



Subject:	St Patrick's Day Update and Alcohol Legislation Review
Date:	6th March 2018
Reporting Officer:	Siobhan Toland, Assistant Director City and Neighbourhood Services
Contact Officer:	Alison Allen, Safer City 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"/>
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	The purpose of this report is to update Members on the planned Council and inter-agency operations to promote the positive participation in St. Patrick's Day celebrations across the city.
1.2	Furthermore, the report will update Members on the progress of the review of the existing legislative framework in addressing on street drinking and possible additional powers to enhance those powers currently available in Northern Ireland requested at Committee on 7 June 2016. This followed a Notice of Motion tabled at Committee which read:

	<p>“Belfast City Council is concerned that it’s Bye-Law prohibiting the consumption of alcohol on the city’s streets, is on its own proving wholly ineffective in deterring this problem and criminalises those with an addiction.</p> <p>Accordingly, Belfast City Council would ask the Department of Justice to commence Part 5 of the Criminal Justice (NI) Order 2008 which gives powers to the PSNI to confiscate alcohol and extend those powers to Council Officers. The Council also asked the Department of Justice to extend the power to issue fixed penalty notices for offences under the Council’s Bye-Laws so that the Council can adopt a more flexible approach to those detected consuming alcohol in designated places.”</p>
2.0	Recommendations
2.1	<p>The Committee is asked to;</p> <ul style="list-style-type: none"> • consider the contents of the report. • consider if they would like the possibility of additional primary legislation to be more formally explored with central government, PSNI and other local authorities.
3.0	Main report
3.1	<p><u>St Patrick’s Day Operation 2018</u></p> <p>Members will be aware of the complex multi-agency operation and strong partnership working that exists in planning and delivery of services around St. Patrick’s Day. The multi-agency operation for 2018 is being co-ordinated from the Silver Command Room Musgrave Street PSNI Station (including the parade and concert).</p> <p>3.2 The City Events Manager, Gerry Copeland, will be available for queries about the parade and concert and the Safer City Manager, Alison Allen, will be available for queries about the Holy Land and citywide parks/open spaces operation.</p> <p>3.3 <u>Operation Objectives</u></p> <ul style="list-style-type: none"> ▪ To reduce anti-social behaviour in the Holy land area ▪ To reduce the number of people attending the Holy Land area ▪ To reduce the amount of alcohol being brought in to the Holy Land area and being consumed ▪ To provide effective clean up to all parts of the city ▪ To reduce anti-social behaviour and consumption of alcohol in parks and open spaces

3.4 **Council Activities**

In order to achieve our objectives Council Officers will carry out the following activities:

Dates	Times	Location	Activity
15/03/18	14:30–21:30	Holy Lands and Wider University Area	Proactive patrolling, advice, warning and enforcement
	09:00-17:00	Citywide	Day Time Noise Services
	20:00-04:00	Citywide	Night Time Noise Services
16/03/18	14:30–23:30	Wider University Area (WUA)	Proactive patrolling, advice, warning and enforcement
	09:00-17:00	Citywide	Day Time Noise Services
	16:00-04:00	Citywide & WUA	Night Time Noise Services
17/03/18	10:00–00:00	Holylands and Wider University Area	Proactive patrolling, advice, warning and enforcement
	07:00–00:00	Parks and Open Spaces	Static proactive patrolling, advice, warning and enforcement (roaming from 19:00 – Midnight)
	10:00-20:00	Holylands and Wider University Area	Noise Patrolling
	20:00-04:00	Holylands and Wider University Area	Night Time Noise Services (prioritised calls for Holy Land area)

3.5 **Council Mobile CCTV Services** will be deployed to monitor high risk parks and open spaces across the city on 16 March 2017 and on St. Patrick’s Day. Deployment of these services will be managed by Council’s Safer City Manager Alison Allen.

3.6 **Council Cleansing Services** will support all operations with post city centre events cleansing and storage facilities for items (such as bottles) removed in the wider university area.

3.7 **Council Building Control Service** will be involved in inspections of premises and other events during the operation as detailed below:

- Officer visits to pubs and clubs to remind them of their licensing obligations in the run up to St. Patricks Day and providing additional support where needed to potentially problematic premises;
- Building Control Licensing will be undertaking day time inspections across the city in the days before St. Patricks Day;
- On St. Patrick’s Day they will conduct daytime performance inspections, as well as attending the event at Custom House Square;
- Proactively address illegal street trading
- Officers have issued a joint letter to private hire bus/coach companies (with PSNI and DVA)

reminding them of their legal obligations in relation to consumption of alcohol on buses

- Officers will issue a joint letter with PSNI and DVA to private hire bus/coach companies reminding them of the law regarding the consumption of alcohol on their vehicles

Positive Animation of Parks/Opens Spaces

3.8 Members will recall that at People and Communities Committee in January 2018, positive animation of parks/open spaces was discussed as part of a wider strategy to tackle anti-social behaviour.

3.9 In support of this, three parks/open spaces have been identified as having the potential to have challenges with anti-social behaviour on St. Patrick's Day and positive animation and activities are being planned to encourage positive community use of those spaces on 17 March.

They are:

Falls Park – Community Fun Day being planned

Marrowbone Park – Family Fun Day and Football Tournament being planned

Dunville Park – Family Fun Day being planned

Partner Activities

3.10 **Queens University Belfast** - Queen's University has been visiting a number of students in the run up to St. Patrick's Day to remind them of appropriate levels of behaviour. On St. Patrick's Day they will deploy a team of volunteers from mid-morning to nightfall; they will proactively engage with the students to prevent ASB from happening and deteriorating.

3.11 **Ulster University** - Ulster University has also been visiting students in the run up to St. Patrick's Day and they will deploy a team of volunteers and officers on 17 March. They will proactively engage with the students to prevent ASB from happening and deteriorating.

3.12 **City Church** - City Church is being used as a base for briefings and joint working on the day

3.13 **Street Pastors** - Street Pastors will be volunteering around the wider university area on both 16 March and on St. Patrick's Day. Their role will be to engage with the students as well as proactively be helping to clean up litter, discarded bottles etc.

3.14 **SOS Bus** - SOS Bus will deploy their normal big bus service in Shaftesbury Square and at the request of Council will deploy their two mini buses to support Council Officers around parks and open spaces.

3.15 **Landlords** - A number of landlords will be in the wider university area to help manage St. Patrick's Day, their role is to speak to students causing ASB in their properties. A number of landlords have already communicated with their tenants in the local area to warn of the potential implications of rowdy ASB.

3.16	<p>PSNI - Police operations will be coordinated from Musgrave Street Police Station. Police will work proactively in partnership with Council (and other partners) in the run up to and on St. Patrick's Day 2018 and there will be a significant police presence in the Holy Land area and wider city. The policing operation will focus on public safety and minimising any negative impacts of celebrations on the wider community, whilst still allowing people to safely and lawfully enjoy the day.</p>
3.17	<p>Alcohol Recovery Centre - The Alcohol Recovery Centre (ARC) run by the Belfast Trust will operate out of the bowling pavilion in Botanic Park. The ARC will have medical professionals available to deal with minor injuries and issues associated with over consumption of alcohol. More serious injuries/illness will be brought straight to hospital. In 2017 the ARC dealt with approximate 30 individuals who would have otherwise been taken to Emergency Departments.</p>
3.18	<p>Spring Gathering Event (South Belfast Partnership Board) - South Belfast Partnership Board will be running a positive family friendly event in the grounds of the Theological College on the day.</p>
3.19	<p><u>Alcohol Legislation Review</u></p> <p>The Department of Justice, PSNI and Belfast City Council Officers have completed the review of existing legislation and bye-laws and have also examined comparable legislation in GB and ROI.</p>
3.20	<p>The following pieces of legislation have been examined:</p> <ul style="list-style-type: none"> ▪ Belfast Improvement Act 1845 ▪ Town Police Clauses Act 1847 ▪ The Public Health Acts Amendment Act 1907 ▪ Summary Jurisdiction (Ireland) Act 1908 (drunk in charge of an animal or child) ▪ The Local Government Act (NI) 1972 – section 90 (Alcohol Bye Laws) ▪ Criminal Justice (NI) Order 1980 ▪ Local Government (Miscellaneous Provisions) (NI) Order 1985 - Entertainment Licence ▪ Police and Criminal Evidence (Northern Ireland) Order 1989 and PACE Codes of Practice ▪ The Licensing Order 1996 ▪ The Registration of Clubs (NI) Order 1996 ▪ The Confiscation of Alcohol (Young Persons) Act 1997 ▪ Public Processions (NI) Act 1998 ▪ The Police (NI) Act 2003 ▪ Anti-social Behaviour (NI) Order 2004 ▪ The Violent Crime Reductions Act 2006 (England and Wales Only) ▪ The Criminal Justice (NI) Order 2008 (Part 5 not commenced in NI) ▪ Policing and Crime Act 2009 ▪ The Justice Act (NI) 2011 ▪ Licensing and Registration of Clubs (Amendment) Act (NI) 2011 (not yet in force)

- Pavement Cafes Act (NI) 2014
- Anti-social Behaviour, Crime and Policing Act 2014 (England and Wales Only)
- Public Service Vehicles Regulations (NI) 1985
- Section 54 of the Civic Government (Scotland) Act 1982

3.21 Individual organisations have ensured they are operating to their full legislative capability as the legislation stands at present. However, the ongoing discourse regarding the role of alcohol in crime, anti-social behaviour and disorder demonstrates that improvements in the legislative landscape may be required.

Part 5 of the Criminal Justice (NI) Order 2008 – (ss.68-72 not yet commenced in NI) states that:

- 3.22
- a. PSNI has the power to confiscate alcohol in designated places if a constable reasonably believes that a person is, or has been , consuming intoxicating liquor in a designated place or intends to consume intoxicating liquor (s.68(1))
 - b. Article 70 defines ‘designated public place’ as a public place in the district of a council; and identified in an order made by that council and that it satisfied that nuisance or annoyance to members of the public or a section of the public; or disorder has been associated with the consumption of intoxicating liquor in that place
 - c. A constable may require that person not to consume intoxicating liquor: to surrender intoxicating liquor or a container for such liquor
 - d. A constable can dispose of anything surrendered as he considers appropriate.
 - e. If a person fails to comply with requirements – the constable will inform that person he is committing an offence and is liable on summary conviction to a fine not exceeding level 2 (£500) on the standard scale
 - f. The constable may issue a fixed penalty notice to that person (not exceeding £125)
 - g. If a person fails to pay the fixed penalty notice within 21 days, then proceedings in the Magistrates’ Court may be instigated
 - h. Existing byelaws would no longer apply.

3.23 The Notice of Motion as outlined above in June 2016 requested the Department of Justice to commence Part 5 of the Criminal Justice (NI) Order 2008; extend those powers to Council Officers and create the power for Officers to issue fixed penalty notices for offences under the Council’s alcohol bye-laws.

3.24 Part 5 of the Criminal Justice (NI) Order 2008 provides that PSNI officers can confiscate and dispose of alcohol when it has been surrendered to them. The current provisions do not provide the PSNI with the power of seizure **and** disposal and PSNI has stated that it is therefore operationally unworkable for them. If the Council wished to enforce this legislation, the Order would require amendment to extend the provisions to council officers and in addition to this, the Department of Justice has advised that Regulations would also have to be drafted and this would require

<p>3.25</p> <p>3.26</p> <p>3.27</p> <p>3.28</p> <p>3.29</p>	<p>agreement from the Executive. It is therefore unlikely that a commencement order for Part 5 of the Criminal Justice (NI) Order 2008 will be issued. In relation to creating the power for officers to issue fixed penalty notices for offences under the Council’s alcohols bye-laws, this would require an amendment to the Local Government Act (NI) 1972 which would require regional consultation together with Ministerial approval.</p> <p>As part of the wider review of the legislative framework to deal with anti-social behaviour, Departmental Officials have advised they are considering the issues surrounding on-street drinking and the powers available for both Police and Council Officers to deal with such matters.</p> <p>The review also identified that the National Consortium of Police and Crime Commissioners in England identified in 2016 that national best practice in the mitigation of negative impacts of alcohol was individual centred and multi-agency support and education initiatives. This is reflected in a similar approach being in Dublin and recognises that the negative impacts of alcohol consumption are reflective of wider health and well-being issues and need to sit within a multi-disciplinary strategic framework.</p> <p>Given the absence of Ministers and current situation in the NI Assembly, amendments to, and the creation of additional legislation is not an available option at present, however, Officials will continue to work in the background as far as possible on available options, should this situation change. However, please be aware that additional legislation can take a significant period of time to process.</p> <p><u>Finance and Resource Implications</u></p> <p>As outlined above, the multi-agency operation managing negative issues around St. Patrick’s Day is significant. However, the operations are well developed and the Council resource requirements (both financial and staff resource) are considered as part of the annual revenue budgets. Additionally, Belfast Policing and Community Safety Partnership are providing financial assistance for the Alcohol Recovery Centre, the SOS Bus and the use of City Church.</p> <p><u>Equality and Good Relations Implications</u></p> <p>There are no equality or Good Relations implication at present, however, this will monitored on an ongoing basis.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<p>None</p>