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Dear Kevin,

Licensing and Registration of Clubs (Amendment) Bill – Follow-up to consideration of issues session

Thank you for your letter dated 25 November, in which you seek further information on issues discussed during the consideration of issues session on the above Bill, which was held during the Committee meeting on Thursday 24 November.

I hope the Committee finds the attached information helpful.

Yours sincerely

Billy Crawford
Departmental Assembly Liaison Officer
Minister and Permanent Secretary's Office



**FURTHER INFORMATION REGARDING THE LICENSING AND REGISTRATION OF
CLUBS (AMENDMENT) BILL**

Potential amendments to the Explanatory and Financial Memorandum (EFM)

During the consideration of issues session on the above Bill on 24 November, officials made reference to the possibility of including some points of clarification in the EFM.

The Department is currently considering the merit in amending the EFM for the following clauses:

Clause 5 – Extension of “drinking-up” time

Concerns were raised around interim arrangements for drinking-up time while an evaluation was being undertaken and whether one year was sufficient time to plan, establish, monitor and evaluate a trial and make regulations.

Following consideration of the arguments raised during the evidence sessions, the Department sees merit in extending the trial period to two years. The Department is also considering the merit of amending the EFM to include details of plans for the evaluation. This could include references to timescale, who the Department will consult and what information will be sought.

Clause 12 – Restrictions on off-sales drinks promotions

Reference to the “vicinity of licensed premises” in this clause refers to the area that extends 200 metres from the boundary of the premises. Some clarification was sought during the evidence sessions in terms of what constitutes the boundary of a licensed premises.

The Department is considering the merit of including some clarification in the EFM, however it is also giving consideration to making an amendment to the face of the Bill to clarify the issue.

The policy is that the term “premises” would take on its every day meaning and therefore include any land attached to it, such as a car park.

In relation to a supermarket which is licensed, the licensed premises forms part of the overall premises which may include a car park so the beginning of the boundary of those premises would be the edge of the car park.

Departmental response to issues raised by the Northern Ireland Catholic Council on Social Affairs (NICCOSA)

In its written submission to the Committee, NICCOSA explains that it believes it should be a “statutory requirement that a clear need” for a pavement café licence should be “objectively evidenced before a court rather than to a district council”.

It suggests further that the current system:

- Will lead to the consumption of alcohol outside licensed premises to the inconvenience of those who live in the locality and/or carry on business in the locality and/or use that locality; and
- May lead to issues of public disorder.

Under the Licensing of Pavement Cafés Act (NI) 2014, district councils are responsible for the licensing of Pavement Cafés; this is carried out in a similar manner to other licensing processes such as Street Trading.

Under the Act, a council may refuse a pavement café licence application for a number of reasons, for example, where the proposed pavement café area is unsuitable for that purpose or where the use of that area as a pavement café would be likely to result in undue interference or in disorder. These powers are widely drawn to enable a council to take into account any factor it considers reasonable.

The legislation requires councils to consult PSNI on applications for pavement café licenses for Public Houses and also permits them to consult any other person it considers appropriate when considering any licence application.

As part of any application, the applicant is required to include a detailed plan showing the location and dimensions of the proposed pavement café associated with the premises. For pavement café licences on premises holding a liquor licence these

must be recorded in the relevant licensing register held by the courts. This provides legal clarity and aids enforcement of the law by the PSNI.

Councils are permitted to revoke or suspend a pavement café licence or to impose a condition prohibiting the consumption of alcohol at a pavement café where it is considered that continuing to use it would be likely to result in disorder.

The Licensing of Pavement Café Act came into force on 1 October 2016; any changes to the law would require new Primary Legislation. Officials are confident that adequate safeguards are in place.