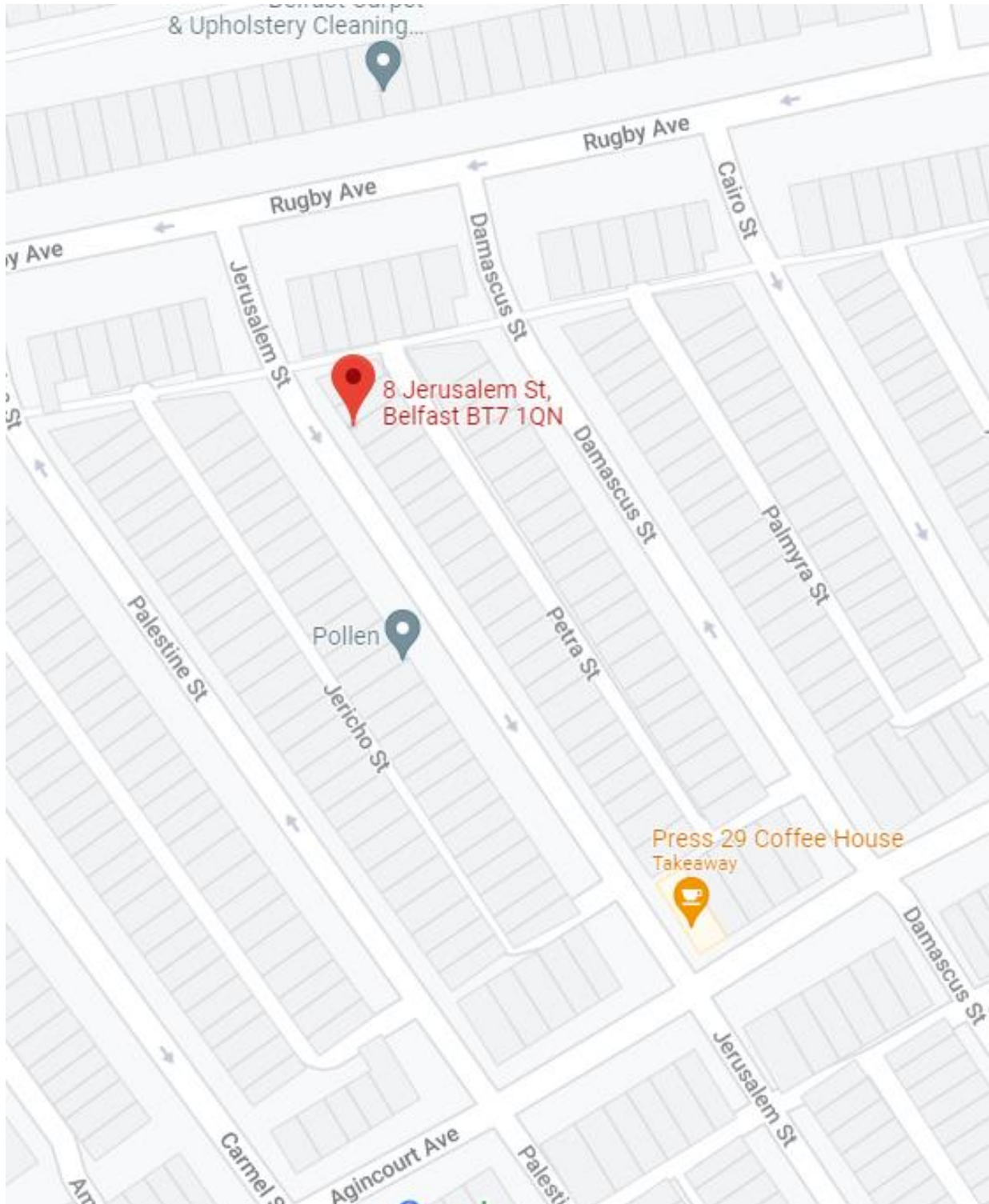
The Council may grant a licence only if it is satisfied, in addition to other considerations, that the "...the owner of the living accommodation, and any managing agent of it, are fit and proper persons (see section 10)..." (section 8(2)(b)).

Section 10 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act") provides that in deciding whether a person is a fit and proper person, the Council must have regard to (a) the matters mentioned in subsections (4) to (7), and any other matter which the council considers to be relevant.

	<p><i>The property had the benefit of an HMO registration, with a permitted occupancy of 4 persons, granted by the Northern Ireland Housing Executive ("NIHE") which expired on the 7 October 2018.</i></p> <p><i>As this is a new application, the HMO Unit consulted with the Council's Planning Service who on the 26 March 2021 confirmed that a Certificate of Lawful Use or Development was granted with the planning reference LA07/2020/1277/LDE</i></p> <p><i>To obtain a CLEUD in this regard, an applicant is required to demonstrate to the particular Council's satisfaction that use of the respective property as an HMO began more than 5 years from the date of the CLEUD application and that the use was continuous.</i></p> <p><i>The evidence submitted with the CLEUD application included the following</i></p> <ul style="list-style-type: none"> <i>• 12 months signed tenancy agreement commencing 1 September 2014 (4 tenants)</i> <i>• 12 months signed tenancy agreement commencing 1 September 2015 (4 tenants)</i> <i>• 12 months signed tenancy agreement commencing 1 September 2016 (4 tenants)</i> <i>• 12 months signed tenancy agreement commencing 1 September 2017 (4 tenants)</i> <i>• 12 months signed tenancy agreement commencing 1 September 2018 (4 tenants)</i> <i>• 12 months signed tenancy agreement commencing 1 September 2019 (4 tenants)</i> <i>• An HMO Registration Certificate issued 7 October 2013</i> <i>• A rates bill dated 16 April 2019</i> <p><i>From the information submitted with the CLEUD application, it would appear that the property was let as an HMO from 7th October 2018 (when the previous registration expired) to 31st March 2019 without registering it with NIHE as an HMO, in accordance with the Statutory Registration Scheme for Houses in Multiple Occupation in Northern Ireland.</i></p> <p><i>Furthermore, based on the documentation submitted with the CLEUD application, it would appear that the property was let as an unlicensed HMO from the 1 April 2019 to the 31 August 2020 contrary to section 7(1) of the 2016 Act.</i></p> <p><i>As a result, officers are satisfied that such matters are relevant in deciding whether the applicants, in their capacity as the owners of the HMO, are fit and proper persons.</i></p> <p><i>Therefore, officers cannot be satisfied that the owners are fit and proper person, in accordance with section 8(2)(b) and section 10(4)(d) of the 2016 Act."</i></p> <p>Financial and Resource Implications</p> <p>3.34 None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p>Equality and Good Relations Implications</p> <p>3.35 There are no equality or good relations issues associated with this report.</p>
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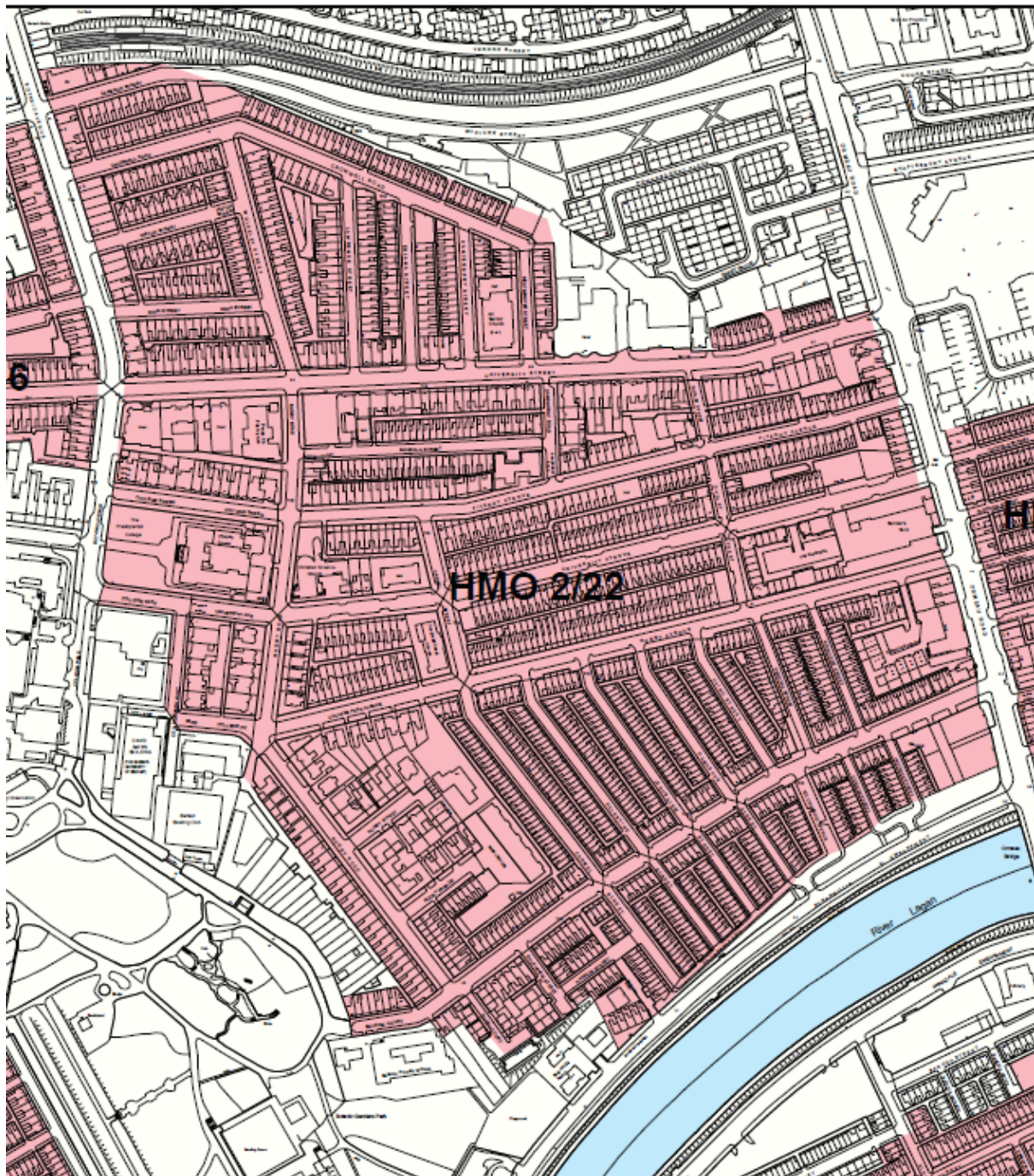
	Documents Attached
	<p>Appendix 1 – Location Map</p> <p>Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby”</p> <p>Appendix 3 – Representations</p> <p>Appendix 4 – Notice of Proposed Decision of 6th October, 2021</p>

Appendix 1 – Location Plan - 8 Jerusalem Street, Belfast. BT7 1QN



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Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby”



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Subject:	Application for the Renewal of a Licence to operate a House of Multiple Occupation - 12 Curzon Street
Date:	20th October 2021
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, Divisional Solicitor, Ext. 6049

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

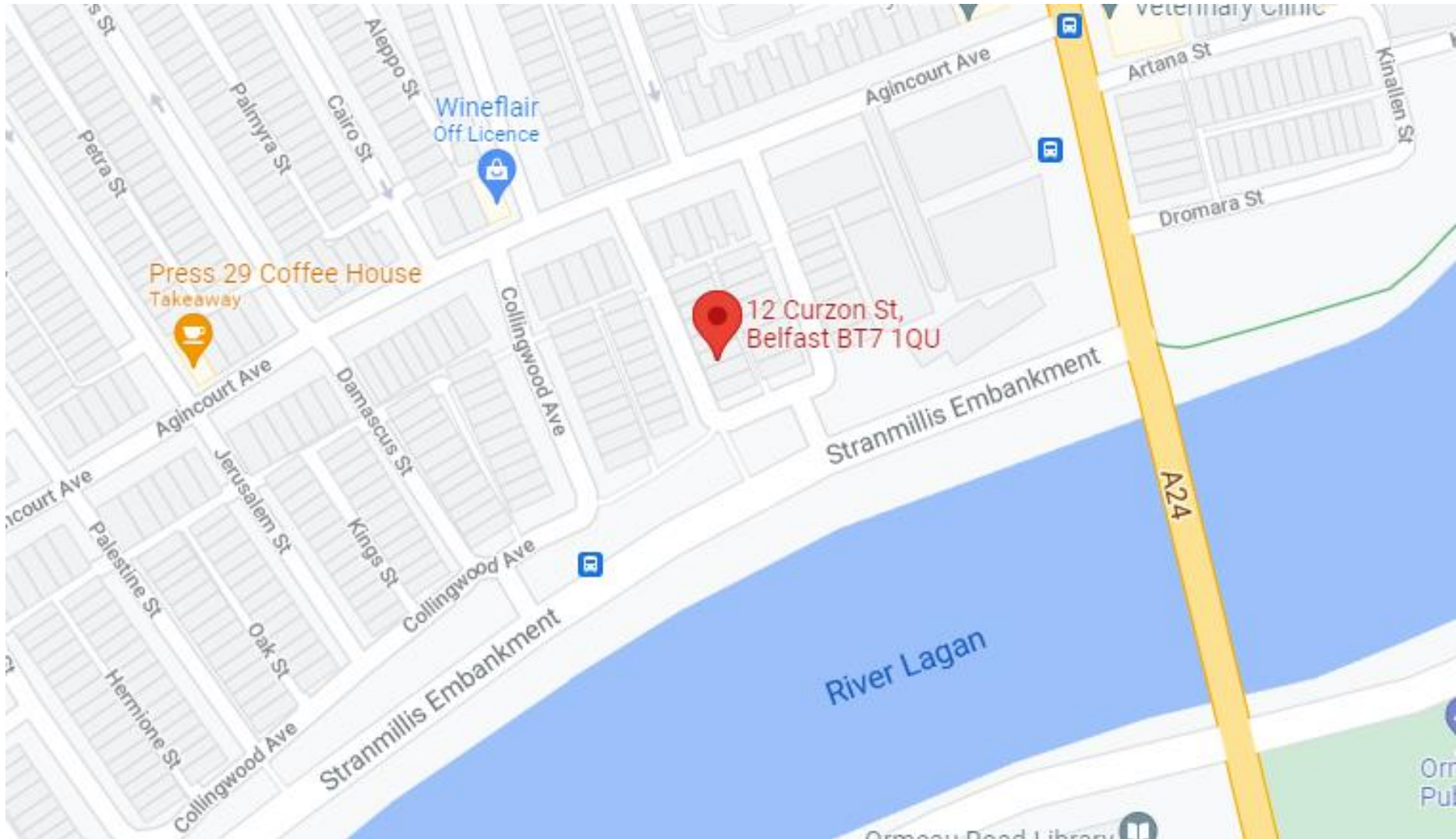
1.0	Purpose of Report/Summary of Main Issues			
1.1	To consider an application for the renewal of a Licence permitting the use of premises as a House in Multiple Occupation (HMO).			
	Premises	Application No.	Applicant(s)	Managing Agents
	12 Curzon Street Belfast BT7 1QU	8392	Dirnan Properties Ltd	None
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.			
	Background			
1.3	Following the public notice of the application, objections were received in relation to alleged noise nuisance and anti-social behaviour taking place at the property.			
1.4	As valid objections have been received, the application must be considered by the Committee which must, after hearing from the objectors and the applicant, decide whether to grant the renewal application.			
2.0	Recommendations			
2.1	Taking into account the information presented, the Committee is asked to hear from the applicant and make a decision to either:			

	<p>(i) Grant the application, with or without any special conditions; or</p> <p>(ii) Refuse the application.</p>
2.2	If the application is refused, the applicant has a right of appeal to the County Court. Such an appeal must be lodged within 28 days of formal notification of the decision. The licence will remain in place pending the appeal.
3.0	Main Report
	<u>Key Issues</u>
3.1	<p>Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; b) the owner, and any managing agent of it, are fit and proper persons; c) the proposed management arrangements are satisfactory); d) the granting of the licence will not result in overprovision of HMOs in the locality; e) the living accommodation is fit for human habitation and— f) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or g) can be made so suitable by including conditions in the licence.
3.2	<p>However, where the application is for renewal, the Council cannot take into account whether the use is a breach of planning control or would result in overprovision.</p> <p><u>Objections</u></p>
3.3	<p>Following publication of notice of the application, a number objections were received. A copy of the objections are appended to this report. The issues raised are as follows:</p> <ul style="list-style-type: none"> a) Over provision of HMOs in this area, leading to densification of the neighbourhood and reducing living quality b) Existing household waste arrangements are not sufficient for the existing population c) Insufficient sound proofing of properties d) Alleged nuisance complaints and anti-social behaviour attributed to the subject property.
3.4	Points a), b) and c) are not specific to the premises and, as this is a renewal application, the legislation prohibits the Council from taking into account issues around overprovision.
3.5	When considering the fitness of an applicant the Council must have regard to convictions in relation to specified offences and any other matter which it considers to be relevant.
3.6	<p>The NIHMO Unit has consulted with the following units within the Council's City and Neighbourhood Services Department -</p> <ul style="list-style-type: none"> h) Environmental Protection Unit ("EPU") - has confirmed that in relation to night-time noise there have been three noise warning notices issued on the 16 November 2017, 13 November 2017 and 3 December 2017 in respect of the HMO in the last 5 years,

	<p>i) Environmental Protection Unit (“EPU”) - has confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>j) Public Health and Housing Unit (“PHHU”) - has confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>k) Enforcement Unit(“EU”) – has confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.7	The NIHMO Unit received a complaint relating to an allegation of the tenants playing music and coming and going from the property on 5th April 2021. The complaint was accompanied by a video lasting 8 secs, showing an individual knocking on the door. In addition, there was a still photograph of a police car and a police officer on the Street at 1.36 am. The NIHMO unit took no action in relation to this complaint.
3.8	The NIHMO Unit received a further complaint relating to an incident on 8th August 2021 from 12.50 am onwards. The complaint consisted of a written statement and 3 videos, the complainant stated, <i>“The lads in number 12 were having a party and playing football on the street and in and out of their house all night.”</i>
3.9	The videos are short (23 seconds, 48 seconds and 79 seconds) and showed people coming and going from the property and in one video a person is seen kicking a football with someone out of camera shot. Officers will have these videos available for members to view at Committee.
3.10	On foot of this complaint, the NIHMO Unit wrote to the owner of the property.
3.11	The owner confirmed to the NIHMO Unit that, in response to the August incident, he had a meeting with the tenants regarding their behaviour, during which he reinforced their responsibilities as tenants and furnished them with a copy of the anti-social behaviour policy. He further advised the tenants that this couldn’t happen again and if it does the next step will be to contact their guarantors. The owner is of the belief that the tenants took the advice on board and he states that they apologised for their behaviour. The owner also asked his tenants to apologise to any of their neighbours that they may have annoyed.
3.12	Based on the information provided by the owner, the NIHMO Unit was satisfied that the owner’s conduct in dealing with the incident was reasonable and proportionate.
	<u>Fitness</u>
3.13	The applicants and managing agent have confirmed that they have not been convicted of any relevant offences, as set out at paragraph 3.6 of this report.
3.14	The applicant or managing agent have not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the applicant, managing agent or occupants. Due to data protection issues which have arisen, PSNI have not been accepting or responding to notification of these applications. Officers are continuing to engage with PSNI to find a resolution to this issue.
3.15	Officers are not aware of any other issue relevant to the Applicant’s fitness.

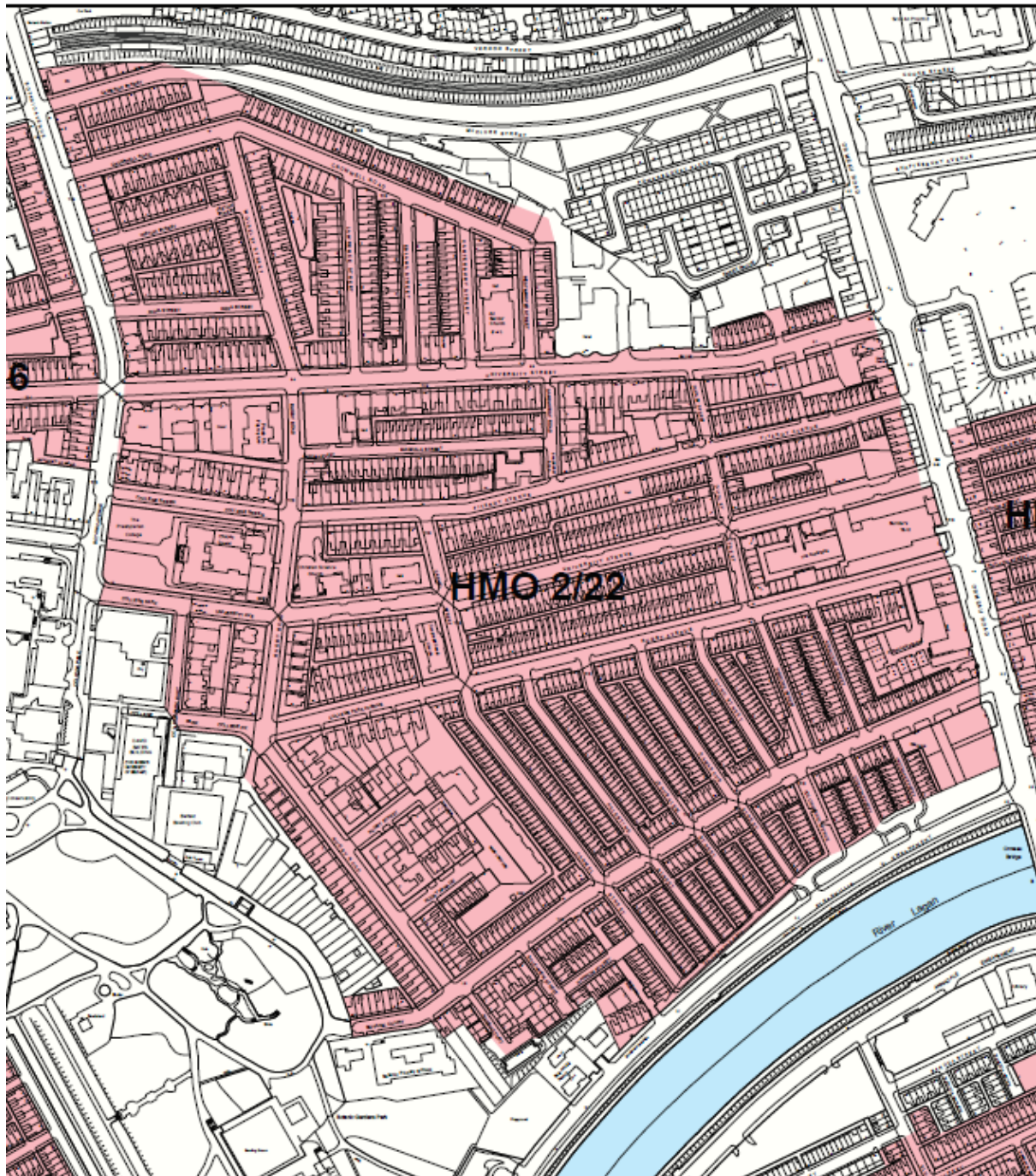
<p>3.16</p> <p>3.17</p> <p>3.18</p> <p>3.19</p> <p>3.20</p> <p>3.21</p>	<p><u>Attendance</u></p> <p>The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.</p> <p><u>Suitability of the premises</u></p> <p>An inspection of the premises was carried out by officers from the NIHMO Unit on 13th August 2021 at which time it was established that the property met the physical standards for an HMO.</p> <p><u>Notice of proposed decision</u></p> <p>On 20th August 2021, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a notice of proposed decision (see Appendix 4) to the applicant setting out the terms of the proposed licence.</p> <p>The notice of proposed decision stated that the council proposed to grant the licence. Officers are of the view that any reported/alleged instances of anti-social behaviour and concern about the lack of accountability from those who own HMO properties, can be adequately addressed by the provision of an anti-social behaviour plan and out of hours contact number by the owner, as is already required under the standard terms and conditions of a licence.</p> <p><u>Financial and Resource Implications</u></p> <p>None. The cost of assessing the application and officer inspections are provided for within existing budgets.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or good relations issues associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Appendix 1 – Location Map</p> <p>Appendix 2 – Map of HMO Policy Area “HMO 2/22 Botanic, Holylands and Rugby”</p> <p>Appendix 3 – Objections</p> <p>Appendix 4 – Notice of proposed decision</p>

Appendix 1 – Location Map – 12 Curzon Street, Belfast, BT7 1QU



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Appendix 2 - HMO 2/22 Botanic, Holylands and Rugby



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Subject:	Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021
Date:	20th October, 2021
Reporting Officer:	Stephen Hewitt, Building Control Manager
Contact Officers:	Nora Largey, Divisional Solicitor, Regulatory and Planning

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in
Is the decision eligible for Call-in? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	<p>The purpose of this report is to provide the Committee with an update on the recent changes to the liquor licencing laws in Northern Ireland by virtue of the Licensing and Registration of Clubs (Amendment) Act (NI) 2021, which received Royal Assent on 26th August, 2021. This will have implications for Entertainments Licences.</p> <p>The changes will come into effect in phases over the next few years, with Phase 1 - Sections 1-6, 8, 21, 23, 24, 27, 30-33, 42 and 43, being effective from 1st October, 2021.</p>
2.0	Recommendations
2.1	<p>The Committee is recommended to:</p> <ul style="list-style-type: none"> (i) note the contents of the report and the key issues outlined within, and (ii) establish a position in relation to any objections which the Council may wish to lodge.

3.0	Background
3.1	The Licensing (Northern Ireland) Order 1996 (the Licensing Order) sets out the general licensing systems, including procedures governing the granting or renewal of licences by county/magistrates' courts, permitted hours for the sale of alcoholic drinks, conduct of premises, conditions pertaining to the presence of children in licensed premises, and enforcement. The Registration of Clubs (Northern Ireland) Order 1996 does the same for the supply of alcoholic drinks in private members' clubs.
3.2	The legislation was amended by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, and included measures such as closure powers for police, penalty points, proof of age requirements and irresponsible drinks promotions. These measures were aimed at striking a balance between facilitating the sale of alcoholic drinks, public safety and the public interest. The Licensing of Pavement Cafés Act (Northern Ireland) 2014 inserted Part 5A in the Licensing Order, effectively extending the licensed area of certain premises to a specified public area.
3.3	A further review of the legislation, which had begun in 2012, resulted in the Licensing and Registration of Clubs (Amendment) Bill (the 2016 Bill), which was introduced in the Assembly in September 2016 but, subsequently fell with the dissolution of the Assembly in January 2017. Earlier in 2016, a private member's Bill successfully completed its legislative passage in the Assembly and added outdoor stadia as a category of premises which may be granted a liquor licence.
3.4	The aim of the 2016 Bill was to address growing concerns surrounding the level of alcohol misuse in Northern Ireland and to respond to calls from the licensed trade for changes to support the hospitality sector. The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 mirrors that of the 2016 Bill, with the policy objectives being to introduce a balanced package of measures to update the law in respect of the retail sale of alcoholic drinks and to make it more responsive to the current social and economic environment.
3.5	In October 2019, the Department launched a public consultation on Liquor Licensing Laws. The consultation was a follow up to the 2012 consultation "Proposed changes to the law regulating the sale and supply of alcohol in Northern Ireland". With no Ministers in place, the consultation did not contain any proposals but sought views from all interested individuals and organisations on whether any changes to the law could be made in the future to allow a more flexible and modern licensing framework to develop.
4.0	Key Issues
	Legislation
4.1	The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 amends the Licensing Order and the Registrations of Clubs (NI) 1996 (attached at Appendix 1).
4.2	<p>The key changes, which will take effect in phases, include (attached at Appendix 2):</p> <ul style="list-style-type: none"> • All additional restrictions on opening hours over Easter weekend will be removed; • Opening hours on Sunday evenings will be the same as any other night; • Pubs and Hotels can apply to open until 2 am up to 104 nights per year (instead of 1 pm);

	<ul style="list-style-type: none"> • Smaller pubs will be able to open to 1am up to 104 nights per year; • Drinking-up time will be increased to 1 hour (allowing pubs to stay open until 3am); • There will be flexibility around opening hours for bars at major events; • A new category of licence will be created for local producers of craft beers, ciders and spirits (allowing drink producers to obtain a licence to sell off-sales alcohol and, in limited circumstances, open taprooms so customers can buy drink alcohol on site); • Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie; • Sporting clubs will be able to use their grounds for functions up to 6 times per year; • Registered clubs will be able to open to 1am up to 104 nights per year; • Self-service of alcohol and sales by vending machines will be prohibited; • Restrictions will be placed on off-sales drinks promotions; • Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks <p><u>PUBS and HOTELS</u></p>
4.3	The new Article 44A (Order for further additional permitted hours) gives a court power to extend later opening by one hour in pubs or hotels which are structurally adapted to provide entertainment and/or substantial refreshment and which hold a court order for later opening under Article 44 of the Licensing Order.
4.4	Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening just as if an order under Article 44 applied that day.
4.5	Some applications can be dealt with by the Court office. However, the Court may require some applications to be made formally in court and must do so when an objection has been received. Notice of the application must be published in local newspapers and a notice displayed on or near the premises and served upon the PSNI and the Council.
4.6	A late licence granted under an Article 44A may be made for a maximum of 104 days in any year (twelve-month period), except for Christmas Day.
4.7	<p>The Court can revoke, modify or place terms and conditions on an Article 44 order for the following reasons;</p> <ol style="list-style-type: none"> 1. the business was conducted in such a manner to cause undue inconvenience to local residents, or 2. that the hours caused undue inconvenience to local residents, or 3. that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

4.8	The legislation extends drinking up time from 30 minutes to 60 minutes (an extra half hour). It also aligns the closing time for the purposes of both liquor and entertainment licensing. As part of the application process, the licence holder will be required to produce the entertainments licence for the premises by the Council. It is a licence holder's responsibility to ensure that the relevant entertainment licence is in place in order to apply for and avail of any additional permitted hours made available by the Act. Entertainment must end at 2.00am when an Article 44 order applies and 3.00 am when an Article 44A order applies. Whilst most city centre pubs have entertainment licences to 3.00 am, this may present difficulties for pubs located in residential areas which do not. If entertainment continues to be provided beyond the latest time for consumption of alcohol, the order for additional (or further) additional permitted hours is invalidated, and the sale of alcohol must cease at 11pm.
4.9	<p>The new legislation also provides for police authorisations for additional hours to;</p> <ol style="list-style-type: none"> 1. allow pubs which have an Article 44 order in place to apply to the police for ad-hoc late opening, (11.00pm- 1.00am), up to 20 times per year for a day not covered by the article 44 Order: and 2. increases the number of occasions smaller pubs (which are not structurally adapted and therefore unable to apply for an Article 44 order) can apply for late opening to 104. Multiple dates may be included in one application.
4.10	The applicant must display notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates. The Council must also be served with a copy of the Notice three weeks before the first date to which the application relates.
4.11	<p>There is also provision for complaints from the police, council or any person owning or residing in premises within the vicinity, to be made to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Upon receipt of such a complaint the Court can revoke, modify or impose additional terms and conditions as it thinks fit.</p> <p><u>REGISTERED CLUBS</u></p>
4.12	<p>Similar to pubs and hotels, the legislation removes the restrictions at Easter; late opening on a Sunday and also increases drinking-up time from 30 minutes to 1 hour.</p> <p><u>YOUNG PEOPLE IN LICENSED PREMISES</u></p>
4.13	The sections in the new Act which relate to young people are not in force, however, it is important that Members are aware of the amendments to the legislation.
4.14	<p>The requirement to hold a children's certificate has been repealed, however, the new Act includes safeguards which must be in place before young people under 18 years of age are allowed in a bar or at a private function. It also permits underage events on licensed premises up to 1.00am.</p> <p><u>ADDITIONAL PROVISIONS</u></p>
4.15	DfC must appoint an independent person, within one year of the Act receiving Royal Assent, to undertake a review of the licensing system. That person must report and make recommendations within two years of their appointment. The Department must lay the report before the Assembly, publish the report, and, within six months of publication, produce and publish an action plan to address the recommendations of the review report.

4.16	DfC must also review and report on each of the provisions in Parts 1 and 2 of the Act as soon as is practicable after the third anniversary of the commencement of that provision and thereafter, at least once in every five years. These reports must be brought to the Assembly and published.
	Implications for the Council
4.17	Notwithstanding the financial pressures the hospitality sector was already facing, the impact of COVID has been unprecedented and the Council will seek, where possible, to assist the recovery of the sector. However, it is recognised that this has to be balanced against the right of local residents not to be subject to unacceptable disturbance.
4.18	For those reasons, the Committee must establish a position in relation to any objections Council may wish to lodge. For example, whether the Committee would adopt a different position between city centre applications and those which are in residential areas.
4.19	The Council should be sensitive to potential nuisance issues for local residents, particularly where there have been objections to Entertainment licences in the past and restricted licences arising.
4.20	Officers will bring a subsequent report to the Committee outlining how applications will be processed. It will also set out any potential implications for Entertainment Licences, but it is important to hear Members views about the changes in the first instance.
4.21	In the interim, it is proposed that applications which are notified to Council will be dealt with under delegated authority, pursuant to paragraph 3.7.9 of the Scheme of Delegation, which permits the Strategic Director of Place and Economy to lodge objections, in consultation with the City Solicitor, in relation to notices of applications received under liquor licensing legislation.
4.22	In determining how to respond to any applications notified to the Council, officers will have regard to the following: <ul style="list-style-type: none"> • location of the premises; • the proximity of residential areas; • any history of complaints regarding the operation of the premises; • Building Control Regulation issues, • Complaints regarding anti-social behaviour in and around the premises; and • Any restrictions placed upon the premises by virtue of its Entertainment Licence.
4.23	Officers will also have regard to any other matter which is considered relevant in the circumstances.
4.24	Where it is considered that it is more appropriate for Committee to determine how best to respond to such applications, officers will advise the Court accordingly and ask that any hearing is postponed until such times as the Committee has had an opportunity to consider the application.
5.0	<u>Financial and Resource Implications</u> None

	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None</p>
6.0	Documents Attached
	<p>Appendix 1 - Licensing and Registration of Clubs (Amendment) Act (NI) 2021</p> <p>Appendix 2 - Licensing and Registration of Clubs (Amendment) Act (NI) 2021 – Guide</p>

Licensing and Registration of Clubs (Amendment) Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

LEGISLATIVE COMPETENCE

At Introduction the Minister for Communities had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Licensing and Registration of Clubs (Amendment) Bill would be within the legislative competence of the Northern Ireland Assembly.”

Licensing and Registration of Clubs (Amendment) Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

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SCHEDULES:

- | | |
|------------|------------------------------------|
| Schedule 1 | Minor and consequential amendments |
| Schedule 2 | Repeals |

A

BILL

TO

Make provision about liquor licensing and the registration of clubs.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

LICENSING

Permitted hours

Removal of additional restrictions at Easter

- 5 **1.**—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (7), omit “, Easter Day or Good Friday”.
- (2) In Article 42 of that Order (general permitted hours), in paragraph (1)—
- (a) in sub-paragraph (a), omit “Good Friday or”, and
- (b) omit sub-paragraph (b) and the following “and”.
- 10 (3) In paragraph (2)(b) of that Article, omit “or Easter Day”.
- (4) In paragraph (3) of that Article, omit “and (b)”.
- (5) In Article 44 of the Licensing Order (additional permitted hours), in paragraph (6)(a), omit “Easter Day or Good Friday,”.
- 15 (6) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (3)(a) omit “, Easter Day or Good Friday”.
- (7) In Article 47 of that Order (extension licences), in paragraph (6)(a) omit “Easter Day or Good Friday,”.
- (8) In Article 50 of that Order (restrictions as to sales for consumption off premises), in paragraph (1), omit “or Easter Day”.

Removal of restrictions on late opening for on-sales on Sunday

2.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,”.

(2) In Article 42 of the Licensing Order (general permitted hours)—

(a) in paragraph (1), after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”,

(b) in paragraph (1)(c), for the words from “except” to “Christmas Day” substitute “on Christmas Day,”, and

(c) in paragraph (3), for “paragraph (1)(c)” substitute “paragraph (1)(aa) and (c)”.

(3) In Article 42 of the Licensing Order, after paragraph (1) insert—

“(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.”.

(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from “the hours—” to “shall” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following shall”.

(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from “the hours—” to “in addition to” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to”.

(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following,”.

Public houses and hotels: further additional hours

3.—(1) After Article 44 of the Licensing Order insert—

“Public houses or hotels: order for further additional permitted hours

44A.—(1) In the case of premises of the kind referred to in Article 5(1) (a) or an hotel, a county court or court of summary jurisdiction may, when making an order under Article 44(1), also make an order under paragraph (3) or (4) of this Article.

(2) In the case of premises of the kind referred to in Article 5(1)(a), or an hotel, to which an order under Article 44 applies, a court of summary jurisdiction may, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9, make an order under paragraph (3) or (4).

5 (3) An order under this paragraph may direct that, on each day specified in the order (being a day specified in the order under Article 44), an additional hour beginning immediately after the end of the period authorised by the order under Article 44 is to be included in the permitted hours for the premises to which that order applies for the purposes referred to in paragraph (2) of that Article.

10 (4) An order under this paragraph may direct that, on each day specified in the order (being a day other than one specified in the order under Article 44), the hours that would be included in the permitted hours if the day were one specified in the order under Article 44 and an additional hour beginning immediately after the end of those hours are to be included in the permitted hours for the premises to which that order applies.

15 (5) An order under paragraph (4) is subject to a condition that, during the hours authorised by the order, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

20 (6) In paragraph (5), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the court is satisfied that—

- 25
- (a) the business will be conducted during the hours mentioned in that paragraph and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and
 - (b) the hours mentioned in that paragraph will not cause undue inconvenience to persons residing in the vicinity of the premises.

30 (8) The court may, accordingly, make the order subject to such terms and conditions as the court thinks fit for the purpose of avoiding such inconvenience as is mentioned in paragraph (7).

35 (9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

(10) Where—

- 40
- (a) a notice of objection to the application has been served upon the clerk and has not been withdrawn, or
 - (b) the clerk is of the opinion, for any other reason, that the application should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

- 5 (a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and
- (b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

10 (12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

(13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

15 (14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Orders under Article 44A: revocation, modification etc.

20 44B.—(1) An order under Article 44A may be revoked or modified by a court of summary jurisdiction on the application of the holder of the licence.

(2) Where a court of summary jurisdiction is, in the case of premises in relation to which an order under Article 44A has been made, satisfied for the purposes of paragraph (3), the court may act under paragraph (4) in relation to the order.

25 (3) A court is satisfied for the purposes of this paragraph in the case of premises if, on a complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, it is satisfied that, on a previous day specified in an order under Article 44A in relation to the premises—

- 30 (a) the business carried on in the premises was conducted during the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
- 35 (b) such hours caused undue inconvenience to persons residing in the vicinity of the premises; or
- (c) in the case of a complaint made by the district commander for the police district in which the premises are situated, the specified part or parts of the premises were not used for the purposes mentioned in paragraph (3) or (5) of Article 44A (as the case may be).

40 (4) The court may—

- (a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or
- (b) modify the order or, in relation to the order, the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be); or

- (c) make the continuance of the order subject to such terms and conditions as the court thinks fit.”.

(2) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—

5 “2A. A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

(a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2
10 newspapers circulating in the vicinity of the premises to which the application relates;

(b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates.”.

15 (3) In that Schedule—

(a) in the title, after “44” insert “, 44A”,

(b) in paragraph 1, after “44” insert “, 44A”, and

(c) in paragraph 4, after sub-paragraph (b) insert—

20 “(ba) in the case of an application under Article 44A, on any ground mentioned in Article 44A(5) or (7);”.

Alignment of closing time for liquor and entertainment

4. After Article 44B of the Licensing Order (inserted by section 3(1)) insert—

“Alignment of closing time for liquor and entertainment

25 44C.—(1) This Article applies in relation to any occasion on which an entertainments licence in force in respect of premises to which an order under Article 44 applies would (but for this Article) permit entertainment that was being provided in the premises to continue to be provided in the premises after the end of the hours mentioned in Article 44(2).

30 (2) The hours mentioned in Article 44(2) do not apply in relation to the premises on that occasion and the hours specified in Article 42 apply instead in relation to the premises on that occasion.

(3) But the entertainments licence continues in force on that occasion and accordingly permits entertainment to be provided in the premises after the end of the hours specified in Article 42.

35 (4) If an order under Article 44A(3) or (4) applies in relation to the premises, the references in this Article to the hours mentioned in Article 44(2) are to be read as including a reference to the additional hour authorised by that order.

40 (5) The references in this Article to the hours specified in Article 42 are references to those hours as extended by Article 46.

(6) In this Article—

“entertainment” has the same meaning as in Article 44, and

“entertainments licence” means a licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.”.

Police authorisations for additional hours

5 **5.**—(1) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (1)—

- (a) omit “other than premises to which an order under Article 44 applies”,
- (b) before “occasion to which the application relates” insert “first”, and
- (c) in the full-out words at the end, for “on any 1 occasion specified in the
10 authorisation” substitute “on such occasions specified in the authorisation as the commander thinks fit”.

(2) After that paragraph insert—

“**(1A)** In the case of premises to which an order under Article 44 applies, an authorisation under this Article is subject to a condition that, during the
15 additional hours authorised, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

20 **(1B)** In paragraph (1A), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).”.

(3) For paragraph (2) of that Article substitute—

“**(2)** In the case of premises to which an order under Article 44 applies, not more than 20 authorisations shall be granted under this Article to the
25 holder of the licence of the premises in any year.

(2A) In the case of premises of any other description, not more than 104 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

30 **(2B)** Regulations may modify paragraph (2) or (2A) so as to substitute a different number of authorisations for the number for the time being specified there.

(2C) Regulations may not be made under paragraph (2B) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

35 (4) After paragraph (3) of that Article insert—

“**(4)** A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed
40 on or near the premises for which the authorisation is to be sought;
- (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates' courts rules.

5 (6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—

(a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue
10 inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

15 (7) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

20 (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7)(c) include those requested by the district commander of the police district in which the premises are situated.”.

25 **Extension of “drinking-up time”**

6.—(1) In Article 46 of the Licensing Order (exceptions from prohibition of sale etc. of intoxicating liquor outside permitted hours), in paragraph (1), in each of sub-paragraphs (a) and (b), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (3) of that Article insert—

30 “(4) Regulations may modify paragraph (1)(a) or (b) so as to substitute “30 minutes” for “60 minutes”.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

35 **Major events**

7.—(1) After Article 48 of the Licensing Order (but before the following cross-heading) insert—

“Major event orders

Extension of permitted hours for major events

40 **48A.**—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest

(whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

(a) designates the event as a major event, and

5 (b) provides that, during the period specified in the order, the permitted hours for any place or premises to which the order applies are the hours specified in the order.

(2) A major event order may apply to—

(a) all licensed premises either in Northern Ireland as a whole or in the area or areas specified;

10 (b) all licensed premises of a specified kind either in Northern Ireland as a whole or in the area or areas specified;

(c) any place or premises for which an occasional licence has been granted and which is or are situated on the site where the event is to take place.

15 (3) In specifying an area for the purposes of paragraph (2)(a) or (b), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

20 (4) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

25 (5) The period specified in a major event order may not include Christmas Day.

(6) The hours specified in a major event order are in addition to the hours permitted by any occasional licence, any order under Article 44 or 44A, any authorisation under Article 45 or any extension licence, which
30 applies to a place or premises to which the major event order applies.

(7) If, in the case of premises to which an order under Article 44, 44A or 48 applies, the event designated by a major event order is to take place on a day which is not specified in an order under Article 44 or 44A or an extension licence, the major event order has effect as if that day were so
35 specified.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

40 (9) Before making a major event order, the Department must consult such persons as it considers appropriate.

Major event order: conditions

48B.—(1) A major event order may impose conditions; and it may (without prejudice to the generality of section 17(5)(b)(ii) of the Interpretation Act (Northern Ireland) 1954) impose conditions which, in

particular, vary according to whether they relate to the sale of intoxicating liquor for consumption on, or for consumption off, a place or premises.

5 (2) A major event order may not authorise at any place or premises, other than the place or premises at which the event is to take place, the sale of intoxicating liquor for consumption off that place or premises.

(3) Accordingly, a major event order may, in so far as it applies to a place or premises for which an occasional licence has been granted, authorise during the period specified under Article 48A(1)(b) the sale of intoxicating liquor for consumption off the place or premises specified in the licence, despite the prohibition in Article 30(5)(b).

(4) Paragraphs (2) and (3) do not apply in the case of a place or premises for which an occasional licence has been granted to the holder of a licence for a restaurant.

15 (5) A major event order which authorises the sale of intoxicating liquor for consumption in a place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the consumption of intoxicating liquor in the place or premises.

20 (6) A major event order which authorises the sale of intoxicating liquor for consumption off any place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the taking of intoxicating liquor in a sealed container from the place or premises.

(7) Regulations under Article 46(4) may also modify paragraph (5) or (6) of this Article so as to substitute “30 minutes” for “60 minutes”.

25 (8) A major event order, in so far as it applies to premises of any of the kinds mentioned in Article 5(1), does not affect the requirement to comply with the conditions relating to the sale of intoxicating liquor which apply to premises of that kind.

30 (9) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

35	“48B(9)	Contravening condition of major event order	3-4”
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Licensed race tracks: Sunday sales

8.—(1) In Article 42 of the Licensing Order (permitted hours), in paragraph (3), after “a theatre” insert “or (subject to paragraph (4)) premises on a licensed track”.

(2) After that paragraph insert—

40 “(4) The permitted hours for premises on a licensed track do not include any time on Christmas Day.

(5) In this Article, “licensed track” has the meaning given in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.”.

Types of licensed premises

Places of public entertainment: inclusion of cinemas

9.—(1) In Article 2 of the Licensing Order (interpretation) in paragraph 2—

(a) in the definition of “places of public entertainment”, after sub-paragraph

(a) insert—

“(aa) premises used as a cinema;”

(b) at the appropriate place insert—

““cinema” means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;”.

(2) In Article 42(3) of the Licensing Order (general permitted hours) before “a theatre” insert “a cinema,”.

Local alcohol producers

Licence for off-sales

10.—(1) In Article 5 of the Licensing Order (premises for which licence may be granted), in paragraph (1), after sub-paragraph (1) insert “;

(m) premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.”.

(2) After paragraph (6) of that Article insert—

“(7) Paragraph (1)(m) applies only where the business in question is carried on wholly or mainly in Northern Ireland.”.

(3) After Article 52A of the Licensing Order insert—

“Local producer’s licence: sales on own premises

52B.—(1) A local producer’s licence shall not authorise—

(a) the sale of intoxicating liquor unless it is produced in the production premises;

(b) the sale of intoxicating liquor for consumption in the production premises, except in so far as that is permitted by Articles 52E and 52F.

(2) But a local producer’s licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of a sample of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the sample separate from the charge made for giving the tour.

(3) In paragraph (2), “sample”, in relation to intoxicating liquor, means an amount (whether in one serving or more) which does not exceed the amount prescribed in regulations.

(4) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase

in the production premises in contravention of paragraph (1), the holder is guilty of an offence.

5 (5) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (2), the holder is guilty of an offence.

10 (6) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the production premises a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor—

- 15 (a) in the production premises, or
(b) in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under his control or used by his permission,

that person and the holder of the licence, if the consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

20 (8) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

25 (9) A person guilty of an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this Article and Articles 52C to 52F—

“local producer's licence” means a licence for premises of a kind mentioned in Article 5(1)(m), and

30 “production premises”, in relation to a local producer's licence, means the premises to which the licence relates.

Local producer's licence: sale on other licensed premises

35 52C.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in licensed premises to which this Article applies intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption off those licensed premises, and
(b) is ancillary to an event which is held wholly or mainly to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland.

40 (2) The licensed premises to which this Article applies are—

- (a) an hotel;
(b) a conference centre;
(c) an indoor arena;

(d) an outdoor stadium;

(e) a place or premises specified in an occasional licence.

(3) Regulations may modify paragraph (2) so as to add or remove a reference to licensed premises of a specified kind.

5 (4) Regulations may not be made under paragraph (3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

10 (5) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), the holder is guilty of an offence.

15 (6) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display in the licensed premises to which this Article applies at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

20 (8) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Local producer's licence: sales not on licensed premises

25 52D.—(1) A local producer's licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in a place which is not licensed premises intoxicating liquor produced in the production premises if the sale—

(a) is for consumption away from that place, and

30 (b) is ancillary to an event being held at that place, which is open to the public and in relation to which each of the following three conditions is satisfied.

(2) The first condition is that the Department, in response to a request made by the person organising the event, has published a statement that, in its opinion, the event—

35 (a) is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland, and

(b) is of importance to the area of Northern Ireland in which it is being held.

40 (3) The second condition is that a senior local police officer, in response to a request made by the person organising the event, has given the person written approval for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

(4) The third condition is that a senior local police officer, in response to a request made by the holder of the local producer's licence, has given the

holder written approval for the sale by the holder, or a servant or agent, of intoxicating liquor at the event in accordance with this Article.

(5) A request under paragraph (2), (3) or (4) must be made in writing at least two weeks before the day (or the first day) on which the event is due to be held.

(6) In considering a request under paragraph (2), the Department must consult such persons as it considers appropriate.

(7) The holder of a local producer's licence is also authorised to provide any person at the event in question with a sample of the intoxicating liquor for consumption at the event as an inducement to purchase the intoxicating liquor; and for this purpose, "sample" has the same meaning as in Article 52B.

(8) A person who, being the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), is guilty of an offence.

(9) Where the holder of a local producer's licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (7), the holder is guilty of an offence.

(10) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer's licence shall at all times display at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(11) Where, having purchased intoxicating liquor from the holder of a local producer's licence, a person consumes the liquor at the place where the event is being held, that person and the holder of the licence, if the consumption is with the holder's or a servant's or agent's knowledge or consent, are each guilty of an offence.

(12) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(13) A person guilty of an offence under paragraph (9), (10) or (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(14) In this Article—

"place" includes "premises", and

"senior local police officer" means a police officer of, or above, the rank of inspector designated for the purpose of giving approvals under this Article by the district commander for the police district in which the place where the event is being held is situated."

(4) In Article 2 of the Licensing Order (interpretation), after paragraph (6) insert—

“(6A) In this Order any reference to the production of intoxicating liquor includes a reference to the brewing, fermenting or distilling of intoxicating liquor but does not include a reference merely to the packaging of intoxicating liquor.”.

5 (5) In Article 42 of that Order (general permitted hours), in each of paragraphs (1) and (2), after “Article 5(1)(b)” insert “or (m)”.

(6) In each of the following provisions of that Order, after “Article 5(1)(b)” insert “or (m)”—

- (a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),
- 10 (b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and
- (c) Article 58(1)(b) (prohibition on young persons).

(7) In Part 1 of Schedule 1 to that Order (application for grant of licence), after paragraph 3 insert—

15 “3A. In the case of an application for the grant of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 1(c) must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

20 (8) In Part 1 of Schedule 4 to that Order (application for renewal of licence), after paragraph 4 insert—

25 “4A. In the case of an application for the renewal of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 3 must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(9) In Part 1 of Schedule 10A to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

30	“52B(9)	Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice on own premises. Consumption on premises of intoxicating liquor purchased there	3-4
35			
40	52C(8)	Failure by local producer to display notice at point of sale on other licensed premises.	3-4
45	52D(13)	Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice at point	3-4”

	of sale at unlicensed place.	
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(10) In Part 2 of Schedule 10A to that Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

5	“52B(8)	Failure by local producer to comply with licence on own premises	4-5
	52C(7)	Failure by local producer to comply with licence on other licensed premises	4-5
10	52D(12)	Failure by local producer to comply with licence at unlicensed place	4-5”

Sales and consumption of intoxicating liquor in local producer’s premises

15 **11.**—(1) After Article 52D of the Licensing Order (inserted by section 10(3)) insert—

“Local producer’s premises: suitability for on-sales

20 52E.—(1) In respect of premises which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—

- 25 (a) a county court which grants a local producer’s licence or declares a local producer’s licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer’s licence made in compliance with the procedure set out in Schedule 9,

30 may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6).

35 (2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- 40 (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

Local producer's premises: authorisation for on-sales

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article 52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of authorisations for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(2) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

"(1A) An occasional licence may not be granted for any part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies."

(3) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after “or (m)” (inserted by section 10(5)) insert “(subject to paragraph (6))”.

(4) In that Article after paragraph (5) (inserted by section 8(2)) insert—

5 “(6) In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day from 4 in the afternoon to 10 in the evening.”.

10 (5) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after “or (m)” (inserted by section 10(6)(a)) insert “(but see paragraph (1A))”.

(6) In that Article, after paragraph (1) insert—

15 “(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.”

(7) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

20 “(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.”.

25 (8) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before “if” insert “, or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,”.

(9) In Schedule 9 to the Licensing Order (procedure on certain applications)—

(a) in the title, after “48” insert “, 52E”,
 (b) in paragraph 1, after “48” insert “, 52E”, and
 30 (c) in paragraph 4, after paragraph (c) insert—
 “(ca) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);”.

(10) In Schedule 10 to the Licensing Order (applications for extension licences)—

35 (a) after paragraph 1 insert—
 “1A. In this Schedule “authorisation” means an authorisation under Article 52F.”,
 (b) in paragraph 2, after “the grant of a licence” insert “or authorisation”, and
 (c) in paragraph 4, after “the granting of the licence” insert “or authorisation”.

40 (11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“52F(11)	Failure by local producer to display notice on part	3-4”.
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	of premises to which authorisation under Article 52F applies	
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5 (12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

“52F(10)	Failure by local producer to comply with authorisation under Article 52F	4-5”.
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10 *Remote sales*

Requirement for off-licence

12.—(1) After Article 5 of the Licensing Order insert—

“Remote sales: requirement for off-licence

15 5A. Where a sale of intoxicating liquor by retail is made otherwise than in person and the premises from which the intoxicating liquor is despatched are in Northern Ireland, the sale is not authorised for the purposes of this Order unless—

- (a) the premises are licensed for the sale of intoxicating liquor for consumption off the premises, and
- 20 (b) the person making the sale, personally or by a servant or agent, is the person who holds that licence.”.

(2) In Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), after paragraph (1) insert—

25 “(1A) Where, in the case of a sale of the kind mentioned in Article 5A, the person who is to deliver the intoxicating liquor to the purchaser is not a servant or agent of the holder of the licence for the premises from which the intoxicating liquor is despatched, that person must—

- (a) secure that the delivery is made without unreasonable delay, and
- 30 (b) when making the delivery, be carrying a receipt from the holder of the licence, or a servant or agent, for the purchase of the intoxicating liquor.”.

(3) In paragraph (2) of that Article, after “paragraph (1)” insert “or (1A)”.

(4) In paragraph (3) of that Article, for “this Article” substitute “paragraph (1)”.

Young people in licensed premises

35 Removal of requirement for children’s certificate, etc.

13.—(1) Article 59 of the Licensing Order (children’s certificates) is repealed.

(2) In Article 58 of that Order (prohibition of young persons from certain premises), in paragraph (5)—

- 40 (a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,

- (b) omit sub-paragraph (b) and the following “and”,
- (c) after sub-paragraph (c) (but before the following “and”) insert “and
 - (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
- (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.
- (3) In paragraph (6) of that Article—
 - (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and
 - (b) for sub-paragraph (b) substitute—
 - “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.
- (4) Omit paragraphs (7), (8) and (9) of that Article.
- (5) In paragraph (10) of that Article—
 - (a) for “, (3), (7), (8) or (9)” substitute “or (3)”,
 - (b) in sub-paragraph (a), omit “or (7)”, and
 - (c) in sub-paragraph (b), for “, (3), (8) or (9)” substitute “or (3)”.
- (6) In paragraph (11) of that Article, omit “or (8)”.
- (7) In Article 60B of the Licensing Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in licensed premises”.

25 **Underage functions**

14.—(1) After Article 58 of the Licensing Order insert—

“Suitability of certain premises for underage functions

- 58A.—(1) In respect of premises to which this Article applies—
 - (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
 - (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,
- may, by order, specify any part of the premises as being suitable for underage functions.
- (2) In this Article and Article 58B, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.
- (3) A court must not make an order under paragraph (1) unless it is satisfied—

- 5 (a) that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- (b) that appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions;
- 10 (c) that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.
- (4) An order under paragraph (1) may be revoked by a court of summary jurisdiction—
- 15 (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (3) have continued to be complied with.
- (5) The premises to which this Article applies are—
- 20 (a) any part of premises of a kind mentioned in Article 5(1)(a) which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;
- (b) an hotel;
- (c) a restaurant;
- (d) a conference centre;
- 25 (e) a higher education institution;
- (f) an indoor arena;
- (g) an outdoor stadium.

Authorisations for underage functions

30 58B.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (3), may, on an application made in compliance with the procedure set out in Schedule 10 by the holder of a licence for premises which are or include premises for which an order under Article 58A is in force, grant an authorisation under this Article.

35 (2) An authorisation under this Article may authorise the holder of the licence to hold an underage function—

- (a) in such part of the premises for which the order is in force as is specified in the authorisation, and
- (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

40 (3) Subject to paragraph (4), where notice of an application for an authorisation under this Article has been served upon the clerk of petty sessions, the clerk may grant the authorisation as if the application had been made to the clerk and may do so in the absence of the applicant.

(4) Where—

(a) a notice of objection has been served upon the clerk and has not been withdrawn, or

(b) the clerk is of the opinion, for any other reason, that an application for an authorisation under this Article should be made to the court,

5 the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

10 (a) each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force must be incapable of operation, and

(b) access to any other container of intoxicating liquor in that part must be prevented.

15 (6) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit.

(7) In the case of an indoor arena, the references in paragraph (5) to the part of the premises for which the authorisation is in force are to be read as including a reference to any entrance to that part.

(8) If a condition attached to the authorisation is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

25 (9) The holder of a licence, personally or by a servant or agent, or such a servant or agent, must not, during the period for which an authorisation under this Article is in force—

(a) sell intoxicating liquor to, or make it available for purchase by, a person aged 18 or over in the part of the premises for which the authorisation is in force;

30 (b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force.

(10) A person who contravenes paragraph (9) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

35 (11) A person aged 18 or over who consumes intoxicating liquor in a part of premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

40 (2) In Article 58 of the Licensing Order (prohibition of young persons from certain premises), in paragraph (13), after sub-paragraph (g) insert “; or

(h) in a part of the licensed premises for which an order under Article 58A is in force during a period for which an authorisation under Article 58B is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 1 to the Licensing Order (application for grant of licence), in paragraph 7, for “or 48” substitute “, 48 or 58A”.

(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after “52E” (inserted by section 11(9)(a)) insert “or 58A”,

5 (b) in paragraph 1, after “52E” (inserted by section 11(9)(b)) insert “or 58A”,
and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(9)(c)) insert—

“(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);”.

10 (5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(10)(a)), after “52F” insert “or 58B”.

(6) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

15	“58B(8) or (10)	Contravening conditions attached to authorisation for underage function; selling etc intoxicating liquor to, or permitting consumption of it by, person aged 18 or over during underage function	3-4”
20			

(7) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985, after paragraph (4) insert—

25 “(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

30 **15.—**(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises), after paragraph (4) insert—

“(4A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises in the evening at any time after half past 9 if—

35 (a) a private function is being held in that part of the premises (and, accordingly, the public do not have access to that part of the premises while the function is being held);

(b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is
40 under 18 and attending the function;

(c) a meal consisting of at least a main course is being served at the function; and

- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.”.

5 (2) In Article 2 of the Licensing Order (interpretation), in paragraph (2), at the appropriate place insert—

““parent”, in relation to a person under the age of 18, includes any individual who—

(a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or

10 (b) has care of that person.”.

Delivery of intoxicating liquor to young persons

16.—(1) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons), in paragraph (1), for “Subject to paragraph (5), the” substitute “The”.

15 (2) In paragraph (5) of that Article—

- (a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and
(b) omit sub-paragraph (a).

(3) In paragraph (7A) of that Article, in sub-paragraph (a)—

(a) after “the holder of the licence or his servant or agent” insert “—
20 (i) ”, and

- (b) after “paragraph (7B);” insert “and
(ii) entered in the delivery book or invoice that the holder, servant or agent was carrying as mentioned in Article 66(1)(a)(ii) the description of the document that was shown;”.

25 (4) At the end of that Article insert—

“(9) Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person under the age of 18 in contravention of this Article.”.

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

30 **17.**—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), after paragraph (4) insert—

“(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—

- 35 (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
(b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

(4B) The notice referred to in paragraph (4A) must—

- 40 (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
(b) be in such form and of such dimensions as are so prescribed.”.

(2) In paragraph (2) of that Article, at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”

(3) After paragraph (5) of that Article insert—

5 “(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(4) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

10	“51(6)	Failure to display notice relating to licence conditions.	3-4”
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Prohibition on self-service and sales by vending machines

18.—(1) After Article 54 of the Licensing Order insert—

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

54A.—(1) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was sold (or a person that person is with) to operate the dispenser of the liquor.

20 (2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine.

25 (3) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

(a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or

30 (b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated.

(4) Regulations may provide that, where prescribed conditions are satisfied, paragraph (2) does not apply in the case of—

35 (a) licensed premises within Article 5(1)(a) which provide accommodation for guests such as is mentioned in Article 46(3);

(b) licensed premises within Article 5(1)(c);

(c) licensed premises within Article 5(1)(d).

40 (5) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

5	“54A(5)	Selling intoxicating liquor in a form which enables self-service or by means of vending machine	3-4”
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Restrictions on off-sales drinks promotions in supermarkets etc.

19.—(1) After Article 57 of the Licensing Order insert—

“Restrictions on off-sales drinks promotions in supermarkets etc.

57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

(a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or

(b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

(3) In paragraph (2), the reference to the vicinity of premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

(a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;

(b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;

5 (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

10 (2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“57ZA(5)	Breaching restrictions on drinks promotions	3-4”
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Prohibition of loyalty schemes

15 **20.**—(1) After Article 57ZA of the Licensing Order (inserted by section 19(1)) insert—

“Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

20 (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and

(b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

25 (2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine) insert at the appropriate place—

30

“57ZB(2)	Operating a loyalty scheme	5-6”
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Minimum price for alcohol

21.—(1) The Department of Health must, before the third anniversary of the whole of this Act coming into operation—

35 (a) bring forward to the Assembly legislation to set a minimum price for the sale or supply of intoxicating liquor in Northern Ireland and to prohibit its sale or supply in Northern Ireland below that price, or

(b) if it is not reasonably practicable for the Department to comply with paragraph (a), make a statement to the Assembly on why it is not reasonably practicable to do so.

40 (2) In this section, “intoxicating liquor” has the same meaning as in the Licensing Order.

Occasional licences: conditions

22.—(1) In Schedule 7 to the Licensing Order (application for occasional licence), after paragraph 4 insert—

5 “4A. The district commander mentioned in paragraph 2(a) may appear at the hearing of the application to request that the licence be granted subject to the terms and conditions specified by the district commander.”.

(2) In Article 30 of the Licensing Order (occasional licence), in paragraph (1), after sub-paragraph (c) insert “, and

10 (d) if a request has been made under paragraph 4A of Schedule 7, subject to such terms and conditions,”.

(3) In that Article, after paragraph (4) insert—

15 “(4A) In the case of an occasional licence which is subject to terms and conditions imposed under paragraph (1)(d), a court of summary jurisdiction may, if it is satisfied on an application by the holder of the licence that it is appropriate to do so, vary or remove any of those terms or conditions.

(4B) Schedule 7 applies in relation to an application under paragraph (4A) as it applies in relation to an application for the grant of an occasional licence.”.

20 (4) In that Article, after paragraph (8) insert—

25 “(8A) Where an occasional licence has been granted subject to terms and conditions under paragraph (1)(d) and any of those terms or conditions is not observed, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine) insert at the appropriate place—

30 “30(8A)	Failure to observe term or condition of occasional licence	3-4”
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*Miscellaneous***Independent review of licensing system including surrender principle**

35 23.—(1) The Department for Communities must, before the first anniversary of this Act receiving Royal Assent, appoint an independent person (“the reviewer”) to conduct a review of the system in Northern Ireland for authorising the sale by retail of intoxicating liquor (“the licensing system”).

(2) The review must include the following—

40 (a) an assessment of the operation of the surrender principle, an examination of options for reforming it and an assessment of the implications of those options for licence holders;

(b) an analysis of the geographical distribution of licensed premises in Northern Ireland;

- (c) an analysis of the economic and social impact of the licensing system and the impact of the licensing system on personal and public health;
- (d) an assessment of the extent to which the licensing system meets consumer demand and local community needs, when set alongside the impact it has on personal and public health and on public order;
- (e) whatever recommendations for improving the licensing system that the reviewer considers appropriate.
- (3) The reviewer must complete the review within two years of the appointment being made.
- (4) The reviewer, having completed the review, must provide a report to the Department; and the Department, having received the report, must—
- (a) lay the report before the Assembly, and
- (b) arrange for it to be published.
- (5) The Department must, within six months of the publication of the report, publish a plan setting out how it proposes to respond to the report.
- (6) The Minister for Communities must, within six months of the publication of the report, make an oral statement to the Assembly about the plan published under subsection (5).
- (7) The Department for Communities may by regulations modify subsection (3), or modify subsection (6), so as to substitute a different period for the period for the time being specified there.
- (8) Regulations may not be made under subsection (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (9) In this section—
- (a) the reference to an independent person includes a reference to a group of independent persons, an independent organisation or a group of independent organisations,
- (b) the references to intoxicating liquor, licences and licensed premises are to be construed in accordance with the Licensing Order, and
- (c) the reference to the surrender principle is a reference to the part of the procedure for granting a licence that is provided for in Article 7(4)(e) of the Licensing Order.

Annual publication of the number of licences

- 24.—**(1) The Department for Communities must, as soon as reasonably practicable after the beginning of each year, publish a statement of each of the following as at 31st December in the previous year—
- (a) the number of licences in force for premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;
- (b) the number of licences in force for premises of a kind mentioned in Article 5(1)(b) of the Licensing Order;
- (c) the number of premises of a kind mentioned in Article 5(1)(a) of the Licensing Order in each district electoral area or, if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas, in each of those areas;

(d) the trends which may be observed from the numbers referred to in paragraphs (a) to (c).

(2) In subsection (1), “licences” and “premises” each have the same meaning as in the Licensing Order.

5 **Code of practice**

25.—(1) At the beginning of Part 6 of the Licensing Order (miscellaneous) insert—

“Code of practice

Code of practice

10 76F.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

15 (a) is representative of persons whose business involves the sale of intoxicating liquor under a licence, or

(b) is representative of persons whose business involves the production of intoxicating liquor, or

(c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or

20 (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.

(3) A code of practice is relevant if it relates to—

(a) the display or sale of intoxicating liquor in licensed premises, or

25 (b) activities designed to promote the sale of intoxicating liquor in licensed premises whether for consumption in or off such premises.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

30 (5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

35 (6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

40 (7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 7(4) of the Licensing Order (grant of licence: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

5 (ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(3) In Article 14(4) of the Licensing Order (renewal of licence by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (f) (but before the following “or”) insert “or

10 (fa) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(4) In Article 15(2) of the Licensing Order (renewal of licence by court: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

15 (ba) that the applicant is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

20 (5) In Article 22(6) of the Licensing Order (transfer of licences: matters of which the court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

25 (ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

Body corporate: change of directors

26.—(1) In Article 4 of the Licensing Order (persons to whom licences may be granted), at the end insert—

30 “(5) Where a person becomes or ceases to be a director of a body corporate which is the holder of a licence, the body must, within the period of 28 days of that change taking effect, serve notice of the change upon—

(a) the chief clerk; and

(b) the district commander of the police district in which any premises to which the licence applies are situated.

35 (6) A person who contravenes paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Article 72 of the Licensing Order (suspension of licence), after paragraph (1) insert—

40 “(1A) The grounds specified in Article 15(2)(b) (fitness to hold licence) include the grounds that, following a person becoming or ceasing to be a director of a body corporate which is the holder of the licence in question, the body is no longer fit to hold the licence.”.

(3) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine), insert at the appropriate place—

“4(6)	Failure to notify courts and police of change of directorships	5-6”
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Removal of exemption for angostura bitters

27. In Article 2(2) of the Licensing Order (interpretation), in the definition of “intoxicating liquor”—

- (a) omit sub-paragraph (a) (which excludes angostura bitters from that definition), and
- (b) in the full-out words beneath sub-paragraph (e), omit “(a),”.

PART 2

REGISTRATION OF CLUBS

Extension of premises

Sporting clubs

28.—(1) In Part 1 of the Registration of Clubs Order (registration of clubs), after Article 15 insert—

“Extension authorisations

Extension authorisations for sporting clubs

15A.—(1) On the application of the secretary of a sporting club, the district commander for the police district in which the premises of the club are situated may, in writing, authorise the extension of the area of the premises in respect of which the club is registered.

(2) An authorisation under this Article authorises the club to hold a function at which intoxicating liquor may be supplied in the area of the premises to which the authorisation applies to members of the club, and guests of members of the club, who are present at the function (with Article 30 applying in relation to the function accordingly).

(3) An authorisation under this Article authorises the supply of intoxicating liquor during the permitted hours on the day or days specified in the authorisation; but the number of days so specified—

- (a) may exceed one only if the district commander is satisfied that there are exceptional circumstances which justify granting an authorisation for more than one day; and
- (b) in a case where the district commander is so satisfied, must not exceed 5.

(4) A district commander may refuse an application for the grant of an authorisation under this Article only if the district commander is satisfied that the function is likely to attract people in such numbers that it would

not be practicable to accommodate them in the premises in respect of which the club is registered.

(5) An application for an authorisation under this Article must be accompanied by a plan showing the area of the proposed extension.

5 (6) Not more than 6 authorisations may be granted under this Article to any club in any year.

(7) Regulations may modify paragraph (6) so as to substitute a different number of authorisations for the number for the time being specified there.

10 (8) In the case of a sporting club in respect of which an authorisation under this Article has effect, a reference in this Order to the premises of the club includes, in relation to any time at which the authorisation has effect, a reference to the area to which the authorisation applies.

15 (9) Regulations may not be made under paragraph (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

20 (2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “sporting club”, at the end insert “and, in the case of a sporting club in respect of which an authorisation under Article 15A has effect, a reference to the premises of the club is to be construed in accordance with paragraph (8) of that Article”.

(3) In Article 3 of the Registration of Clubs Order (restriction on supply etc. of intoxicating liquor on club premises), at the end of paragraph (1) insert “or unless the supply or consumption is authorised in accordance with Article 15A”.

Alterations to premises

25 **Consent required for alterations to premises**

29.—(1) After Article 12 of the Registration of Clubs Order insert—

“Alterations to club premises

Consent required for certain alterations to premises

30 12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

- (a) gives increased facilities for drinking in any part of the premises which contains a bar; or
- (b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or
- 35 (c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or
- (d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.

40 (2) An alteration such as is mentioned in paragraph (1) may be made if—

(a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or

5 (b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.

(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).

10 (4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.

15 (5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.

20 (6) If paragraph (2)(b) is not complied with, the registered club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 2 on the standard scale.

25 (7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(8) This Article does not apply to an extension such as requires authorisation under Article 15A.”.

(2) After Schedule 4 to the Registration of Clubs Order insert—

30 “SCHEDULE 4A
APPLICATIONS AND NOTICES UNDER ARTICLE 12A
PART 1
APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 12A(2) (a).

35 2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—

40 (a) the district commander for the police district in which the premises of the club are situated; and

(b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.

3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.

4. The applicant must attach a plan of the premises showing the alteration to—

- (a) the notice mentioned in paragraph 2, and
- (b) the copy of that notice which is served upon the district commander.

5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.

6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—

- (a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;
- (b) serve a copy of the notice upon the chief clerk.

PART 2

NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates' courts rules.

8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.”.

(3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

“(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);”.

(4) In Part 3 of Schedule 6 to that Order (penalty points for offences punishable with level 5 fine) at the appropriate place insert—

“12A(7)	Failure to comply with court order to make alterations etc.	5-6”
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Permitted hours

Removal of additional restrictions at Easter

30.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

- 5 (a) in sub-paragraph (a), omit “Good Friday or”, and
 (b) omit sub-paragraph (b) and the following “and”.

(2) In paragraph (2) of that Article—

- (a) in sub-paragraph (a)(i), omit “Good Friday or”,
 (b) omit sub-paragraph (a)(ii), and
10 (c) omit sub-paragraph (b) and the following “and”.

(3) In Article 25 of the Registration of Clubs Order (consumption of liquor after permitted hours), omit sub-paragraph (b) and the preceding “or”.

(4) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (3), omit “, Easter Day or Good Friday”.

15 **Removal of restrictions on late opening on Sunday**

31.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

- (a) after sub-paragraph (a) and the following “and” insert—
 “(aa) on Sundays other than Christmas Day, from half past 12 in the
20 afternoon to 11 in the evening; and”, and
 (b) in sub-paragraph (c), omit “Sunday or”.

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the “or” following paragraph (iii)) substitute—

- 25 “(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following,”.

Extension of “drinking-up time”

30 **32.**—(1) In Article 25 of the Registration of Clubs Order (consumption after permitted hours of liquor supplied during those hours), the text of which becomes paragraph (1), in sub-paragraph (a), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (1) of that Article insert—

 “(2) Regulations may modify paragraph (1)(a) so as to substitute “30 minutes” for “60 minutes”.

35 (3) Regulations may not be made under paragraph (2) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Increase in number of authorisations for special occasions

33.—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for “85” substitute “104”.

40 (2) After paragraph (2) of that Article insert—

“(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

5 (2B) Regulations may not be made under paragraph (2A) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(3) After paragraph (4) of that Article insert—

 “(5) A person who intends to make an application under this Article shall—

10 (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;

 (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which
15 the premises of the club are situated.

(6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates’ courts rules.

(7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates’
20 Courts (Northern Ireland) Order 1981 on the grounds—

 (a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in
25 the vicinity of the premises; or

 (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(8) Where the court is satisfied that the grounds of the complaint are made out, it may—

30 (a) revoke the authorisation; or

 (b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

 (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

35 (9) The terms and conditions which may be imposed under paragraph (8)(c) include those requested by the district commander of the police district in which the premises of the club are situated.”.

Major events

40 **34.**—(1) After Article 26 of the Registration of Clubs Order (but before the following cross-heading), insert—

*“Major event orders***Extension of permitted hours for major events**

26A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

(a) designates the event as a major event, and

(b) provides that, during the period specified in the order, the permitted hours for registered clubs to which the order applies are the hours specified in the order.

(2) A major event order may apply to all registered clubs in Northern Ireland as a whole or in the area or areas specified.

(3) In specifying an area for the purposes of paragraph (2), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) A major event order may impose conditions.

(5) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(6) The period specified in a major event order may not include Christmas Day.

(7) The hours specified in a major event order have effect in addition to the hours permitted by any authorisation under Article 26 which applies to a registered club to which the major event order applies.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

(10) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “permitted hours”, for “Article 26” substitute “Articles 26 and 26A”.

(3) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine) at the appropriate place insert—

“26A(10)	Contravening condition of major event order	3-4”
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Young people in registered clubs

Removal of requirement for children’s certificate, etc.

35.—(1) Article 33 of, and Schedule 5 to, the Registration of Clubs Order (children’s certificates) are repealed.

5 (2) In Article 32 of that Order (young persons prohibited from bars), in paragraph (4)—

(a) after “is in a part of club premises” insert “as mentioned in paragraph (1)”,

(b) omit sub-paragraph (b) and the following “and”,

(c) after sub-paragraph (c) (but before the following “and”) insert “and

10 (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and

15 (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.

(3) In paragraph (5) of that Article—

(a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and

20 (b) for sub-paragraph (b) substitute—

“(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.

(4) Omit paragraphs (6), (7) and (8) of that Article.

(5) In paragraph (9)—

25 (a) for “, (3), (6) or (8)” substitute “or (3)”,

(b) in sub-paragraph (a), omit “or (6)”, and

(c) in sub-paragraph (b), omit “or (8)”.

(6) In each of paragraphs (10) and (11) of that Article, omit “or (7)”.

30 (7) In Article 34A of the Registration of Clubs Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in club premises”.

Underage functions

36.—(1) After Article 32 of the Registration of Clubs Order insert—

“Authorisation for underage functions

35 32A.—(1) On the application of the secretary of a registered club, the district commander for the police district in which the club is situated may, in writing, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the club to hold an underage function—

40 (a) in such part of the club premises as is specified in the authorisation, and

(b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) In this Article, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

5 (4) A district commander must not grant an authorisation under this Article unless the district commander is satisfied that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any part of the premises which is used for the supply, consumption or storage of intoxicating liquor.

10 (5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

(a) each dispenser of intoxicating liquor at a bar in the part of the club premises for which the authorisation is in force must be incapable of operation, and

15 (b) access to any other container of intoxicating liquor in that part must be prevented.

(6) If the condition in paragraph (5) is contravened, the registered club and every official of the club at the time of the contravention are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

20 (7) A registered club must not, during the period for which an authorisation under this Article is in force—

(a) supply intoxicating liquor to a person aged 18 or over in the part of the premises in which the authorisation is in force; or

25 (b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises in which the authorisation is in force.

(8) If paragraph (7) is contravened—

(a) the registered club;

(b) every official of the club at the time of the contravention; and

30 (c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor,

are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

35 (9) A person aged 18 or over who consumes intoxicating liquor in a part of club premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 32 of the Registration of Clubs Order (prohibition on young persons from bars), in paragraph (13), after sub-paragraph (c) insert “; or

40 (d) in a part of club premises for which an authorisation under Article 32A is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 6 to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“32A(6) or (8)	Contravening conditions on access to intoxicating liquor; supplying intoxicating liquor to, or permitting consumption of it by, a person aged 18 or over during underage function	3-4”
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(4) In Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines in registered clubs), after paragraph (7) insert—

“(7A) No gaming machine shall be made available in any premises mentioned in paragraph (1) for which an authorisation under Article 32A of the Registration of Clubs (Northern Ireland) Order 1996 (underage functions) is in force during the period for which it is in force.”.

Private functions

37. In Article 32 of the Registration of Clubs Order (young persons prohibited from bars), after paragraph (3) insert—

“(3A) Paragraphs (1) and (2) shall not apply to a person under the age of 18 who is in a part of club premises as mentioned in paragraph (1) in the evening at any time after 9 if—

(a) a private function is being held in that part of the club premises (and, accordingly, other members or guests of other members do not have access to that part of the premises while the function is being held);

(b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;

(c) a meal consisting of at least a main course is being served at the function; and

(d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.

(3B) In its application to a sporting club, paragraph (3A) has effect as if the reference to any time after 9 were a reference to any time after 10.

(3C) In paragraph (3A), “parent”, in relation to a person under the age of 18, includes any individual who—

(a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or

(b) has care for that person.”.

Young people prohibited from bars

38.—(1) In Article 32(13) of the Registration of Clubs Order (young persons prohibited from bars), in sub-paragraph (a), for “during the part of the permitted hours before 10 in the evening” substitute “—

- 5 (i) on a day in the period that begins on and includes 1 May and ends on and includes 30 September, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;
- 10 (ii) on a day not in the period mentioned in paragraph (i) if solely for the purpose of attending a prize-giving ceremony, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;
- (iii) on any other day to which neither paragraph (i) nor paragraph (ii) applies, during the part of the permitted hours before 10 in the evening;”.

15 (2) In Article 32 of that Order, in paragraph (13)(b), for “10 in the evening” substitute “the time in the evening provided for under sub-paragraph (a)”.

(3) In that Article, after paragraph (13) insert—

20 “(13A) In the case of a sporting club at which more than one prize-giving ceremony is held in a calendar year, paragraph (13)(a)(ii) has effect only for the purpose of allowing persons under the age of 18 to attend up to three such ceremonies in the club premises in that calendar year in reliance on that provision.”.

(4) In that Article, in paragraph (14), for “10 in the evening” substitute “the time in the evening provided for under paragraph (13)(a)”.

(5) In that Article, after paragraph (14) insert—

25 “(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.

(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.

30 (17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Conduct of registered clubs

Prohibition on self-service and supply by vending machines

35 **39.**—(1) Before Article 32 of the Registration of Clubs Order (and the preceding cross-heading) insert—

“Self-service and vending machines

Prohibition on self-service and supply by vending machines

40 31C.—(1) A registered club must not supply intoxicating liquor for consumption in the club premises in a form which enables the member or guest to whom it is supplied (or a member or guest that person is with) to operate the dispenser of the liquor.

(2) A registered club must not supply by means of a vending machine in the club premises intoxicating liquor for consumption in the premises.

(3) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—

(a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or

(b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated.

(4) If paragraph (1) or (2) is contravened the registered club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

“31C(4)	Supplying intoxicating liquor in a form which enables self-service or by means of vending machine	3-4”
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Restrictions relating to advertisements

40.—(1) In Article 38 of the Registration of Clubs Order (restrictions on advertisements), in paragraph (1), for the words from “no person shall” to “the premises of a registered club” substitute “any advertisement drawing attention to any function to be held in the premises of a registered club must include a clear statement to the effect that the function may be attended only by members of the club and guests of members of the club;”.

(2) For paragraph (2) of that Article substitute—

“(2) Paragraph (1) does not apply to an advertisement in so far as it relates to a function the whole proceeds of which are, after deduction of the expenses of the function, to be devoted to charitable or benevolent purposes.”.

Miscellaneous

Code of practice

41.—(1) At the beginning of Part 5 of the Registration of Clubs Order (miscellaneous) insert—

“Code of practice

Code of practice

41K.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

(a) is representative of registered clubs, or

(b) is representative of persons whose business involves the production of intoxicating liquor, or

(c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or

(d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or public order.

(3) A code of practice is relevant if it relates to the display or supply, or activities designed to promote the supply or consumption, of intoxicating liquor in registered clubs.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

(6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

(7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 5(5) of the Registration of Clubs Order (grant of registration: matters of which court must be satisfied), after sub-paragraph (i) insert “; and

(j) that each of the officials of the club is aware of the responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(3) In Article 7(4) of the Registration of Clubs Order (renewal of registration by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (b) (but before the following “or”) insert “or

(ba) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(4) In Article 8(3) of the Registration of Clubs Order (renewal of registration: matters of which court must be satisfied), after sub-paragraph (d) insert “; and

- (e) that each of the officials of the club is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

PART 3

GENERAL

Guidance

- 10 **42.**—(1) The Department for Communities must issue guidance about—
- (a) the effect of the Licensing Order,
 - (b) the effect of Part 1 of this Act on that Order and the practical implementation of Part 1 of this Act, and
 - (c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).
- 15 (2) The Department for Communities must issue guidance about—
- (a) the effect of the Registration of Clubs Order,
 - (b) the effect of Part 2 of this Act on that Order, and
 - (c) such other matters as the Department considers appropriate in connection with the registration of clubs.
- 20 (3) The Department for Communities must—
- (a) keep any guidance issued under this section under review, and
 - (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.
- 25 (4) The Department for Communities must publish any guidance issued or revised under this section.

Review

- 30 **43.**—(1) The Department for Communities must review and make a report on the implementation and effectiveness of each provision of Part 1 and of each provision of Part 2—
- (a) as soon as practicable after the third anniversary of the commencement of that provision, and
 - (b) at least once in every five years after the making of the previous report on the implementation and effectiveness of that provision.
- 35 (2) The Department for Communities must—
- (a) lay a copy of each report under this section before the Assembly, and
 - (b) having done that, publish the report.
- (3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the
- 40

regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.

(4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

5 **Interpretation**

44. In this Act—

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

10 “statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Minor and consequential amendments

45.—(1) Schedule 1, which contains minor amendments and amendments consequential on provision made by this Act, has effect.

15 (2) The Department for Communities may by regulations make provision in consequence of this Act.

(3) Regulations under this section may—

(a) amend, repeal, revoke or otherwise modify a statutory provision;

20 (b) include transitional, transitory or saving provision in connection with the coming into operation of provision made by the order.

(4) Regulations under this section are subject to negative resolution, except as mentioned in subsection (5).

25 (5) Regulations under this section which contain (whether alone or with other provision) provision that amends the text of Northern Ireland legislation or an Act of Parliament are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The power conferred by this section is not restricted by any other provision of this Act.

Repeals

30 **46.** The statutory provisions specified in Schedule 2 are repealed to the extent specified.

Commencement and short title

47.—(1) The following provisions of this Act come into operation on the day after Royal Assent—

35 (a) section 44,

(b) section 45(2) to (6),

(c) this section, and

(d) in Schedule 1, paragraphs 1, 7(1) and (3), 11, 14 and 16 and section 45(1) so far as relating to those provisions.

(2) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(3) An order under this section may make such transitional or saving provision, or such transitory modifications of this Act, as the Department considers
5 appropriate in connection with the coming into operation of a provision of this Act.

(4) This Act may be cited as the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.

SCHEDULES

SCHEDULE 1

Section 45

MINOR AND CONSEQUENTIAL AMENDMENTS

5

Licensing (Northern Ireland) Order 1996

1. The Licensing Order is amended as follows.

2.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2)—

- 10 (a) omit the definition of “children’s certificate”,
(b) in the definition of “licensed premises”, in the full-out words at the end,
after “Articles” insert “52C, 52D, 52E,”,
(c) at the appropriate place insert—
“‘major event order’ means an order under Article 48A;”,
(d) in the definition of “permitted hours”, after “44,” insert “44A”, and
15 (e) in that definition, for “and 47” substitute “, 47 and 48A”.

(3) In paragraph (4), for “(l)” substitute “(m)”.

(4) After paragraph (10) insert—

- 20 “(11) In this Order (other than Part 4A and Article 77A(3)) any reference
to a district commander for a police district includes a reference to any
other member of the Police Service of Northern Ireland nominated by the
district commander.”.

3. In Article 5 (premises for which a licence may be granted), in paragraph
(3)—

- 25 (a) for “Article 51(1)(b)” substitute “Articles 48B(2) to (6), 51(1)(b) and
52C(1)”,
(b) for “(l)” substitute “(m)”, and
(c) in sub-paragraph (b), at the beginning insert “except in the case of
premises of a kind mentioned in Article 5(1)(m),”.

4. In Article 15(2)(e) (renewal of licence), for “(l)” substitute “(m)”.

30 5. In Article 17(3) (renewal of licence: certain provisions not to apply), after
“44” insert “, 44A”.

6. In Article 22(6)(c)(ii) (transfer of licence), for “(l)” substitute “(m)”.

7.—(1) Article 34 (register of licences) is amended as follows.

(2) In paragraph (1)—

- 35 (a) in sub-paragraph (f), after “44”, insert “, 44A”, and

(b) omit sub-paragraph (g).

(3) In paragraph (4), for “Department” substitute “Department of Justice”.

8. In Article 58(1)(b) (prohibition on young persons in premises which sell intoxicating liquor for consumption off the premises), at the end insert “in which
5 intoxicating liquor is made available for purchase”.

9. In Article 69F (consideration of closure order by court of summary jurisdiction), in paragraph (2)—

(a) in sub-paragraph (c), after “Article 44” insert “or 44A”, and

(b) in sub-paragraph (c)(ii), after “Article 44(2)” insert “or Article 44A(3) or
10 (4) (as the case may be)”.

10. In Article 76D (young persons prohibited from certain pavement cafe areas), omit paragraphs (3) and (4).

11. In Article 77A (conditions and licences for indoor arenas and outdoor stadia), in paragraph (3), after “the indoor arena” insert “or outdoor stadium”.

12. In Schedule 1 (application for certain orders at same time as application for
15 licence), in paragraph 7—

(a) after “44” insert “, 44A”,

(b) omit “or for a children’s certificate”, and

(c) omit “or, as the case may be, the children’s certificate”.

20 13. In Schedule 9 (certain applications to court)—

(a) in the title, omit “or 59”,

(b) in paragraph 1, omit “or 59”, and

(c) in paragraph 4, omit paragraph (d).

Registration of Clubs (Northern Ireland) Order 1996

25 14. The Registration of Clubs Order is amended as follows.

15.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2), omit the definition of “children’s certificate”.

(3) After paragraph (4) insert—

30 “(5) In this Order (other than Part 4A) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.

16. In Article 16(5) (alteration of register of clubs), for “Department” substitute “Department of Justice”.

35 17. In Article 32(5) (prohibition on young persons from bars: exception where meal being eaten), in sub-paragraph (a), after “a meal” insert “consisting of at least a main course and”.

18. In Article 52(1) (modifications of Schedules), for “, 4 and 5” substitute “and 4”.

40 19. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

“13A. But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph.”.

20. In Schedule 2 (applications for grant of registration), omit paragraph 5.

5

SCHEDULE 2

Section 46

REPEALS

	Short Title	Extent of Repeal
10	Licensing (Northern Ireland) Order 1996	In Article 2(2)— (a) the definition of “children’s certificate”, and (b) in the definition of “intoxicating liquor”, sub-paragraph (a) and, in the full-out words beneath sub-paragraph (e), “(a),”.
15		In Article 30(7), the words “, Easter Day or Good Friday”.
		Article 34(1)(g).
		In Article 42(1)(a), the words “Good Friday or”.
20		Article 42(1)(b) and the following “and”.
		In Article 42(2)(b), the words “or Easter Day”.
		In Article 44(6)(a), the words “Easter Day or Good Friday,”.
25		In Article 45(1), the words “other than premises to which an order under Article 44 applies”.
		In Article 45(3)(a), the words “, Easter Day or Good Friday”.
		In Article 47(6)(a), the words “Easter Day or Good Friday,”.
30		In Article 50(1), the words “or Easter Day”.
		Article 58(5)(b) and the following “and”.
		Article 58(7), (8) and (9).
		In Article 58(10)(a), the words “or (7)”.
		In Article 58(11), the words “or (8)”.
35		Article 59.
		Article 60(5)(a).
		Article 76D(3) and (4).
		In Schedule 1, in paragraph 7, the words “or for a

	children's certificate" and "or, as the case may be, the children's certificate".
	In Schedule 9—
5	(a) in the title, the words "or 59",
	(b) in paragraph 1, the words "or 59", and
	(c) paragraph 4(d).
Registration of Clubs (Northern Ireland) Order 10 1996	In Article 2(2), the definition of "children's certificate".
	In Article 24(1)(a), the words "Good Friday or".
	Article 24(1)(b) and the following "and".
	In Article 24(1)(c), "Sunday or".
	In Article 24(2)(a)(i), the words "Good Friday or".
	Article 24(2)(a)(ii).
15	Article 24(2)(b) and the following "and".
	Article 25(b) and the preceding "or".
	In Article 26(3), the words " , Easter Day or Good Friday".
	Article 32(4)(b) and the following "and".
20	Article 32(6), (7) and (8).
	In Article 32(9)(a), the words "or (6)".
	In Article 32(9)(b), the words "or (8)".
	In Article 32(10), the words "or (7)".
	In Article 32(11), the words "or (7)".
25	Article 33.
	In Schedule 2, paragraph 5.
	Schedule 5.

Licensing and Registration of Clubs (Amendment) Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

A Bill to make provision about liquor licensing and the registration of clubs.

Introduced by: Mr Conor Murphy, Minister of Finance, on behalf of

Ms Carál Ní Chuilín, Minister for Communities

On: 19 October 2020

As amended at
Consideration Stage: 8 June 2021

As amended at Further
Consideration Stage: 21 June 2021

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 10/17-22 EFM – REVISED.**



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Commonities

**LICENSING AND REGISTRATION OF CLUBS
(AMENDMENT) ACT (NORTHERN IRELAND)
2021**

GUIDE

September 2021

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coming into effect from 1 October 2021

INTRODUCTION

This guide outlines the provisions of the ***Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021*** (the Act) which received Royal Assent on 26 August 2021. **The changes will come into effect in phases over the next few years with Phase 1 on 1 October 2021.**

It will be of particular interest to the licensed trade, registered clubs, courts and police but should be a useful source of information for district councils, the legal profession and the general public.

The information contained in this guide should not be treated as a complete and authoritative statement of the law which is contained only in the Act and regulations made under it. This guide will be updated as and when outstanding provisions are due to come into effect.

As licensing law is a complex piece of legislation, licence holders may wish to engage the services of a solicitor in terms of bringing any applications through the courts. It is the responsibility of the licence holder to ensure that they, their servants and agents, are fully aware of their requirements under licensing law.

Copies of the Act and associated regulations may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting the TSO Customer Services on 0870 6005522. Alternatively, this legislation may be accessed at legislation.gov.uk.

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Background

The Department for Communities is responsible for the policy and legislation relating to the retail sale and supply of alcoholic drinks in Northern Ireland.

The current law dates back to 1996 and its reform was one of the Minister for Communities' priorities on her appointment, and the Executive's under the New Decade New Approach Deal. The Licensing and Registration of Clubs (Amendment) Bill 2016, the previous attempt to reform licensing, was nearing the end of its Committee Stage when it fell with the dissolution of the Assembly in January 2017.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, the demand for individual freedom of choice and the opportunity for local businesses to continue to provide a high level of service to their customers, which will ensure that Northern Ireland has a more flexible and modern licensing framework to respond to changing expectations and lifestyles.

The Act amends the Licensing (Northern Ireland) Order 1996 (the Licensing Order) and the Registration of Clubs (Northern Ireland) Order 1996 (the Clubs Order).

The key changes include*:

- Pubs and Hotels can apply to open until 2am up to 104 nights per year;
- Smaller pubs will be able to open to 1am up to 104 nights per year;
- Drinking-up time will be increased to 1 hour;
- All additional restrictions on opening hours over Easter weekend will be removed;
- Opening hours on Sunday evenings will be the same as any other night;
- There will be flexibility around opening hours for bars at major events;
- A new category of licence will be created for local producers of craft beers, ciders and spirits;
- Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie;
- Sporting clubs will be able to use their grounds for functions up to 6 times per year;
- Registered clubs will be able to open to 1am up to 104 nights per year;

- Self-service of alcohol and sales by vending machines will be prohibited;
- Restrictions will be placed on off-sales drinks promotions;
- Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks

***The changes made by the Act will not come into operation at the same time. This guide will be updated as and when outstanding changes are due to come into effect.**

Overview of the changes coming into effect from 1 October 2021

PART 1 LICENSING

Section 1: Removal of additional restrictions at Easter

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 1 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours), Article 47 (Extension licences) and Article 50 (Restrictions as to sales for consumption off premises) by removing all references to Good Friday and Easter Sunday.

The above Articles relate to the permitted hours for the sale of intoxicating liquor under the authority of an occasional licence or in licensed premises (both on and off-sales).

Section 2: Removal of restrictions on late opening for on-sales on Sunday

This section brings the end of general and additional permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, 1am the following morning with additional hours, or 2am the following morning in pubs and hotels with further additional permitted hours).

Opening times for on-sales on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 2 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours) and Article 47 (Extension licences) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm with general permitted hours or 12 midnight with additional hours) for premises licensed for the sale and consumption of intoxicating liquor on the premises.

Section 3: Public houses and hotels: further additional hours

This section allows certain pubs and hotels to apply for an additional hour up to 104 times per year.

Section 3 introduces new Articles 44A and 44B in the Licensing Order in relation to further later opening for public houses and hotels.

The new Article 44A (Order for further additional permitted hours) gives a court¹ or clerk of petty sessions a power, in certain circumstances, to extend later opening by one hour in public houses or hotels which are structurally adapted to provide

¹ an application can be made to the county court at the grant of a licence application or a magistrates' court at any point in the future

entertainment and/or substantial refreshment and which hold a court order for later opening under Article 44.

This means that on a night that a pub or hotel has an Article 44 order in place (until 1am), an order under Article 44A permits later opening for an additional one hour (2am).

On a night that a pub or hotel, which has an Article 44 order but not for that night, an order under Article 44A also permits later opening for three hours in premises (11.00pm – 2.00am).

Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening just as if an order under Article 44 applied that day.

A late licence granted under an Article 44A may be made for a maximum of 104 days in any year (twelve month period) but may not be made for Christmas Day.

The Department may, subject to the approval of the NI Assembly, make regulations in the future to change the number of days on which orders under Article 44A may be made.

The new Article 44B (Orders under Article 44A: revocation, modification etc.) provides powers for a magistrates' court to revoke or modify an order for further later opening or to place terms and conditions on an order.

These powers mirror the powers a court has for later opening made under Article 44. The reasons why it may be necessary to revoke or modify a late opening order are if the business was conducted in such a manner to cause undue inconvenience to local residents, or that the hours caused undue inconvenience to local residents, or that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

A licence holder applying to a court of summary jurisdiction for an order under 44A is required to follow the process set out in Schedule 9 to the Licensing Order (procedure for certain applications), including placing a notice of the application in local newspapers and display the notice on or near the premises.

Section 4: Alignment of closing time for liquor and entertainment

This section ensures that entertainment stops at the end of drinking-up time.²

Section 4 adds a new Article 44C in the Licensing Order (Alignment of closing time for liquor and entertainment) to ensure that the entertainment provided during later opening under Article 44, or further later opening under Article 44A, is not allowed to continue after the end of "drinking-up time". This ensures that entertainment must end

² If a licence holder wishes to continue entertainment beyond drinking-up time, any order for additional (or further) additional permitted hours is invalidated, and the sale of intoxicating liquor must cease at 11pm.

at the latest at 2.00am when an Article 44 order applies and 3.00am when an Article 44A order applies.

Section 5: Police authorisations for additional hours

This section does two things;

- allows pubs which have an Article 44 order in place to apply to the police for ad-hoc late opening, up to 20 times per year; and
- increases the number of times smaller pubs, (which are not structurally adapted and therefore can't apply for an Article 44 order), can apply to the police for late opening from 20 to 104.

Article 45(1) of the Licensing Order (authorisations for additional permitted hours) is amended to allow police to authorise later opening (11.00pm- 1.00am), in pubs which have a court order for later opening under Article 44, on a day that is not covered in the Article 44 order.

These pubs can apply for the ad-hoc late nights up to 20 times in any year, and must continue to provide entertainment and or substantial refreshment on the ad-hoc nights granted by the police.

A new Article 45(2A) increases the number of authorisations to pubs not holding an order for later opening under Article 44 from 20 days to 104 days in any year. Multiple dates may be included in one application to the police.

A new Article 45(2B) provides the Department with a power to make regulations [subject to the approval of the NI Assembly] to change the number of days in which orders under Article 45(2) or (2A) may be made.

It is important to note that subsection (4) inserts new paragraphs (4) to (8) to Article 45 to require a licence holder applying for an authorisation under this Article, to display a notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

Furthermore, there is provision for complaints from the police, council or any person owning or residing in premises within the vicinity, to be made to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including those requested by the district commander of the police of the district in which the premises are situated.

Section 6: Extension of “drinking-up time”

This section increases drinking-up time from 30 minutes to 1 hour.

Section 6 amends Article 46 of the Licensing Order (Exceptions from prohibition of sale etc., of intoxicating liquor outside permitted hours).

Subsection (1) amends Article 46(1) which provides for the duration of the “drinking-up time” at the end of normal opening hours or later opening in licensed premises, substituting the current “30 minutes” with “60 minutes”.

Subsection (2) provides the Department with a power to make regulations to allow “drinking-up time” to revert to 30 minutes, subject to the approval of the NI Assembly

Section 8: Licensed race tracks: Sunday sales

This section allows the sale of intoxicating liquor at licensed race tracks on a Sunday.

Section 8 amends Article 42 of the Licensing Order (General permitted hours) to permit “licensed race tracks”³, within the “place of public entertainment” category of premises which may be granted a liquor licence, to sell intoxicating liquor on Sundays (not including Christmas Day) from 30 minutes before the entertainment and 30 minutes after, between the hours of 12.30pm and 11.00pm.

Section 21: Minimum price for alcohol

This section places a duty on the Department of Health to, within 3 years of whole of this Act coming into operation, bring forward to the Assembly, legislation introducing minimum pricing for the sale and supply of intoxicating liquor and to prohibit its sale or supply below that price.

It is expected this Act will come into operation in phases between 2021 and 2023.

Section 23: Independent review of licensing system including surrender principle

This section places a duty on the Department for Communities to appoint an independent person, within one year of this Act receiving Royal Assent, to undertake a review of the licensing system.

Subsections (2) and (3) set out the areas to be covered by the review and stipulate that the appointed person must report and make recommendations within two years of their appointment.

Subsections (4), (5) and (6) require the Department to lay the report of the review before the Assembly, publish the report, and, within six months of publication, produce and publish an action plan to address the recommendations of the review report.

³ As defined in Article 2 of the Licensing Order place of public entertainment (c) premises on a licensed track within the meaning of the [1985 NI 11.] Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Subsections (7) and (8) give the Department the power to modify by regulation the time periods by which the review and the Department's response must be completed, subject to the approval of the Assembly.

Section 24: Annual publication of the number of licences

This section requires the Department for Communities to publish an annual statement of the number of liquor licences in force for public houses and off-licences and any trends which may be observed from these numbers.

Licensed public houses are to be listed by district electoral area or, where feasible, by reference to smaller areas within each of those areas.

Section 27: Removal of exemption for angostura bitters

This section effectively includes angostura bitters, a product of high alcohol content which is used to flavour a wide variety of drinks and food, in the definition of intoxicating liquor. This means that they may only be sold in licensed premises, or in the licensed part of premises.

PART 2 - REGISTRATION OF CLUBS

Section 30: Removal of additional restrictions at Easter

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 30 amends Article 24 (general permitted hours), Article 25 (consumption of liquor after permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order to remove all Easter restrictions.

This corresponds with changes made for licensed premises in Section 1 of the Act.

Section 31: Removal of restrictions on late opening on Sunday

This section brings the end of general and extended permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, and 1am the following morning for special occasions).

Opening times on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 31 amends Article 24 of the Clubs Order (general permitted hours) and Article 26 (authorisations for special occasions) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm and 12pm respectively) for registered clubs.

Section 32: Extension of “drinking-up time”

This section increases drinking-up time from 30 minutes to 1 hour.

Section 32 amends Article 25 of the Clubs Order (consumption after permitted hours of liquor supplied during those hours) to create similar provisions for the duration of the “drinking-up time” in private members’ clubs to those set out in Section 6 of the Act in relation to licensed premises⁴.

Section 33: Increase in number of authorisations for special occasions

This section increases the number of late nights a club can apply to the police for.

Section 33 amends Article 26 of the Clubs Order (authorisation for special occasions) to increase the number of authorisations which can be granted by the police to any club in any year from 85 to 104.

Subsection (2) inserts new paragraphs (2A) and (2B) to Article 25 to give the Department the power to modify by regulation, subject to Assembly approval, the number of authorisations which can be granted for the time specified.

It is important to note that subsection (3) inserts new paragraphs (5) to (9) to Article 26 to require a person applying for an authorisation under this Article, to display a notice of the application on or near the club premises for which the authorisation is sought during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

Furthermore, there is provision for complaints to be made from the police, council or any person owning or residing in premises within the vicinity, to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including any which may be requested by the district commander of the police of the district in which the club premises are situated.

PART 3 - GENERAL

Section 42: Guidance

This section places a duty on the Department for Communities to produce and publish guidance on the effects of the licensing legislation and the registration of clubs legislation, the effects of the provisions of this Act and the practical implementation of Part 1, and any other matters it considers appropriate in relation to those issues.

⁴ See page 7 of this guide for Section 6

Section 43: Review

This section requires the Department for Communities to review and report on each of the provisions in Parts 1 and 2 of this legislation as soon as is practicable after the third anniversary of the commencement of that provision and thereafter, at least once in every five years. The Department is required to lay each of these reports before the Assembly, and must then publish the reports.

The Department has a power to make regulations to discontinue these requirements, but not from any date earlier than the tenth anniversary of the Act receiving Royal Assent. The regulations cannot come into operation unless and until approved by the Assembly.

SCHEDULES

Schedule 1: Minor and consequential amendments

Schedule 1 to the Act details the minor and consequential amendments to the Licensing Order and the Clubs Order contained within the Act.

Paragraph 19 of Schedule 1 introduces a new paragraph 13A to Schedule 1 of the Clubs Order (provisions to be included in rules of club) to clarify that the policy intent of paragraph 13 of that Schedule (day membership at sporting clubs) is to allow persons to use the facilities of the club on the day in question only if the person engages in sporting activities of the club on that day.

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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