



BELFAST CITY COUNCIL

BYE-LAWS FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE AND FOR THE PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY CENTRE

Made by Belfast City Council :

**Confirmed by Department for
Communities :**

In operation on and from :

**BYE – LAWS
BELFAST CITY COUNCIL
FOR THE GOOD GOVERNANCE OF BELFAST CITY CENTRE AND FOR THE
PREVENTION AND SUPPRESSION OF NUISANCES IN BELFAST CITY CENTRE**

Bye-Laws made the _____ by Belfast City Council pursuant to Section 90 of the Local Government Act (Northern Ireland) 1972 for the good rule and government of its City Centre and the prevention and suppression of nuisances in its City Centre at a meeting of the Council held on _____

INTERPRETATION

1. In these Bye-Laws -

‘Authorised Officer’ means any person employed by the Council or any other person authorised by the Council to carry out functions under these Bye-Laws for purposes of Section 93 of the Local Government Act (Northern Ireland) 1972.

‘City Centre’ means the area delineated in [colour tbc] in the map at Schedule One.

‘Council’ means Belfast City Council.

‘Perform’ means to engage in any type of public performance or exhibition with the reasonable expectation of attracting bystanders and / or receiving donations, and includes but is not limited to the playing of musical instruments, singing, circus-based skills, street theatre, reciting and public speaking and any other type of performance or exhibition not specifically listed but which would be similar in character. For the purposes of this Bye-Law this also includes preaching.

‘Performer’ means a person who engages in any activity described in the preceding paragraph in a Public Place.

‘Public Place’ means any area open to the public including any street, road, footpath, open space, park, cemetery, green space and amenity areas.

‘Special Event’ means a large scale event which is to take place in Belfast which is exceptional in nature and will attract a significant number of visitors to the city.

General Provisions

- 2. These Bye-Laws apply to the City Centre as shown in the map at Schedule One.**
- 3. Notice of the effect of these Bye-Laws shall be given by signs placed in such positions as the Council may consider adequate to inform persons of their existence.**

- a. No person shall, after being requested to desist by an Authorised Officer cause or permit any noise to be made above 70 decibels by
 - i. Playing a musical instrument; and/or
 - ii. operating or permitting to be operated any audio device, speaker, amplifier, or similar equipment of a similar type
- 4. Notwithstanding the provisions of paragraph 3, where there are 2 or more Performers within 100 metres of each other and it appears to an Authorised Officer that there is a cumulative effect of the noise which is so loud or continuous as to give reasonable cause for annoyance to other persons either within places of work or in a Public Place, an Authorised Officer may ask the Performers to reduce their volume and/or to relocate to another place to perform.

Behaviour and Conduct of Performers

- 5. A Performer must not obstruct the public's access to and egress from any premises or interfere with the free and safe movement of pedestrians.
- 6. A Performer must comply with any Code of Conduct issued by the Council, which may be amended from time to time.

Exemptions

- 7. These Bye-Laws shall not apply to the following activities:
 - (a) Those activities taking place in a public place pursuant to an entertainment licence;
 - (b) Those activities taking place in a public place with the consent of Department of Infrastructure or the relevant landowner;
 - (c) Any procession which has been authorised by the Parades Commission;
 - (d) A cash collection in a public place which has been authorised by PSNI pursuant to The Charities Act (NI) 2008; and
 - (e) An official picket pursuant to Article 98 of the Trade Union and Labour Relations (NI) Order 1995.

Offences

- 8. A person who fails, without a reasonable excuse, to comply with a reasonable request from an Authorised Officer pursuant to Paragraphs 3 or 4 will be guilty of an offence
- 9. Any person who contravenes any of these Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 of the standard scale.
- 10. Where an Authorised Officer is of the opinion that a person is committing or has committed an offence under the preceding Bye-Law, the Authorised Officer may demand the name and address of such a person and if that demand is refused or the person gives a name and address which is false or misleading,

that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

Fixed Payment Notice

- 11.** Where an Authorised Officer has reason to believe that a person has committed an offence under these Bye-Laws, the Authorised Officer may give that person a notice offering the person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Council.
- 12.** Where a person is given a fixed penalty notice under these Bye-Laws:
 - (a) no proceedings shall be instituted for that offence before the expiration of the period of 14 days following the date of the notice; and
 - (b) the person shall not be convicted of that offence if the person pays the fixed penalty before the expiration of that period.
- 13.** A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- 14.** The Fixed Penalty Notice shall specify the name and address of the alleged offender and in general terms the nature of the contravention alleged to have been committed and the date and place of the alleged contravention.

Miscellaneous and Supplementary

Special Events

The Council may restrict or prohibit the use of amplification by Performers in certain areas of the City Centre when there is a Special Event due to take place in the city but only where it is considered necessary to do so for the purposes of facilitating or delivering the event. Any such restriction or prohibition may only be for the duration of the Special Event.

Where the Council proposes to restrict or prohibit the use of amplification for the purposes of a Special Event it shall place notice in 2 newspapers distributed in the city and on its website no less than 2 months prior to the Special Event.

The Council may suspend the prohibition contained within the applicable Belfast City Council Bye-laws prohibiting the consumption of alcohol in public places in certain areas of the city centre for Special Events. Any such suspension may only be for the duration of the Special Event and will be subject to consultation with PSNI and any other relevant stakeholders.

Where the Council proposes to suspend the prohibition contained within the Bye- Laws prohibiting the consumption of alcohol in public places in certain areas of the city centre for the purposes of a Special Event it shall place notice of the proposed restriction or prohibition in 2 local newspapers distributed in the city and on its website no less than 2 months prior to the Special Event.

Surrender of alcohol in designated places

After Paragraph 4 of the Belfast City Council Bye-laws prohibiting the consumption of intoxicating liquor in designated places dated September 2012, insert:

5. (1) If an Authorised Officer reasonably believes that a person is, or has been, consuming intoxicating liquor in a designated public place or intends to consume intoxicating liquor in such a place the Authorised Officer may require the person concerned—

- (a) not to consume in that place anything which is, or which the constable reasonably believes to be, intoxicating liquor; and
- (b) to surrender anything in his possession which is, or which the constable reasonably believes to be, intoxicating liquor or a container for such liquor.

(3) The Authorised Officer may dispose of anything surrendered to him under paragraph (b) in such manner as he considers appropriate.

(4) A person who fails without reasonable excuse to comply with a requirement imposed on him under paragraph (1) is guilty of an offence.

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

These Bye-Laws will not prejudice the Council's ability to pursue enforcement action under Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011, if appropriate.

SEALED with the Corporate Seal
of the **CITY OF BELFAST** in
the presence of:-

LORD MAYOR

CHIEF EXECUTIVE

The foregoing Bye-Laws are hereby confirmed by the Department of Communities for Northern Ireland this day of 20X.

Signed: _____
[job title]