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Committee for Communities
Room 430
Parliament Buildings
BELFAST
BT4 3XX

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Dear

THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) BILL

I would like to thank you for giving the Police Service of Northern Ireland (PSNI) the opportunity to submit written evidence to the Committee for Communities on the provisions contained in the Licensing and Registration of Clubs (Amendment) Bill.

In general, we are supportive of the majority of the provisions, however in relation to the proposed extension of drinking up time; we would have concerns with regard to the likely increased costs for policing and potentially other emergency services. This would also be the case in relation to the proposal to allow premises to apply for an 'additional occasional licence' for up to 12 days per year.

In relation to the provisions, I would make the following comments: -

PART 1 – LICENSING

CLAUSE 1 – ADDITIONAL HOURS AT EASTER

Comments noted.

CLAUSE 2 – ADDITIONAL HOURS – APPLICATIONS TO COURT

This states that a court of summary jurisdiction or a clerk of petty sessions is allowed to grant the holder of an occasional licence an 'additional occasional licence' up to a maximum of 12 days per year. An additional occasional licence is a licence authorising that person to sell intoxicating liquor by retail for an additional hour beginning at the end of the hours specified in the occasional licence for that day.

This proposal will undoubtedly result in increased costs for policing and probably other emergency services, as patrons will be able to remain in licensed premises for a longer period resulting in streets in towns and cities not being 'cleared' until a later time. There is also the potential for increased anti-social behaviour and on-street drinking etc.

We would seek clarity on the term 'holder of an occasional licence'. Licensees are required to apply for an occasional licence. It would appear from the wording that 2 applications would be required - one for the initial occasional licence and one for the additional

occasional licence. If this is the case, and to simplify the process, could 1 application not cover both elements?

CLAUSE 3 – SECTION 2: CONSEQUENTIAL PROVISION ETC.

Comments noted.

CLAUSE 4 – ADDITIONAL HOURS – POLICE AUTHORISATIONS

It is noted that this proposes to increase the number of applications to pubs not holding an order for later opening from 20 days to 85 in any year. However, we would make the comment that Article 45s have not been widely used in the last 2 years.

As a result, there may be a slight increase in administration for Police.

CLAUSE 5 – EXTENSION OF ‘DRINKING UP TIME’

We would support this in principle, however as we have outlined above, there will be an additional cost to policing and potentially other emergency services.

We also welcome the fact that there will be a trial period of one year.

CLAUSE 6 – ALIGNMENT OF LIQUOR, ENTERTAINMENT AND REFRESHMENT PROVISION

We support this proposal as it is of fundamental importance for the Police. At present it is possible for entertainment to continue in licensed premises after the bar is closed. It should be highlighted that currently in Belfast City Centre, entertainment licences have run for up to 2-3 hours post liquor licensing hours. This discrepancy has led to illegal sales of alcohol taking place and creates difficulties for Police in enforcing alcohol licensing law.

CLAUSE 7 – REMOVAL OF REQUIREMENT FOR CHILDREN’S CERTIFICATE, ETC.

We welcome this as it means that police will not have to continually check if premises have a children’s certificate. That said however, we note that the legislation will state that ‘meals must be available, a young person must be accompanied by an adult and sit at a table away from the bar, and must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm)’.

CLAUSE 8 – UNDERAGE FUNCTIONS

We would support this proposal. This has always been a problematic area for police and this was exacerbated following the Appeal Court judgement in relation to Sense Nightclub in Cookstown. Following this ruling, we wrote to the Minister for Social Development at that time to advise that we were reviewing the consequence of this ruling for the Police Service and the wider community and that there was a need to urgently address the licensing legislation as it relates to children on licensed premises. We also added that without adequate legislation, the Police Service were concerned that officers would continue to find themselves in a challenging position and this would undoubtedly have consequences for confidence in policing.

Under this clause, it is suggested that this should include functions such as weddings, birthday parties etc. held on licensed premises (including hotels). Without this inclusion, this will mean that young people under 18 years of age will have to leave these types of events at 9.30pm at the latest as they are presently required to do, under the current legislation.

CLAUSE 9 – DELIVERY OF INTOXICATING LIQUOR TO YOUNG PERSONS

Firstly it is important to point out that under the current legislation, it is illegal for a person to deliver intoxicating liquor from any vehicle unless the quantity, description and price of the liquor and the name and address of the person who it is being delivered to has been recorded before the liquor was dispatched. It must be logged in a day book kept on the premises from which the liquor was dispatched and in a delivery book or invoice, carried by the person delivering the liquor.

Nevertheless, we welcome the proposal to make it an offence for a licensee or member of staff to make a home delivery of intoxicating liquor to any person under 18 years of age. In addition, it is noted that there is to be a new offence for a person under 18 years of age to knowingly accept a home delivery of intoxicating liquor.

That said however, just as we highlighted in our response to the Consultation a number of years ago, in reality unless someone reports this; the question arises as to how you can ensure it does not happen. As a result, it becomes difficult for police to enforce.

CLAUSE 10 – RESTAURANTS AND GUEST HOUSES: NOTICE DISPLAYING LICENCE CONDITIONS

We would support this as there have been numerous complaints of restaurants acting like bars. Under the proposals, they will now have to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in these premises. This will also provide clarity to customers who will be aware that restaurants are only permitted to sell alcoholic drinks with a meal.

CLAUSE 11: PROHIBITION ON SELF-SERVICE AND SALES BY VENDING MACHINE

We would support this.

CLAUSE 12: RESTRICTIONS ON OFF-SALES DRINKS PROMOTIONS IN SUPERMARKETS ETC.

We would support this as anything that promotes the responsible retailing of alcohol is to be welcomed.

CLAUSE 13: CODE OF PRACTICE

We would support this as anything that promotes the responsible retailing of alcohol is to be welcomed.

CLAUSE 14: REMOVAL OF EXEMPTION FOR ANGOSTURA BITTERS

Comments noted.

PART 2 – REGISTRATION OF CLUBS

CLAUSE 15: SPORTING CLUBS: EXTENSION OF PREMISES

We would support this proposal, which would allow sporting clubs to apply on 6 occasions per year to extend the area of its premises licence to supply intoxicating liquor for the purpose of holding a function.

CLAUSE 16: ADDITIONAL HOURS AT EASTER

See response in Clause 1 of Part 1.

CLAUSE 17: EXTENSION OF "DRINKING UP TIME"

See response in Clause 5 of Part 1.

CLAUSE 18: REMOVAL OF REQUIREMENT FOR CHILDREN'S CERTIFICATE ETC.

See response in Clause 7 of Part 1.

CLAUSE 19: UNDERAGE FUNCTIONS

See response in Clause 8 of Part 1.

CLAUSE 20: YOUNG PEOPLE IN SPORTING CLUB PREMISES

It is noted that this proposal extends the last time that young people under 18 years of age may be in the bar area of sporting club premises from 10.00pm to 11.00pm during the summer months. In addition, it will also permit a young person to remain in the bar area until 11.00pm to attend one prize giving ceremony in a calendar year.

We would acknowledge the good work that sporting clubs do for young people and as a result, we would support this.

CLAUSE 21: PROHIBITION ON SELF-SERVICE AND SALES BY VENDING MACHINES

See response in Clause 11 of Part 1.

CLAUSE 22: RESTRICTIONS RELATING TO ADVERTISEMENT

Comments noted.

CLAUSE 23: CODE OF PRACTICE

See response in Clause 13 of Part 1.

CLAUSE 26: ANCILLARY PROVISION

Comments noted.

In summary, the Police Service are generally supportive of the majority of the provisions contained within the Bill, although we have some concerns as outlined in Clause 2 and Clause 5 above.

I hope this helps to outline the current PSNI views on the Bill.

Yours sincerely