



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

<b>Restricted Reports</b>	
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"/>

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

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
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>
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is recommended to:</p> <ul style="list-style-type: none"><li>(i) note the contents of the report and the key issues outlined within, and</li><li>(ii) establish a position in relation to any objections which the Council may wish to lodge.</li></ul>

<b>3.0</b>	<b>Background</b>
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.
<b>4.0</b>	<b>Key Issues</b>
	<b>Legislation</b>
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	The key changes, which will take effect in phases, include (attached at Appendix 2): <ul style="list-style-type: none"> <li>• All additional restrictions on opening hours over Easter weekend will be removed;</li> <li>• Opening hours on Sunday evenings will be the same as any other night;</li> <li>• Pubs and Hotels can apply to open until 2 am up to 104 nights per year (instead of 1 pm);</li> </ul>

- 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

**PUBS and HOTELS**

- 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 The Court can revoke, modify or place terms and conditions on an Article 44 order for the following reasons;
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	<p>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.</p>
4.9	<p>The new legislation also provides for police authorisations for additional hours to;</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>
4.10	<p>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.</p>
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><b><u>REGISTERED CLUBS</u></b></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><b><u>YOUNG PEOPLE IN LICENSED PREMISES</u></b></p>
4.13	<p>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.</p>
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><b><u>ADDITIONAL PROVISIONS</u></b></p>
4.15	<p>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.</p>

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.
	<b>Implications for the Council</b>
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	<p>In determining how to respond to any applications notified to the Council, officers will have regard to the following:</p> <ul style="list-style-type: none"> <li>• location of the premises;</li> <li>• the proximity of residential areas;</li> <li>• any history of complaints regarding the operation of the premises;</li> <li>• Building Control Regulation issues,</li> <li>• Complaints regarding anti-social behaviour in and around the premises; and</li> <li>• Any restrictions placed upon the premises by virtue of its Entertainment Licence.</li> </ul>
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	<p><b><u>Financial and Resource Implications</u></b></p> <p>None</p>

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