

Submission of the Northern Ireland Federation of Clubs
In response to the Licensing and Registration of Clubs Amendment Bill
10/17/22

1. SPECIAL AUTHORISATIONS / LATE HOURS

The Registration of Clubs (NI) Order 1996 (“the 1996 Order”) at Article 26 provided that registered clubs in Northern Ireland could apply to the PSNI for special authorisation to open late (from 11pm until 1.00am – midnight on Sundays) **on 52 nights per year.**

The Licensing and Registration of Clubs (Amendment) Act 2011 at Section 13 increased the number of special occasion authorisations **from 52 to 85 nights per year.**

However, in the Committee discussions prior to the enactment of the 2011 Act, it is clear that the Committee had agreed that the number of special authorisations should increase from **52 to 104 per year.** (See attached relevant extracts).

The basis and rationale for the reduction from the agreed number of 104 to 85 (which is the figure appearing in the 2011 Act) is entirely unclear to the Federation.

There is no provision in the current Bill to increase the number of special authorisations for Clubs despite the Committee agreeing to an increase to 104 in 2010.

This is particularly concerning to the Federation of Clubs.

The Licensing (NI) Order 1996 currently allows public houses, restaurants and hotels to open to 1.00am (midnight on Sundays) on **365 days per year.** The current Bill under consideration will permit them to open even later (**until 2.00am**) on **104 days per year, and until 1.00 am in the remaining 261 days** - yet there is no provision for an increased entitlement for Clubs to serve alcohol after 11.00pm. They are restricted to late opening on only 85 days per year and then only until 1.00am.

The disparity is stark and it is difficult to understand the rationale for this – the Federation pose the question to you as elected representatives - what indeed is the rationale for this difference and how is it justified?

Clubs have to ensure their financial viability in the same way as other licensed premises and whilst they are non-profit making, they still require an income so that they can continue to maintain, insure and staff their premises and provide other facilities and amenities for their members. This is all the more so now that Covid has required significant expenditure on PPE equipment for the premises and staff.

The Federation are not even seeking parity with the remainder of licensed venues, they are not seeking to have late nights 365 days per year or to open to 2.00am on 104 of those. They are simply seeking an entitlement for Clubs to open on more late nights per week than currently allowed (85). **They seek an increase from 85 nights to 156 late nights (3 per week) in order to ensure their continued financial viability.**

The Federation therefore proposes the inclusion in the Bill of an amendment to Article 26 (2) of the 1996 Order so that the number of authorisations per year is increased to 156. The wording would take the same form as Section 13 of the 2011 Amendment Act.

2. ACCOUNTING REGULATIONS

The 1996 Order at Article 40 and The Registration of Clubs (Accounting Regulations) (NI) 1997 impose extremely onerous obligations on registered Clubs as to how they account for their financial transactions on a daily, weekly and monthly basis.

Although some attempt at allowing flexibility as to the manner in which Clubs are obliged to account for their finances was introduced at Section 12 of The Licensing and Registration of Clubs (Amendment) Act 2011, the obligations imposed upon Clubs, many of whom are run by volunteers, remains significant. Section 12 of the 2011 Act anticipated the introduction of regulations which the Federation hoped would ease the burden on Clubs but to the Federation's knowledge, no such regulations have been introduced and the burden on Clubs and their Committees continues.

The Federation have long sought a relaxation of Article 40 and the Accounts Regulations so that they are brought into line with other businesses. The need for this has been brought into sharp focus by the current pandemic which has put a great strain on Club's financial resources and their ability to pay professional accountants to attend to the minutiae of red tape required by the current Regulations - a burden which no other Company or business in Northern Ireland faces.

The Federation are therefore seeking the inclusion in the current bill of further measures to relax the accounting requirements imposed by Article 40 of the 1996 Order and the 1997 Accounting Regulations.

3. HOURS FOR USE OF CLUBS BY MINORS

The Federation consider that the period of time specified in Clause 29 for children to be on Club premises during the summer months until 11.00pm should be extended from 1 April to 31 October in each year (instead of as currently proposed which is 1 June to 31 August).

4. POLICE RIGHTS OF ENTRY

Unlike other licensed premises, under Article 42 of the Registration of Clubs (Northern Ireland) Order 1996, the Police are permitted to enter the premises of a Club at any time and question the officers of the Club who are present. The Police do not have to suspect a crime before entering or questioning (as they must in respect of any other premises).

The Federation and its member Clubs have no objection whatsoever to Police entry rights on the same basis as they are entitled to enter other premises, i.e. if they suspect a crime has been committed, but they do not agree that the Police should have powers of entry for no reason at all, which is their current entitlement.

The Federation seek an amendment to Article 42 of the 1996 Order so that the Police's rights of entry are consistent with those for other licensed premises in Northern Ireland, and Article 42 is amended as set out below.

Provision for inspection and rights of entry

42.—(1) A constable may, at any reasonable time,—

(a) for the purpose of inspecting the accommodation, facilities and amenities of—

(i) the premises of a club which has served a notice of application under paragraph 1(1)(a) of Schedule 2 for the grant of registration under this Order,

(ii) the premises of a registered club which has served a notice of application under paragraph 3(b) of Schedule 3 for the renewal of registration under this Order and which has since the last previous renewal of the registration of the club (or, where the renewal to be applied for is the first renewal of registration, since registration was granted), changed the accommodation, facilities and amenities of the premises;

enter and inspect the premises of the club or, as the case may be, registered club;

~~(b) for the purpose of ascertaining whether a contravention of this Order is being or has been committed or whether any conditions which are applicable under this Order are being or have been complied with, enter the premises of a registered club or any premises mentioned in Article 3(2) and—~~

~~(i) inspect the premises;~~

~~(ii) inspect any book or document which appears to the constable to relate to the club found on the premises;~~

~~(iii) upon production of a receipt, remove any such book or document for the purpose of having copies of it made or extracts taken from it;~~

~~(iv) ask of any person found on the premises such reasonable questions in relation to the club as he thinks proper.~~

(2) If any person—

(a) fails or delays without reasonable excuse to admit a constable who demands admission to the premises of the club under paragraph (1); or

~~(b) on being required by a constable to do so, fails without reasonable excuse to permit the constable to inspect the premises; or~~

~~(c) on being required by a constable to produce any book or document in his possession or under his control which appears to the constable to relate to the club and which the constable reasonably requires to inspect, fails without reasonable excuse to produce it to the constable and to permit the constable to remove the book or document for the purpose of taking copies of it or of any entry in it; or~~

~~(d) fails or refuses to answer to the best of his knowledge and ability any questions asked of him by a constable in exercise of the power conferred by paragraph (1)(b)(iv) or gives an answer to any such question which is to his knowledge false or misleading;~~

then,—

(i) in the case of a registered club, every official of the club at the time of the contravention and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), the registered club,

(ii) in any other case, the person contravening and, in the case of a contravention such as is mentioned in sub-paragraph (c) or (d), every official or member of the club,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If, on complaint on oath, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an offence under this Order is being, has been or is about to be committed on any premises, he may issue a warrant in writing authorising any constable to enter the premises, if necessary by force and to search the premises.

(4) Any constable who enters any premises under the authority of a warrant issued under paragraph (3) may—

(a) seize and remove any document, money or valuable thing, instrument or other thing whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of an offence under this Order, and

(b) search any person found on the premises whom he has reasonable cause to believe to be committing or to have committed any such offence.

(5) Without prejudice to paragraph (1) or (3), the sub-divisional commander of the police sub-division in which the premises of a club are situated may at any time serve on the secretary of the club a notice requiring him, in such manner and within such reasonable time as may be specified in the notice, to produce for inspection by that commander such information, books or documents relating to that club of any description as may be specified in the notice which that commander reasonably requires to inspect for the purpose specified in paragraph (3).

(6) If without reasonable excuse the requirement imposed by a notice under paragraph (5) is not complied with—

(a) in the case of a club which is a registered club, the registered club and every official of the club at the time of the contravention; and

(b) in the case of a club which is not a registered club, the person contravening and every official and member of the club;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.