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

8th September 2025

MEETING OF PEOPLE AND COMMUNITIES COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item will also be considered at the meeting to be held at 5.15 pm on Tuesday, 9th September, 2025.

Yours faithfully,

John Walsh

Chief Executive

AGENDA ITEM 6:

- (a) Drinking in Public Byelaws and Powers (Pages 1 - 8)

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Subject:	Drinking in Public Byelaws and Powers
Date:	09 September 2025
Reporting Officer:	Nora Largey, City Solicitor / Director of Legal and Civic Services
Contact Officer:	Russell Connelly, Policy, Research & Compliance Officer

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

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1.0	Purpose of Report/Summary of Main Issues
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1.1	The purpose of this report is to seek retrospective approval from Members for the attached draft response to the Department for Communities who are seeking the Council's views on the proposed commencement of Articles 68-72 of the Criminal Justice (Northern Ireland) Order 2008.
2.0	Recommendations
2.1	<p>It is recommended that Members:</p> <ul style="list-style-type: none"> • note the contents of this report; • agree the draft response to DfC, attached as Appendix 1; and • note the Committee's 2018 response to DfC on this issue, attached as Appendix 2.
3.0	Main Report
3.1	<p><u>Background</u></p> <p>In late 2023 the Department for Communities ('DfC'), and Department of Justice ('DoJ'), undertook a joint public consultation on potential amendments to the legislative framework and powers to deal with anti-social behaviour ('ASB'), including drinking-in-public.</p> <p>The Consultation sought views on:</p> <ul style="list-style-type: none"> • the areas that should be designated in which drinking-in-public is prohibited, and the reasons for their designation; • whether powers should be provided to police officers and/or authorised council officers to request a person to stop drinking and issue a fixed penalty notice if they fail to do so; • whether the powers provided should include a power of seizure and/or disposal of alcoholic drinks and if that seizure and/or disposal power should apply to open and/or closed containers; • the situation the powers may be used in; and • which legislation should be in place to provide these powers. <p>Belfast City Council did not provide a response to this consultation.</p>
3.2	<p>Members may be aware that a similar consultation exercise about ASB was carried out by the DoJ in 2018 in which they sought views, among other things, on the commencement of Articles 68-72 of the 2008 Order.</p> <p>On 5 June 2018 Committee agreed on the response appended to this report for Members' information as Appendix 2, in which it was recognised that any legislative framework should reflect the wide range of powers available across Northern Ireland to ensure maximum effectiveness.</p> <p>As noted in paragraph 3.3 below, the proposed commencement of Articles 68-72 now includes an 'opt in' power for councils to require individuals to stop drinking alcohol in a designated area, and surrender any alcoholic drinks in their possession.</p>
3.3	In April 2025 DfC published a summary of responses to the most recent consultation, which clearly indicated that the current legislative framework to tackle drinking-in-public and associated ASB needs to be updated to ensure it is fit for purpose, with an overwhelming majority of respondents agreeing that an explicit power to seize and dispose of alcohol should be available in certain circumstances.

3.4	<p>Following the consultation period, DfC sought the Council's view on the proposed commencement of Articles 68-72 of the 2008 Order, with the following amendments:</p> <ul style="list-style-type: none"> • to provide a specific power to police officers allowing the seizure and disposal of open and closed containers of alcoholic drinks in designated areas and in certain public order situations. It is not proposed that council officers would be provided with this power. • to extend the powers conferred on police officers requiring individuals to stop drinking alcohol in a designated area, and surrender any alcoholic drinks in their possession, to council officers. Anyone refusing will be committing an offence and may be issued with an FPN. However, it should be noted that this will be a power which councils may use, and each council district will be provided with the option to "opt in".
3.5	A draft response appended at Appendix 1 was sent to DfC stating broad support for the commencement of the Articles in the 2008 Order. Members are asked to agree this response.
3.6	<p><u>Financial and Resource Implications</u></p> <p>There are no financial or resource implications connected to this report.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>Any equality, good relations or rural needs implications flowing from the commencement of the proposed legislation should be subject to a screening process by the relevant government department(s).</p>
4.0	Appendices - Documents Attached
	<p>Appendix 1: Draft response letter to DfC dated 3 September 2025.</p> <p>Appendix 2: Consultation response agreed by P&C Committee on 5 June 2018</p>

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Our reference: NL/SMcN/tg

Date: 03 September 2025

Victoria Trimble
Head of Social Policy Unit
Department for Communities
Causeway Exchange
Bedford Street
Belfast, BT2 7EG

Sent via email only: Victoria.Trimble@communities-ni.gov.uk

Dear Victoria,

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

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

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

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

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

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

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

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

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

Yours sincerely



Nora Largey
City Solicitor/Director of Legal and Civic Services

Cc via email only: Russell Connelly ConnellyR@BelfastCity.gov.uk; Susan McNeill McNeillS@belfastcity.gov.uk; Una McMullen McMullenU@BelfastCity.gov.uk; Ian Smyth Ian.Smyth@communities-ni.gov.uk; Lynne Brennan Lynne.Brennan@communities-ni.gov.uk DfC Social Policy Unit social.policy@communities-ni.gov.uk

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Belfast City Council Consultation Response

Department of Justice Consultation on Anti-Social Behaviour Legislation in Northern Ireland

Belfast City Council welcomes the opportunity to consider and input into the **Anti-social Behaviour Legislation in Northern Ireland: Consultation to review the current criminal legislation framework to tackle anti-social behaviour (including on-street drinking)**. The consultation document has been considered by the People and Communities Committee at its meeting on 5 June 2018 with the enclosed corporate response agreed. This response remains subject to ratification by Full Council on 02 July 2018 following which we can update our response.

This is an open response to the consultation document as Council wished to respond with views that could not necessarily be managed using the consultation response questionnaire.

In submitting a response Council seeks to confirm it does so with the caveat that legislation is only effective as part of a multi component and agency framework of enforcement, education and empowerment.

Legislation on its own is not the answer and that this is equally applicable to the legislation referenced in the consultation. Council also does not consider it suitable to consider this legislation in isolation to the rest of the justice and wider family of legislation e.g. noise; environmental ASB, housing etc. and includes Council's own powers e.g. byelaws.

On receipt of the consultation document, it was agreed that engagement workshops were required to ensure the full spectrum of feedback could be gathered. In the timeframe available, a staff workshop and Member workshops were completed. This response is based on the collective feedback from these workshops.

- The consultation would benefit from more discussion on the wider ASB context and how the suggested powers could operate in that context;
- There is a need for a holistic framework, which includes legislation but is not exclusive of the need for education, prevention and community empowerment as well as effective partnership working;
- Existing legislation was not designed for the purpose it is retrofitted for and that the legislation is not keeping up with the change in social culture;
- Any change in legislation should be informed by evaluation of the performance of these powers in England and Wales to ensure lessons are learned;
- Any legislative framework for the management of ASB should be more holistic and reflect the wide range of powers available across Northern Ireland to ensure maximum effectiveness;
- An inclusive framework for addressing ASB should be inclusive of wider policy and practice across statutory organisations;
- The alignment of the consultation with the Programme for Government 'safe communities' outcome is welcomed and Council notes the alignment with its own Belfast Agenda outcome of having a city that is 'welcoming, safe, fair and inclusive for all';
- Any proposed legislation needs to be operationally deliverable and Council notes the challenges cited by partners on the practical deliverability of sections 68-72 of the Criminal Justice Act;

- Any new powers need to be operationally deliverable, adequately resourced and sit with the best placed lead organization;
- Whilst Council recognises this as a regional consultation, cognisance should be taken of the particular challenges cities can experience in relation to ASB. Belfast would therefore seek to ensure that its place as a driver for wider regional growth is recognised and that any proposed changes in legislation are effective at helping Belfast address its specific challenges;
- Any new legislation should be appropriate, proportionate and practically enforced and should not seek to criminalise young people unnecessarily and restorative justice opportunities should be considered as well;
- Addressing ASB effectively should be examined in its widest context with appropriate investment in addressing the root causes and supporting individuals, families and communities to address those root causes;
- Finally, any proposed changes in legislation should ensure protection for the most vulnerable in society and any direct or indirect negative impact on vulnerable individuals should be properly scoped before legislation is progressed.