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Sent: 31 October 2016 14:25
To: +Comm Communities Public Email <Committee.Communities@niassembly.gov.uk>
Cc: NI Federation of Clubs <info@nifederationofclubs.com>
Subject: LICENSING BILL

Dear Sirs

We act on behalf of the Northern Ireland Federation of Clubs and have been asked by our clients to supplement their recent presentation to the Committee by forwarding the attached proposed amendment to Article 42 of the Registration of Clubs (NI) Order 1996 regarding the admission of members of the PSNI to Clubs. Our clients contend that except in the situation where a Club has applied for the grant or renewal of registration, the PSNI should only be entitled to enter the premises of a Club and remove documents if they have a reasonable suspicion that an offence is or has been committed, as is the case for other businesses.

Kindly acknowledge receipt.

Maura

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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;

(2) If an Inspector has a reasonable suspicion that 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, he may 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 Inspector 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.

(3) 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 an Inspector who demands admission under paragraph (2) ; or

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

(c)on being required by an Inspector to produce any book or document in his possession or under his control which appears to the Inspector to relate to the club and which the Inspector reasonably requires to inspect, fails without reasonable excuse to produce it to the Inspector and to permit the Inspector 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 an Inspector 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.

(4) 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.

(5) 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.

(6) Without prejudice to paragraph (1) (2) or (4), 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 (2)

(7) If without reasonable excuse the requirement imposed by a notice under paragraph (6) 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.