



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

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No

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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

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No

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1.0

Purpose of Report/Summary of Main Issues

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>