

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

17th October, 2016

MEETING OF LICENSING COMMITTEE

Dear Alderman/Councillor,

Please find attached the reports for the two outstanding items to be considered at the meeting to be held at 5.00 p.m. on Wednesday, 19th October, 2016.

Yours faithfully,

Suzanne Wylie

Chief Executive

AGENDA:

2. Delegated Matters

(h) Renewal of a Seven-day Annual Entertainments Licence - El Divino, May's Meadow (Pages 1 - 30)

3. Non-Delegated Matters

(b) The Licensing and Registration of Clubs (Amendment) Bill (Pages 31 - 64)

To: The Chairman and Members of the Licensing Committee

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

**Application for the Renewal of a Seven-day Annual Entertainments Licence –
El Divino, May's Meadow**

The Committee considered the following report:

1.0 Purpose of Report/Summary of main Issues

- 1.1 To consider an application for the renewal of a Seven-day Annual Entertainments Licence for El Divino, based on the Council's standard conditions to provide music, singing, dancing or any other entertainment of a like kind.**
- 1.2 Members are reminded that, at your meeting on 17th February, you agreed to consider the application at your March monthly meeting, to which the objectors and the applicant would be invited to attend.**
- 1.3 At that meeting, you agreed to defer consideration of this application to enable officers to obtain further information from the applicant. The applicant had failed to provide appropriate responses to a number of additional questions posed by officers regarding an individual's alleged involvement in the operation and management of El Divino and the organisational management structure of the other companies and premises the applicant currently has operating within Belfast.**

Premises and Location	Ref. No.	Applicant
El Divino May's Meadow Belfast, BT1 3PH	WK/201501760	Mr Paul Langsford El Divino Belfast Ltd.

- 1.4 The renewal application was received from Mr. Paul Langsford of El Divino Belfast Limited, on 10th December 2015.**
- 1.5 Mr. Langsford is also the licensee of a number of other premises in Belfast, such as Filthy McNasty's and the Perch, Chinawhite, Shiro and Rita's.**
- 1.6 Members are reminded that a total of five objections were received at the time of your previous meeting in February. Two of the objections were received within the 28 day statutory period and the other three outside of the statutory period. One of the latter objectors has since withdrawn their objection.**

- 1.7 Since your February meeting, another objection was received on 2nd March from a resident of a nearby apartment block. There are currently five objections.
- 1.8 The Service has acknowledged the objection received on 2nd March and has advised the objector of our Committee process and Protocol. They were also advised that the Committee would have to decide whether to exercise its discretion to hear the additional objection, as it was received out of time.
- 1.9 It was suggested to this objector that they may wish to join with the other objectors and attend the meeting to form part of their delegation.
- 1.10 However, at the time of writing, we have not received any further details or information from this objector or confirmation if they wish to attend your April Committee meeting. If you wish to consider the objection received on 2nd March, there will be five objections to consider.
- 1.11 Copies of the letters of objection, including the last objection received on 2nd March, have been forwarded to the Committee.
- 2.0 Recommendations
- 2.1 Taking into account the information presented and representations received in respect of the application you are required to make a decision to either:
 - 2.2 approve the application for the renewal of the Seven-day Annual Entertainments Licence, or
 - 2.3 approve the application with special conditions, or
 - 2.4 refuse the application for the renewal of the Seven-day Annual Entertainments Licence.
- 2.5 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the Records Court.

3.0 Main Report

Key Issues

- 3.1 All of the objections are from residents of the nearby St John's Wharf apartment block and the nature of these objections relate to concerns regarding the noise arising from entertainment in the nightclub and noise and antisocial behaviour associated with patron dispersal until 3.00 am.**
- 3.2 Following receipt of the objections from the residents of the apartment block, the Service offered to facilitate a liaison meeting between all parties involved in order to discuss the issues in an attempt resolve the matter.**
- 3.3 The objectors did not avail of the offer to attend a liaison meeting. Therefore, the applicant requested the Service to forward correspondence to the objectors advising that as a result of their objections they were willing to only operate the club on Friday and Saturday nights for the foreseeable future.**
- 3.4 The applicant also asked the residents to confirm if they would be willing to withdraw their objections on this basis.**
- 3.5 No objections were withdrawn and the applicant requested if the Service would convene a liaison meeting with the management company and managing agent for the apartment block. This meeting took place on 23rd February, 2016.**

Liaison Meeting

- 3.6 The management company confirmed that it has only received two complaints in the past 12 months and that those could not be specifically attributed to El Divino. The applicant also confirmed that, despite the objectors not being interested in availing of the cancellation of their Thursday night entertainment, they have nevertheless taken the decision to drop this night from their weekly schedule to try and appease residents, despite it being a lucrative night for the business.**
- 3.7 The management company advised the club management that, in its view, the cleanliness of the area and the profile of the security company had declined over the past few months. The applicant explained that the security firm they had been using since they started operating the venue had gone into administration in October 2015 and they had had to change security company.**

- 3.8 The previous security company had a very strong visual presence, as its vehicles were similar to those of the PSNI. The security guards were also familiar with their role. He confirmed that since the new security firm had been appointed there had been a few teething problems but that they have all been rectified. He confirmed that they would ensure that the security vehicle would be fitted with signage to make it more visible to patrons and residents.
- 3.9 The management company requested that the applicant forward correspondence to the objectors regarding the outcome of the meeting and their proposals.
- 3.10 Subsequent to this correspondence being sent, one of the objectors then withdrew their objection, as previously noted.
- 3.11 The applicant and objector have completed a Representation Form in advance of your meeting and in accordance with the Committee Protocol. This enables all relevant information to be shared between all parties and to allow officers to verify and investigate, if necessary, any points raised by the parties.

Objectors' Representation

- 3.12 One of the objectors has advised the Service that they will be representing three of the other objectors, which has been confirmed by the three objectors in question. As a result, they have completed and submitted an Objectors Representation Form in consultation with the others. A full copy of their Representation Form has been provided to the applicant, as required under the protocol.
- 3.13 The general nature of their objections received relate to:
- disturbance and antisocial behaviour caused by patrons arriving and leaving the premises.
 - noise arising from entertainment emanating from El Divino.
 - lewd behaviour in the vicinity of El Divino.
 - traffic congestion and rubbish on the Laganbank Road.
 - disturbance having a detrimental effect on the residents.
 - it being unreasonable to have a nightclub on a road due to residential accommodation, office accommodation and the new Waterfront Conference Centre.

3.14 Further to providing the objectors with a copy of the applicants' Representation Form, the objector submitted a counter representation with some additional information. In the counter representation, the objector states the following:

- without knowing who complained, it is impossible to verify all of the assertions made by the club but from their own experiences, not all of their contacts received replies;
- sometimes, due to the time it takes the Noise Team to respond to a call, (as a result to being in another area of the City) they gave up phoning and instead emailed both them and the Building Control Service. Although, they admit that only one in ten occasions the club actually caused problems because they have work and family life and no one has time to report everything;
- further problems of noise and anti-social behaviour from the premise and the disturbance having a detrimental effect on the residents who pay mortgages and rent;
- they dispute the applicant's comments that the security at the premises is as diligent and effective and alleges to have recently witnessed a group of young patrons screaming, crying and shouting for a ten minute period outside the gates of St John's Wharf and no one from the security appeared to stop them;
- they are certain the PSNI was recently involved after a marketing tactic of leaving parking tickets on people's cars on Laganbank Road during the day advertising a club night;
- it would be interesting to see the club accounts to see where profits are made and is the running cost of a weekday club night being paid back by the people attending;
- if there is sufficient patronage to maintain several club nights during the week as well as at the weekend;
- if El Divino were not there, then these drunk, fighting, screaming young people would not be anywhere near those residential developments;

- Why does the premises still need a Seven-day Entertainments Licence to 3.00 am and why are they applying for it, especially as they are selling the club?;
- is the presence of a blanket licence being seen as a selling point for the club on the open market?; and
- the St John's Wharf Residents Committee and Management Company are there for operational matters and are not the conduit for all residents' voices for the spokesperson for residents on matters for personal distress.

3.15 A delegation of objectors and/or their representatives will be available to discuss any matters relating to their objection should they arise during your meeting.

Applicant's Representation

3.16 The applicant's Representation Form notes the occasions when they were made aware of disturbances by Belfast City Council and residents, confirming the action taken to alleviate the specific issues. It also highlights the measures which the management has undertaken to try and reduce noise emanating from the premises and the impact of patron dispersal, such as:

- only operating on Friday and Saturday nights.
- monitoring noise levels.
- providing a security team that patrol the Laganbank Road, paying particular attention to reduce the congregation of patrons in the vicinity of St John's Wharf.

3.17 A full copy of the applicant's Representation Form has been circulated to the Committee and has been provided to the objectors as required by the protocol.

3.18 Further to providing the applicant with a copy of the objectors Representation Form, the applicant has submitted a counter representation. The counter representation provides details of the action taken by the applicant in response to complaints and to alleviate some of the resident's concerns; providing a dedicated phone to deal with resident's complaints, traffic control measures to reduce traffic congestion, bin collections to be after 10.00

am/midday, CCTV coverage of Laganbank Road adjacent to the premises, the security company patrolling the Laganbank Road to prevent any antisocial behaviour and ensure the cleanliness of the area, and a Noise limiter fitted to the sound system in the nightclub.

Additional Questions

- 3.19 In addition to the objections, another bar operator in the City raised concerns about the involvement of Mr. Mark Beirne with these premises and others operated by the applicant. They allege that Mr. Beirne had been convicted of a number of liquor licensing offences, was previously declared bankrupt and is disqualified from acting as a company director.
- 3.20 In light of those concerns, officers carried out some background research and posed a number of additional questions to the applicant which we consider relevant to the application.
- 3.21 operation and management of El Divino and the organisational management structure of the other companies and premises the applicant currently has operating within Belfast.
- 3.22 Members will recall that you subsequently agreed to defer consideration of the application at your March meeting due to the applicant failing to provide the appropriate responses to those questions.
- 3.23 Responses have now been provided to those questions.
- 3.24 The applicant and/or his representatives will be available to discuss any matters relating to the renewal of the licence should they arise during your meeting.

Details of the Premises

- 3.25 The areas currently licensed to provide entertainment are the:
- Ground Floor Bar, with a maximum capacity of 330 persons.
 - 1st Floor Green Room, with a maximum capacity of 80 persons.
 - 1st Floor Small Disco, with a maximum capacity of 220 persons.
 - 2nd Floor Disco, with a maximum capacity of 350 persons.

3.26 The days and hours during which the premises are currently licensed to provide entertainment are:

- **Monday to Saturday:** 11.30 am to 2.00 am the following morning,
- **Friday and Saturday:** 11.30 am to 3.00 am the following morning, and
- **Sunday:** 12.30 pm to 12.00 midnight

3.27 The following special conditions are attached to the licence:

- Entertainment may be provided on Sunday until 2.00 am the following morning on the occasions where the following day is a Bank or Public Holiday.

3.28 The premise operates as a public bar and nightclub with entertainment being provided on all floors, on Friday and Saturday until 2.00 am, in the form of DJs and live bands.

PSNI

3.29 The PSNI has been consulted and has no objection to the application and has been informed of the liaison meetings.

3.30 An Inspector will be available at your meeting to answer any queries you may have in relation to the application.

Health, Safety and Welfare Issues

3.31 A total of two during performance inspections have been carried out on the premises by Officers from the Service since the last renewal. The inspections revealed that the conditions of the Entertainments Licence were being adhered to with the exception of some minor issues such as fire safety signage being missing at the time of one of the inspections.

3.32 Through the Entertainment Licensing renewal inspection, officers have also been satisfied that all operational and management procedures are being implemented effectively.

NIFRS

3.33 The Northern Ireland Fire and Rescue Service has been consulted in relation to the application and confirmed that it has no objections to the application.

Noise Issues

- 3.34 The Environmental Protection Unit (EPU) has been consulted in relation to the application and confirmed that it has received a total of three noise complaints within the past 12 months.
- 3.35 The complaints related to noise emanating from the premises and noise arising from patron dispersal.
- 3.36 The applicant was notified of these complaints but no further action was deemed necessary.
- 3.37 Members are reminded that the Clean Neighbourhood And Environment Act 2011 gives councils additional powers in relation to the control of entertainment noise after 11.00 pm.
- 3.38 The EPU report detailing the complaints has been forwarded to Members.

Financial and Resource Implications

- 3.39 Officers carry out during performance inspections on premises providing entertainment but this is catered for within existing budgets.

Equality and Good Relations Implications

- 3.40 There are no equality or good relations issues associated with this report.”

The Building Control Manager reviewed the background to the application and highlighted the fact that, since the Committee meeting on 17th February, a further objection had been received from a resident of a nearby apartment block. He pointed out that the objection had been received outside the twenty-eight day statutory period and that, under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985, the Committee, when considering an application, could exercise its discretion and agree to consider the objection, although it did not have a duty to do so.

The Committee agreed to exercise its discretion in this instance and consider the objection.

It was reported that Dr. C. King, one of the objectors to the application, was in attendance and she was welcomed to the meeting.

Dr. King informed the Members that she was acting on behalf of a number of residents of St. John's Wharf and drew the Members' attention to two issues contained within the Committee report which she wished to address. She pointed out, firstly, that

the report had indicated that the Council's Environmental Protection Unit had, within the past twelve months, received a total of three noise complaints in relation to El Divino and explained that additional complaints had been submitted to the Noise Team in writing. Secondly, the Building Control Service had, over the years, organised a number of liaison meetings, however, residents had not attended the last one as they had felt that all of the issues had been covered in previous meetings.

She then referred to the issues which had been experienced by residents over the past three years, in terms of noise and nuisance from El Divino, and confirmed that those had occurred as recently as the previous Saturday night when they had been awoken by patrons screaming and shouting as they made their way from the premises along the Laganbank Road.

Dr. King highlighted the fact that it had been confirmed recently that the premises had been advertised for sale and that the objectors had contacted the vendor in order to obtain clarification on a number of issues, one of which was whether any prospective buyer would be made aware of complaints which had been made against El Divino. The vendor had advised only that potential buyers would be required to carry out their own due diligence exercise, which, as far as she was aware, differed from the process governing the sale of domestic properties. She made the point that residents were concerned that, in the event of the applicant securing the renewal of the Seven-day Annual Entertainments Licence, it could be used to promote the sale of El Divino, as it was being offered with the premises, and a new licensee could create additional difficulties by utilising the licence on each night of the week. She highlighted the innumerable complaints which had been submitted to both the Building Control Service and the Environmental Protection Unit in relation to the premises and stressed that any improvements had been achieved only after continual requests from residents, rather than being initiated or offered by the licensee. She concluded by stating that the St. John's Management Company was responsible for the operational management of the residential block and was not reflective of the views of residents.

In response to several queries from the Members, Dr. King indicated that she had met with Mr. M. Beirne and the manager both in the premises and in the offices of the Building Control Service. More recently, residents had telephoned and emailed the premises to raise issues around, for example, the emptying of bottles at 6.30 a.m., which had been addressed by the licensee. She confirmed that it was normal practice for only one resident to attend liaison meetings and that she had attended at least two such meetings. She pointed out she had been one of a number of residents who had, in the early hours, contacted the Council's Night Time Noise Team to complain about noise emanating from the premises and had been advised that it was dealing with issues at other venues and would respond in due course. She suggested that, in the majority of those instances, by the time that the Noise Team had reached the location, the residents had either not waited up or the noise had ceased. She added that the management of El Divino had provided residents with mobile telephone numbers on which to contact them should issues arise. However, the telephones had not always been answered and, on those occasions that she had spoken with a representative from the premises to highlight noise issues, she had been informed that the matter would be addressed, although there had been little improvement.

The Chairperson thanked Dr. King for her contribution and welcomed to the meeting Mr. P. Langsford, the applicant, together with Mr. P. Kelly, the manager of El Divino, and Mr. R. McLaughlin, his legal representative.

Mr. Langsford informed the Members that, since El Divino had opened in 2011, it had played a major role in the resurgence of the hospitality sector in Belfast. The premises currently provided employment for fifty persons directly and another one hundred indirectly as, for example, promoters and ambassadors and had attained a number of awards and attracted some of the world's most celebrated performers. Approximately 300,000 patrons had visited the venue since it had opened, many of whom had been tourists, who, in turn had contributed to the economy of the City.

Mr. Langsford recognised that the success of El Divino had created difficulties for a small number of local residents and explained that considerable time and resources had been allocated to resolving those issues. He explained that management had a close working relationship with the management company of the St. John's Wharf complex, the St. John's Wharf Residents' Association, the Police Service of Northern Ireland and the Building Control Service and had been willing participants in liaison meetings with those groups and had always sought to address fully any issues which had been raised by residents. He pointed out that, at the last liaison meeting, it had been agreed that further meetings should take place only if requested by residents if issues persisted and that, as far as he was aware, since the Entertainments Licence had last been renewed, the management of El Divino had been the only party to request such a meeting. That had occurred in December 2015, when the Building Control Service had been invited to arrange a meeting with residents to enable the licensee to put forward a proposal to remove a Thursday night from its entertainment programme, with a view to alleviating residents' concerns.

He stressed that Thursday nights in El Divino were one of the most popular student nights in the City and that the cessation of entertainment on that night had had a significant impact upon the income generated by the premises and its reputation within the club scene. Unfortunately, the request had been declined by the residents and a meeting had taken place with the management company and the Residents' Association at which the proposal to remove a Thursday night had been confirmed. The Residents' Association had identified issues around, for example, litter and signage and action had been taken almost immediately by the licensee to resolve the matters and communicated in writing to residents. He highlighted the fact that the licensee had voluntarily put in place a number of other measures to minimise disruption locally, which included operating to 2.00 a.m. on a Friday and Saturday night, as opposed to 3.00 a.m. on the Entertainments Licence, not opening on a Sunday night before a Bank Holiday and staggering the dispersal of patrons when the venue was operating at or near full capacity. Other measures had included the deployment of a private outside security team, the use of the Community Rescue Service on busy nights, the provision of body cameras for door staff, the placing of notices outside and inside the venue requesting patrons to keep noise levels to a minimum and the provision of a dedicated mobile telephone number for the exclusive use of the residents of St. John's Wharf. Mr. Langsford pointed out that he was the licensee of a number of other premises across the City and confirmed that, in terms of El Divino, he would continue to work with the Building Control Service, residents and others to address fully all issues arising from

the operation of the premises. He concluded by highlighting the contents of an email which had been received from a resident of the nearby St. John's Wharf complex commending the management of El Divino on the manner in which the premises were being operated.

Mr. Kelly explained that either he or Mr. Langsford ensured that they responded promptly to all complaints received from customers or residents and that he was unaware of any complaints which had not been addressed. Residents had been provided with details in writing of a mobile telephone number which was held at all times by the Duty Manager, however, he had yet to receive a call from them during the fifteen months in which it had been in operation. In terms of the difficulties with early bin collection, he pointed out that those had been due to a route change by the company and had been remedied once highlighted by a resident of St. John's Wharf. In addition, no security vehicle had ever blocked the entrance to the apartment block.

The deputation then addressed a number of questions which had been raised by the Members.

Mr. Kelly confirmed that there were no issues with mobile telephone coverage in the premises and that he had obtained a breakdown of the calls and messages which had been received on the dedicated mobile phone, none of which had involved complaints from residents. In terms of the operation of a new security company, he confirmed that all initial difficulties had been resolved and that, arising from one of the liaison meetings, luminous signage had been fitted to the security company's vehicle to increase its visibility.

In terms of the operation of El Divino, Mr. McLaughlin confirmed that Mr. Langsford was a Director of the business and that he and Mr. Kelly were responsible for its day-to-day operation. He added that Mr. M. Beirne was one of three owners of the business and that he was consulted periodically on issues such as drinks promotions and entertainment provision.

Mr. Langsford confirmed that the premises had always held a Seven-day Annual Entertainments Licence and that he would be opposed to any restrictions being placed upon the licence to exclude a Thursday or any other night.

The Chairperson thanked the deputation for their contribution.

After discussion, it was

Moved by Councillor Armitage,
Seconded by Councillor Mullan,

That the Committee agrees, in its capacity as Licensing Authority, to renew an Annual Indoor Entertainments Licence for El Divino, May's Meadow, with the following conditions being attached to the Licence:

- i entertainment shall be permitted to take place only on a Friday and Saturday or on any Bank Holiday or Public

Holiday that falls on any day other than a Friday or Saturday;

- ii entertainment may be provided from 11.30 a.m. to 3.00 a.m. the following morning on those days;
- iii when the maximum occupancy level of the premises is reached, the current arrangement for dispersing patrons from each of the licensed areas on a phased basis will be maintained; and
- iv quarterly meetings shall be held, if required, between the Building Control Service, the licensee, residents, the St. John's Wharf Management Company, the Police Service of Northern Ireland and other relevant parties.

Amendment

Moved by Councillor Hussey,
Seconded by Alderman L. Patterson,

That the Committee agrees, in its capacity as Licensing Authority, to renew a Seven-day Annual Indoor Entertainments Licence for El Divino, May's Meadow.

On a vote by show of hands three Members voted for the amendment and seven against and it was declared lost.

The original proposal was thereupon put to the meeting when seven Members voted for and two against and it was declared carried.

**Application for the Renewal of a Seven-day Annual Entertainments Licence -
Thompsons Garage, 3 Patterson's Place**

Prior to this item being considered, the Chairperson informed the Committee that he had been advised by the Town Solicitor of the need, in accordance with the legal requirements contained within the Local Government Act (Northern Ireland) 2014, to restrict the information surrounding the application.

Accordingly, with the exception of those parties associated with the application, all persons seated within the public area of the room were excluded from the meeting to enable the matter to be considered in private.

Arising from discussion, a Member highlighted the fact that the Committee had, in the past, deferred consideration of applications until the outcome of legal proceedings had been determined and sought clarification on the impact upon the premises' Entertainments Licence, should it defer this application.

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank



Subject:	The Licensing and Registration of Clubs (Amendment) Bill
Date:	19th October, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	Patrick Cunningham, Assistant Building Control Manager, ext. 6446

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

1.0	Purpose of Report/Summary of main Issues
1.1	Members may be aware of the Licensing and Registration of Clubs (Amendment) Bill (hereinafter referred to as the Bill), which was formally introduced to the Northern Ireland Assembly by the Department for Communities on 19th September, 2016.
1.2	<p>A summary of the key areas of the Bill are as follows:</p> <ul style="list-style-type: none"> to place restrictions on the advertising of intoxicating liquor in supermarkets and off sales premises; to introduce occasional additional late opening for certain licensed premises and modest changes to the Easter opening hours for certain licensed premises and registered clubs; to extend “drinking-up” time for a trial period of one year in licensed premises and registered clubs; to align intoxicating liquor and entertainment licences in licensed premises; to remove requirement for children’s certificates in licensed premises and registered clubs; to permit underage functions in licensed premises and registered clubs provided certain conditions are met; to require licensed restaurants to display a notice in relation to their licence conditions; to place a requirement on delivery persons to record details of identification shown (if there is any doubt that the person to whom the alcohol is delivered is not 18 years of age or over); to permit formal approval for codes of practice on responsible retailing; and to make some other minor changes to the law affecting private members’ clubs.
1.3	The Council has been invited to make written submission and provide evidence on the Bill, as have other councils across NI. However, the Service only received notification of this after your meeting in September. The closing date for responses is 19th October 2016.

1.4	Following approval by the Assembly at the Second Stage on 27th September, 2016, the Bill has now been referred to the Committee for Communities, which has responsibility for the Committee Stage of the Bill.
1.5	The Bill, and supporting documentation is available at: http://www.niassembly.gov.uk/assembly-business/committees/communities/legislation/
1.6	Members will be aware that the current legislation regarding liquor licensing is the Licensing (NI) Order 1996 and the Registration of Clubs (NI) Order 1996, which are the responsibility of the Department for Communities.
1.7	Members may also be aware that, in 2012, the Council was consulted and provided a response to a similar Bill regarding proposed changes to the liquor licensing laws by the then Minister for Social Development, Mr Nelson McCausland. For your information and reference, the Council's response to that Bill is attached at Appendix 1.
1.8	Members will also be aware that there was reference made to aligning entertainment licensing hours to liquor licensing hours in the recent consultation on the review of entertainment licensing. The relevant extract of the Committee's response to that consultation is attached at Appendix 2.
2.0	Recommendation
2.1	The Committee is requested to consider the draft report before the Committee and agree the submission of the Council response subject to any amendments arising from your discussions.
3.0	Main Report
	<u>Key Issues</u>
3.1	The Bill is an update and carry over of the previous consultation introduced in 2012 by the then Minister for Social Development, Mr Nelson McCausland. As advised, the Council was consulted and provided a response regarding proposed changes to the liquor licensing laws.
3.2	Members will be aware that there is a need to modernise licensing legislation to reflect the needs of a modern market and underpin ambitious plans to grow the tourism and hospitality sectors, whilst maintaining a safe, sociable and vibrant night time economy.
3.3	This Bill impacts on several key issues for the Council, such as: public health, anti-social behaviour, employment and tourism in conjunction with the night time economy. The views of other Services across Council have been sought to provide a combined Council response. Officers have also engaged with the industry as well as NILGA and other councils.
3.4	The Bill and our draft response has also been discussed and considered by Legal Services through the Town Solicitor and Divisional Solicitor. A copy of the draft response is attached at Appendix 3.

Societal and Economic Issues

- 3.5 Changes in the social and economic situation locally have had a significant impact on the licensed trade. In particular competition from off-trade retailers of alcohol, including supermarkets, and their selling of large volumes of low price alcohol have had a significant impact on on-sales. The resultant increase in the number of people drinking at home (often referred to as 'pre-loading') has given rise to concerns surrounding alcohol misuse and irresponsible drinking.
- 3.6 Addressing and reducing alcohol misuse and the problems it causes are essential to create a safer and healthier city. The Council is represented on the Belfast Strategic Partnership group initiated by the Belfast Health and Social Care Trust. A key driver for the group is looking at admissions data collated by hospitals for those patients attending due to alcohol related accidents and emergencies.
- 3.7 Data gathered from hospitals indicate that the peak incident times are after 11.00 pm and beyond with particular problems from 2.00 am onwards. The data also showed that most incidents take place on Saturday and Sunday into the early hours of Monday. Other analysis of the people that attended hospital showed that in almost 100% of cases 'preloading' had occurred with 48% of alcohol being purchased from supermarkets.
- 3.8 Whilst the data only represents emerging findings at this stage, the issue of 'preloading' and drinking at home along with the social attitudes to alcohol is still a significant element of any ability to control the situation and experts advise that it is likely to only get worse if not tackled.
- 3.9 However, it must be remembered that not all those who drink do so irresponsibly. In addition, it is important to consider how these proposals will impact upon tourism and the night time economy. Tourism is a major contributor to economic development in Northern Ireland, particularly in Belfast. In 2013 the visitor economy of Belfast was valued at £438.4m, with £2.08m from tourists who spent at least one night in the city. Belfast City Council's Integrated Tourism Strategy for 2015-2020 identifies the younger markets as being a key priority to attracting tourism and meeting the targets set out in the Programme for Government to increase visitor numbers and tourist revenue. It is also estimated that some 60,000 jobs in Northern Ireland are reliant on the hospitality industry.
- 3.10 It is, therefore, clear that a balance has to be struck between dealing with alcohol misuse and encouraging tourism, together with the growth of the night time economy. In those circumstances, the draft response generally welcomes the additional opening hours and flexibility contained within this Bill but officers are extremely concerned by the proposal to align entertainment licensing hours to liquor licensing. This will cause more harm to the night time economy than any purported benefit by the extremely modest increase in permitted hours.
- 3.11 Officers are also concerned about this inroad into the vires of local district councils. This particular proposal is highly likely to be controversial with some sections of the community and it is unclear why this fundamental change to council powers is being proposed in legislation which primarily relates to PSNI functions and has not been subject to fuller consultation.
- 3.12 Furthermore, the proposal to align the hours of entertainment to liquor licensing has already formed part of a consultation issued by the Department of the Environment in 2015. That consultation was issued on foot of a Working Group set up to specifically review entertainment licensing, That Working Group had representatives from PSNI, councils, NIFRS and industry representatives. It is officer's understanding that the proposal was not supported by the majority of those who responded to that consultation.

Proposals

Easter Opening

3.13 The draft Bill proposes normal opening hours on the Thursday before Good Friday but that the hours for Good Friday (5.00 pm – 11.00 pm) remain unchanged, as do the hours for Saturday (11.30 am - midnight) and Easter Sunday (12.30 pm – 10.00 pm).

3.14 As the Committee will see, the draft response welcomes these changes. However, whilst recognising the significance of the Easter period, the draft response suggests that the proposed changes remain too restrictive for tourists visiting the city at this time. It, therefore, suggests that consideration be given to permitting normal opening hours on the Saturday as well as the Thursday.

Additional Hours

3.15 The draft Bill proposes the ability of premises which operate to 1.00 am to apply to the court for permission to sell alcohol until 2.00 am on 12 times a year. There is also provision for premises which only operate until 11.00 pm on certain nights to apply to the PSNI for authorisation to operate until 1am (midnight on Sundays) for up to 85 days per year. The proposed amendments in relation to additional hours also prohibits sealed containers of intoxicating liquor being taken from pubs during 'drinking-up time'.

3.16 The draft response states that the Council is of the view that flexibility in opening hours is important in promoting tourism and the night time economy and in that context welcomes the ability to apply for additional hours. However, it does express caution at the proposal to remove carry out facility from premises during 'drinking up' time as it is a further deterrent to people visiting licensed premises and by extrapolation will encourage people to consume alcohol within the home environment to the cost of both the tourism and hospitality industry.

Alignment of Entertainment Licensing to Liquor Licensing

3.17 The draft Bill proposes that entertainment cannot be provided any later than the permitted hours for the consumption of alcohol, which would be up to 2.00 am on weekdays and 1.00 am on a Sunday. Entertainment until 3.00 am will only be permitted 12 nights per year for certain licensees who must apply to the court for an order permitting it to sell alcohol until 2.00 am on those nights. In effect, this legislation will stop all entertainment in the city at 2.00 am all year apart from those 12 nights.

3.18 The Committee will remember that, in its response to the review of entertainment licensing in June 2015, it indicated its opposition to the alignment of liquor licensing to entertainment licensing. Whilst the proposed changes may afford the PSNI some comfort that licensee's will not have the opportunity to breach liquor licensing legislation, it does not permit any flexibility for a Licensee who wishes, with good and justifiable intentions, to provide entertainment beyond the hours of their liquor licence. In those circumstances the draft response states that the Council is opposed to this provision and would seek an explanation of the rationale for its inclusion in this Bill, together with any evidence which has been presented to support that rationale.

Extending 'drinking up' for one year on a Trial Basis

3.19 The extension of 'drinking up' time from 30 minutes to 60 minutes is welcomed but it is unclear why this change is on a trial basis when all other proposed changes are permanent. Given the draconian changes that are being proposed in relation to the restriction of entertainment to the permitted licensing hours, officers are concerned that if this extension is not made permanent the provision of entertainment will be even further restricted. In effect, if the trial is not made permanent then entertainment would have to cease at 1.30am

	<p>apart from 12 days of the year when it could be extended by an additional hour.</p> <p>Young People</p> <p>3.20 The draft Bill proposes the removal of the requirement for children’s certificates to permit children to be on premises until 9.00 pm. It also provides a mechanism by which licensed premises can apply to the court for permission to hold underage functions provided there are arrangements in place to ensure those young people do not have access to the part of the premises used to sell alcohol.</p> <p>3.22 It also makes it an offence for a licensee or a member of staff to make a home delivery of alcohol to any person under 18 years of age and also makes it an offence for a person under 18 years of age to knowingly accept a home delivery of alcohol. The draft response welcomes these changes.</p> <p>Restrictions on drinks promotions in supermarkets</p> <p>3.23 The draft Bill restricts the advertising of drinks promotions in supermarkets to the area in which alcohol may be displayed. Supermarkets and off-sales will also be prohibited from advertising drink promotions within 200 metres of the boundary of the premises. Again, the draft response welcomes these proposals.</p> <p>Code of Practice</p> <p>3.24 The draft Bill allows the Department to formally approve a Code of Practice in relation to the display or sale of alcohol, as well as any activities designed to promote the sale of alcohol. Whilst the draft Bill requires a court to be satisfied that a licensee is aware of the Code upon the grant, transfer or renewal of a licence it does not make it an offence to fail to comply with any such approved Code. Whilst this provision is welcomed in principle officers are concerned that the fact it is not an offence to fail to comply with the Code will render the provision meaningless, or alternatively that PSNI and others will seek to enforce this Code through the prism of entertainment licensing and the resources of local district councils.</p> <p>3.25 Other minor proposals contained within the draft Bill relate to the prohibition on self-service and sales by vending machine and the requirement for restaurants and guesthouses to display their liquor licence conditions.</p> <p>The Provisions of the Bill which apply only to Registered Clubs</p> <p>3.26 A sporting club will be able to apply on six occasions per year to extend the area of its premises licensed to supply alcohol, provided that certain conditions are met. This will allow sporting clubs to take advantage and maximize events being held at their clubs. It will also encourage the introduction of others, such as captain's day at golf clubs, which attract large numbers of members and guests, by extending the area where they can supply alcohol on club grounds.</p> <p>3.27 It further helps that young people will be permitted to remain in the bar area of a registered club until 11.00 pm during the summer months, 1st June to 31st August, or to attend an awards ceremony on one occasion in a calendar year. This will allow young people to avail of the full range of sporting activities open to them during the summer months, which often extend into the evening. An awards ceremony allows sporting clubs to celebrate the success of young people who participate in the sporting activities offered by a club.</p>
--	--

3.28	<p>However, many of these competitions and ceremonies are not just confined to the summer months and continue throughout the year and that has been pointed out in the draft response.</p>
3.29	<p>A registered club will be allowed to advertise any function outside a club premises where the advertisement clearly states that only members of the club and their guests may attend. Currently, members of the general public are permitted to attend functions where the proceeds are devoted to charitable or benevolent purposes. However, the law prohibits a registered club from publicly advertising the function.</p>
3.30	<p>This Provision will ensure that there are no restrictions on the advertising of such events as many non-members and general public may prefer to attend events within a local club environment.</p>
<p><u>Additional Comments</u></p>	
3.31	<p>Officers are aware of problems regularly being experienced across Northern Ireland as a result of people drinking on buses coming to nightclubs, or large outdoor music events, and the associated problems when they get off the bus. Unfortunately, there is no legislation to stop on-board drinking taking place except for those going to Class A events.</p>
3.32	<p>Officers have been working extensively with the PSNI, promoters, and bus operators across the UK and Ireland to try to tackle this problem but the absence of robust enforcement powers has hampered those attempts. Officers believe that introducing more powers for the PSNI to deal with this issue would reduce the issues associated with alcohol misuse at large scale events.</p>
3.33	<p>The Committee will note that the draft response also raises an issue in relation to the sale of alcohol at markets and other such venues. Given the growing status of Northern Ireland as a tourism and conference/event destination, officers have suggested that the Department considers the extension of occasional licences to permit the off-sale of limited amounts of alcohol at markets which are licensed by a local district council as well as at specific events held in hotels or conference centres.</p>
3.34	<p>In light of cuts to NITB funding, it is increasingly necessary to seek private sponsorship and involvement in developing events. As well as adding to the visitor offer, this would also help small local breweries showcase their wares on a national or international stage.</p>
3.35	<p>A further suggestion has been to make provision for a special licence for international events that are of regional economic significance that require a liquor licence but fall outside normal trading hours or outside the scope of an existing licence type. As Northern Ireland, and in particular Belfast, seeks to establish itself on a global scale it is important that there is flexibility for international events which are of regional economic significance. It has been suggested that the authority to grant a special licence could be given to a statutory body, such as Tourism NI, or alternatively at the discretion of the Minister.</p>
<p><u>Next Steps</u></p>	
3.36	<p>Members will be aware of the meeting which took place between the Chief Executive, a group of cross-party delegates from the Council and the Minister for Communities, Mr Paul Givan on 13th September, 2016. At that meeting, a number of key items were discussed, including entertainment and liquor licensing laws, and the Minister was advised that the Council was keen to work with the Department on those issues.</p>

3.37	Following that meeting, the Chief Executive sent a letter to the Minister listing the items which had been discussed. The letter acknowledged the proposed Bill and advised that the Council would welcome the opportunity to contribute to the review and development of new Entertainments Licensing and Liquor Licensing Laws, through formal consultation or by the provision of evidence at Committee Stage, in the Assembly.
3.38	The Chief Executive also requested an update on the anticipated next steps in respect of the reviews. A copy of the Chief Executive's letter is attached at Appendix 3.
3.39	The Committee for Communities has agreed a list of key stakeholders from which it will begin to take oral evidence before the call for written evidence closes. The Committee will schedule additional oral evidence sessions, as required, following consideration of written submissions after the call for written evidence closes on the 19th October.
3.40	However, the Committee has since advised that it wishes officers of the Building Control Service to make oral representation to the Committee for Communities on Thursday 20th October.
	<u>Financial and Resource Implications</u>
3.41	There are no financial and resources implications associated with this report.
	<u>Equality and Good Relations Implications</u>
3.42	There are no equality or good relations issues associated with this report.
4.0	Documents Attached
	<p>Appendix 1 – 2012 Consultation Response to proposed changes to the Law Regulating the Sale and Supply of Alcohol in NI</p> <p>Appendix 2 – Extract from 2015 Consultation Response to the Review of Entertainment Licensing</p> <p>Appendix 3 – Draft Consultation Response to current Bill</p> <p>Appendix 4 – Chief Executive's letter to the Minister for Communities, Mr. Paul Givan MLA</p>

This page is intentionally left blank

Proposed Changes to the Law Regulating the Sale and Supply of Alcohol in NI

Belfast City Council Consultation Response

October 2012

Respondent Details

In order for your response to be considered valid, you must provide the following information:

Name	Trevor Martin, Head of Building Control
Organisation (if any)	Belfast City Council
Address	Building Control 5th Floor, 9 Lanyon Place Belfast BT1 3LP
Telephone No	02890270283
Email	martint@belfastcity.gov.uk

Are you responding as an individual?

Or are you representing the views of an organization?

General Comments

Belfast City Council welcomes the Department for Social Development's consultation on 'Proposed Changes to the Law Regulating the Sale and Supply of Alcohol in NI' and in particular welcomes the opportunity to comment on proposals to align the hours for entertainment licensing and alcohol sales and consumption.

As advised in previous consultation responses the Council has expressed its opposition to the practice of inappropriate and dangerous drink promotions in pubs and clubs. The Council, primarily through representations of the PSNI to its Licensing Committee, is also fully aware of problems arising due to differing operational hours allowed under Entertainments Licensing legislation from those for the sale and consumption of alcohol. In recent months the Licensing Committee has discussed issues around the irresponsible sale of alcohol and the possibility of controlling drinks promotions through Entertainment Licensing. In a letter to the Minister for the Environment, the Committee has expressed support for the need to review the Local Government (Miscellaneous Provisions) (NI) Order 1985 and the associated Model Terms in order to expand these controls. It will be key, if future controls are to be exerted through the local government powers, that an urgent review is convened to allow the scope intended in the principle of these proposals to be realised.

The Council recognises that alcohol misuse in our society presents a significant problem in terms of the health and well-being of the people of Belfast, and increases anti-social behaviour, noise complaints, alcohol-fuelled disorder, crime, domestic violence and so on.

Belfast City Council has a civic responsibility to play a leading role in reducing alcohol misuse which will help it deliver its corporate objective of creating a healthier and safer city.

Alcohol harm is a significant problem in Northern Ireland and is proportionally more so in Belfast. In Northern Ireland alcohol causes:

- 730 deaths a year
- loss in over 12,000 expected years of life
- approximately 400,000 lost working days

The Department of Health, Social Services and Public Safety has estimated that in 2008/2009 prices the cost to society of alcohol misuse in Northern Ireland is estimated to be within a range of £500.8million and £884.4million. A significant amount of this cost is within the Belfast District area.

In Belfast there are over 750 alcohol related violent assaults within or outside bars.

Alcohol related death in the Belfast trust area was 69% higher than the Regional rate in 2008. The rate in deprived areas in the period 2001-2008 was consistently double that in the overall Trust over the period.

One of the largest sub-regional inequality gaps between the health outcomes experienced in those deprived areas in the Belfast Trust occurred in alcohol related mortality.

The harm caused by alcohol extends to all aspects of economic and social life within the city impacting upon communities, families, businesses and individuals. It has impacts across all generations and walks of life.

The Head of Environmental Health represents the Council on a group initiated by the Belfast Health and Social Care Trust entitled 'A Belfast Initiative for Violence Prevention'. A key driver for the group is looking at admissions data collated by hospitals for those patients attending due to alcohol related accidents and emergencies. It is aimed at linking those discussions with the other statutory agencies about how we can, in partnership, best use the collective evidence. There have only been two meetings but early data analysis has verified some of the information that could provide the local evidence base supporting the drive for behaviour change on alcohol.

Early data analysis gathered by the Mater Hospital, based on a model developed by Cardiff, shows the peak incident times are at 11pm, 2am and 3am with most incidents taking place on Saturday and Sunday into the early hours of Monday. The main type of injury was interpersonal with 83% of patients being male. Discussions to link this information with data from the PSNI and other enforcement agencies including the Council could help to inform 'hot spot' deployment of resources.

More interestingly, in-depth questioning of the people attending hospital showed that in almost 100% of cases 'preloading' had occurred, with 48% of alcohol being purchased from supermarkets. The data represents only emerging findings at this stage. It is hoped that other hospitals will join and, if the sample size is increased, this could present very informative research on which to base future actions. This initiative needs to be carefully considered in taking this consultation forward as the whole issue of 'preloading' and drinking at home and the social attitudes to alcohol will be a significant element of any future controls.

Conversely, the Council also recognises the importance of restaurants, pubs and clubs to the vibrancy and tourism offer and night-time economy of Belfast and accepts that the majority of the alcohol industry, including retailers, wish to act responsibly and work to address alcohol misuse.

Belfast City Council published the Belfast Integrated Strategic Tourism Framework 2010 – 2014 which sets out the city's targets and priorities for tourism growth for the next 2- 3 years. Events, pubs, restaurants and cultural experiences are identified as key components of the city's tourism offer, as is ensuring the city offers a safe and welcoming environment for all citizens and visitors.

In 2011, overall there were 7.86 million visitor trips to Belfast. The value of direct tourism spend in Belfast City during 2011 was an estimated £301 million. For every £1 spent by out-of-state overnight visitors in Belfast in 2011, 21p was spent on accommodation and 23p on eating out. The hospitality trade thus benefited from over half of income generated; 54p in every £1 spent. The three most popular attractions for overnight visitors were the Belfast shopping area, Belfast City Hall and the Crown Bar (43%). Visiting a traditional pub or bar proved very popular amongst out of state overnight visitors, almost a third had a meal out in a restaurant and more than half (51%) ventured into the heart of the City Centre in the evening. The most popular evening activities were to go for a drink in a pub (32%) and/or go for something to eat in a restaurant or café (18%). One of the main requests from visitors for improvements to the city's offer is for places to stay open later.

Recent research undertaken by NITB (NITB Visitor Attitude Survey 2011) shows that Belfast appeals to younger visitors, with around two in five aged under 35. Cafes and pubs/bars are the most popular places to eat and our visitors demand events and things to do e.g. pubs, contemporary festivals, shopping, street entertainment and attractions.

Within our Tourism Framework 2010 – 2014, we have identified a number of key priorities that are impacted by the sale and supply of alcohol:

- **Supporting the city's pubs and restaurants as a major contributor to the local economy – sustaining employment directly and indirectly.** The sector employs a range of skills from chefs and kitchen staff, to front of house, management and administrative personnel. Pubs and restaurants are predominantly independent enterprises and run by local companies unique to Belfast. The services that the sector provides increase the opportunity for visitors and citizens to spend money and a good experience will encourage people to share their knowledge and improve the perceptions of Belfast.
- **Café Culture** – on condition that it is well managed and attractive to visitors and citizens. Café culture should be embraced by non licensed and licensed premises and is not a promotion of drinking alcohol outside but enjoying food and drink in general. A well managed café culture enhances the urban space and environment.
- **City events and festivals** – the securing of large scale events is critical to achieving growth in visitor numbers and spend, contributing significantly to the economy and to the overall positive perceptions of Belfast. This remains difficult because of the current licensing laws and lack of flexibility. From an events perspective the Council would be keen to see an amendment that permitted an extension to licensing hours for special large-scale international events e.g. WPF 2013, All-Ireland Fleadh Cheoil, MTV EMA type event, etc. This would pertain to extending licensed operating hours across all seven days including Sunday.
- **Local Tourism Destinations** – our Tourism Framework identifies a number of local tourism destinations across the city e.g. Gaeltacht Quarter, Cathedral Quarter, Queen's Quarter, Shankill, Titanic Quarter. Belfast welcomes the work that Belfast City Centre Management have delivered with respect to the Cathedral Quarter being awarded the Purple Flag accreditation – which showcases the area as a well managed and safe area in the evening

- this supports our marketing messages to potential visitors and reinforces the safe experience on the ground when visitors get here.
- Belfast City has a range of arts venues including the MAC, Lyric Theatre, Black Box, Opera House, and the city hosts music events, literature events, entertainment and a range of festivals in venues throughout Belfast. Licences for these venues need to cater for customers and licensing proposals should consider this in final submission.
- Business Tourism is an important market for Belfast. Business visitor spend is high and they are potentially future leisure visitors. Belfast must offer a competitive and compelling proposition to secure conferences from both domestic and out-of-state. Licensing flexibility is important for Belfast to make successful bids against other cities and to win regular conferences and business meetings.

Regulating the Sale of alcohol in supermarkets and off-sales premises

1. **To what extent do you agree that mixed trading (i.e. selling alcohol in addition to other items) should be further restricted in supermarkets and shops?**

Suggested Council Response

Disagree - Most supermarkets have their own over 25 policy with regard to alcohol sales and have certain checkouts that do not sell alcohol. Our view is that the direct sale of alcohol to minors is not a major issue in supermarkets, although we recognise that proxy purchasing of alcohol can be an issue with supermarkets.

We believe that restricting mixed sales of alcohol will inconvenience customers without reducing the supply of alcohol to minors and the administration of this will cause widespread inconvenience for the regular shopper who wants to purchase a small amount of alcohol while shopping with their family.

2. **To what extent would you agree with increasing the degree of separation in supermarkets between areas where alcohol and other goods are displayed?**

Suggested Council Response

Disagree – Our view is that introducing the degree of separation between areas where alcohol and other goods are displayed will not reduce alcohol sales nor reduce the sale of alcohol to those purchasing for minors, chronic street drinkers or over 18's who wish to buy alcohol to "preload" before they go out.

3. **To what extent would you agree that persons under 18 should not be allowed to enter areas in supermarkets where alcohol is displayed?**

Suggested Council Response

Disagree - We have no evidence from a community safety perspective that not allowing persons under 18 to enter areas where alcohol is displayed would reduce underage drinking or anti-social behaviour.

Our view is that it is best for children to be with their parents at all times and that persons under 18 should be accompanied by an adult if entering an area where alcohol is displayed or sold and that appropriate warning signs should be displayed advising the responsible adult of their responsibility.

Excluding children from areas in supermarkets where alcohol is displayed, as well as being difficult to implement for supermarkets will, more importantly, be resource intensive to enforce.

In addition proposals to relax the legislation requiring 'on-sales' licensed premises to hold children's certificates appears to run contrary to this proposal and may be perceived as being discriminatory towards supermarkets.

4. To what extent would you agree that the purchase of alcohol in supermarkets should be restricted to alcohol only checkouts?

Suggested Council Response

Disagree - Most supermarkets have their own over 25 policy with regard to alcohol sales and the direct sale of alcohol to minors is not a major issue in supermarkets. Restricting the purchase of alcohol to alcohol-only checkouts would be difficult for businesses to comply with as well as inconveniencing customers and it is doubtful that it will either reduce alcohol sales or reduce the supply of alcohol to minors. Even if it reduces alcohol sales in supermarkets there is the possibility that there will be a resultant increase in alcohol sales in off sales as people will buy alcohol on a different shopping trip to their main grocery shop rather than queue twice in the supermarket.

5. To what extent would you agree with restrictions on advertising of alcohol in supermarkets and off sales premises?

Suggested Council Response

Agree – Our view is that alcohol advertising has a contributory effect on the levels of consumption and can support the development of pro-alcohol attitudes, particularly amongst young people. A restriction on advertising of alcohol in supermarkets and off sales premises may bring a long term reduction in alcohol fuelled violent crimes and antisocial behaviour incidents.

6. To what extent would you agree with prohibiting the advertising from taking place within the vicinity of the premises?

Suggested Council Response

Agree – Our view is that restrictions should be placed on advertising within the vicinity of supermarkets and off-sales premises for the same reason given in the previous proposal. It is also a concern that advertising within the vicinity of a premises may attract youths to affordable promotions and encourage them to ask customers to purchase alcohol for them.

Our view is that supermarkets and off sales premises should not be allowed to advertise alcohol offers anywhere other than within the licensed area of their premises. It is unclear if the intention would also be to stop off-sales premises having window displays in their premises.

7. To what extent would you agree with restricting the display of branded non-alcoholic products to the licensed area in supermarkets?

Council Response

Agree – Our view is that alcohol-branded non-alcoholic products that are being given away for free as part of alcohol promotions or offers should only be displayed in the licensed areas in supermarkets. Alcohol-branded non-alcohol products that are for sale should be allowed to be displayed anywhere in the premises and that restricting them to licensed areas may be anti-competitive for certain-types of non-alcoholic products, likely to reduce sales of those products whilst having no effect on alcohol sales.

8. **To what extent would you agree that advertising materials which relate primarily to alcohol should be restricted to licensed areas in supermarkets?**

Suggested Council Response

Agree – Our view is that advertising materials which relate primarily to alcohol should be restricted to the licensed areas in supermarkets as we believe reducing exposure to alcohol advertising may help change attitudes towards alcohol consumption and in turn reduce incidences of alcohol fuelled violent crime and antisocial behaviour. Careful consideration will have to be given to how this is defined however as it may be difficult to determine if a leaflet relates primarily to alcohol given that many supermarket flyers are distributed widely within and outside the premises and include both food and alcohol offers.

9. **To what extent would you agree with the proposal that young people under 18 years of age should not be allowed to accept a delivery of alcohol?**

Suggested Council Response

Agree – A significant issue within our communities in relation to ASB can be related to the delivery of alcohol to under 18's. Our community safety and parks and leisure staff who are addressing these issues in partnership with the PSNI have evidence to suggest that deliveries are made to under 18's through home shopping or taxis. This therefore involves minors consuming alcohol and engaging in antisocial behaviour and criminal activity. The PSNI confiscate alcohol from minors if they are found to be in possession of it in public and this measure would reduce any possibility of under-age people ordering alcohol online.

10. **To what extent would you agree with the proposal for identification to be shown and recorded on the delivery of alcohol?**

Suggested Council Response

Agree – Our view is that alcohol should not be delivered to a minor and verification of age should be sought when delivering alcohol – a system of introducing this to supermarket deliveries and also allow controls on other delivery options such as Taxis should be an enforceable offence and may require additional legislative control. This extra measure will help reduce the supply of alcohol to those who are underage.

11. **To what extent would you agree with the proposal to prevent third parties from profiting from the sales of alcohol?**

Suggested Council Response

Agree – The Council is strongly opposed to any illegal practices which increase the access to alcohol beyond the current licensing arrangements and third parties should not profit from the sale of alcohol. However, consideration must be given to how this would be enforced and if the PSNI would have the resources to carry this out.

Regulating the sale of alcohol in pubs and other on-sales premises

12. To what extent do you agree that public houses/ bars are important to the NI economy, including the tourism industry?

Suggested Council Response

Agree – As referred to in our opening general comments, our view is that public houses/bars are very important to the Northern Ireland economy, including the tourism industry. The statistics state that Belfast visitors; both leisure and business enjoy going to public houses/bars to not only enjoy the hospitality, food and beverages on sale but to also enjoy entertainment and the cultural experience. Visiting public houses/bars is one of the top activities for visitors when they are on holiday in the city.

Public houses/bars create employment directly and indirectly and contribute to the vibrancy and uniqueness of Belfast as a place to visit.

13. To what extent would you agree with the introduction of occasional additional late opening hours for certain licensed premises?

Suggested Council Response

Partially agree – Our view is that the introduction of additional late opening hours for certain licensed premises would be good for the economy and tourism, particularly for special large-scale international events e.g. World Police and Fire Games 2013, All-Ireland Fleadh Cheoil, MTV European Music Awards type events, etc. However we would caution that the following issues need to be considered:

- Licensed premises should operate additional late opening hours on a regular rather than infrequent basis so that customers become fully aware of the additional opening hours and can plan for a later closing time – rather than a rare one-off event.
- For a vibrant and safe night-time economy more than alcohol should be available including non-alcoholic alternatives, coffee, etc. If possible other businesses and entertainment venues should also be open in the area to create a mix of offers and in this regard consideration should be given to limiting the extent of occasional licences granted to premises in the same vicinity on the same occasion.
- Significant consideration needs to be given to the environment customers enter when they leave the premises and sufficient controls agreed around this, as well as infrastructure being in place to enable customers to get home safely, for example a robust public transport network should be available.
- Late night opening hours should be able to be reviewed in a timely manner should problems arise, such as increasing incidents of violence or disorder, and further opening must be able to be curtailed expediently.
- Currently, under the terms of the Local Government (Miscellaneous Provisions) (NI) Order 1985 entertainment may be provided up and until the latest hour to which alcohol may be served. Where the Council has restricted the hours during which entertainment may be provided on a premises because of objections from local residents about noise nuisance and disturbance a conflict will arise should additional hours be granted as proposed. It is suggested that proposals be worded in such a way that the Courts must have regard to any restrictions applied by the Council under the terms of the Local Government (Miscellaneous Provisions) (NI) Order prior to issuing an occasional licence or granting an order for additional permitted hours.

- A power to permit exceptional opening hours (beyond the latest additional permitted hour) for significant events should be considered. Reference is made to previous representations of the Council to the Minister supporting the Pubs of Ulster campaign for the creation of powers for the making of an Exceptional Hours Order to coincide with major events or occasions. Notwithstanding any other late night extended hours of opening it is suggested this matter could also be explored as part of the review of the Order and could provide similar powers to those which the Secretary of State has under section 172 of the Licensing Act 2003 in England and Wales. Powers which were last used for the extended Jubilee weekend to mark the occasion of Her Majesty the Queen's Diamond Jubilee.

14. In your view, what should the limit be on the number of occasions where additional late opening hours are granted each year?

Suggested Council Response

Provided appropriate control measures, such as those mentioned in the previous response, are in place our view is that the Court, in considering applications for occasional additional late opening hours, should defer to the views of the PSNI and the Council.

Business tourism is a lucrative market for Belfast and the city needs to be competitive in terms of facilities and have compelling reasons to secure/win a bid. Conferences and business meetings take place in diverse venues and the introduction of late opening hours should be flexible enough to apply to a range of venues including arts venues. The city hosts over 70 festivals, again venues are diverse and are located across the city. As well as granting late opening hours to already licensed venues, consideration should also be given to non-licensed venues.

There is concern that a limited number of occasional additional late opening hours will be of little benefit and may even lead to problems in organising transport home for patrons where trading is extended to 2.00am. If they are to generate any significant interest for the trade and add anything to the tourism offer of the city then it is suggested that additional late night opening hours should be available on more than 12 occasions. The number of occasional hours licences may well be determined by the process under which such applications are made.

However, such a proposal will be subject to political consideration and individual Party Groups may wish to express their own views on what they believe a limit on the number of additional late night opening hours should be.

To avoid any possible confusion it is also suggested that careful consideration is given to the language used in defining occasional additional late opening hours as provision for applying for an occasional licence is already included within the Order which is something entirely different.

15. To what extent would you agree with the conditions attached to the granting of occasional additional late opening hours?

Suggested Council Response

Conditions, such as those relating to restricting entry after certain hours, 'Challenge 21', CCTV and door supervisors are eminently sensible and readily enforceable. Others such as the late night levy seem onerous for a licensee to fulfil and it is doubtful if they will be prepared to meet the expense in order to gain the occasional one hour later opening. The conditions would seem more suitable for permanent late opening hours arrangement, or for the extension to licensing hours for special large-scale international events, as mentioned above, where there is a need to extend licensing hours for the duration of the event.

Consultation with the PSNI and the local council would be important for all such occasional licences and should be subject to review, as outlined above, where evidence of problems such as violence, disorder or noise nuisance and disturbance exists.

16. To what extent would you agree that the number of occasions that police may authorise late opening hours in small pubs should be increased?

Suggested Council Response

Agree – We agree in principle that the number of occasions that police may authorise late opening hours in small pubs should be increased as long as there is consideration given to location, other mixed-use services and infrastructure surrounding the business. In particular there is a concern that increasing the number of occasional licences may lead to increased incidents of noise, nuisance and disorder problems, principally where the pub is located in a residential area.

Police should consider these issues for small pubs when applications are received and we would strongly urge that provision is made within the Order that they must consult with their local council prior to granting such occasional licences to ensure that no such problems have arisen.

However, there again seems to be a contradictory approach developing given that under the Order at present article 44 extension licences may only be granted if the provision of alcohol is ancillary to the provision of substantial refreshment or entertainment. It is unclear why a licensed premise, simply because of its size, should be treated differently in terms of opening hours.

A clear definition of what constitutes a small pub is required if the number of occasional licences are to be significantly increased. If not the implications that some larger pubs will relinquish their article 44 licence, apply for occasional licences and not provide entertainment or substantial refreshment at all should be considered.

17. In your view, what should the limit be on the number of occasions where late opening hours are authorised?

Suggested Council Response

Given that the number of extension licences for private members clubs has recently been increased to 85 it would seem reasonable that a similar number be permitted for late opening authorisations for pubs. It is unlikely that there will be a demand for more than this in any 12 month period and given the concerns over increased noise nuisance and disturbance it is suggested that this figure be utilised and the impact reviewed once implemented.

This is on the proviso as stated in the previous response that Police consult with their local council prior to granting such occasional licences to ensure that no noise nuisance and disturbance problems have arisen.

18. To what extent do you agree with permitting late opening on the Thursday and Saturday before Easter Sunday?

Suggested Council Response

Agree – We agree with permitting late opening on the Thursday and Saturday before Easter Sunday as Easter is a key time in the city's holiday season and it would be beneficial to businesses to have more flexibility with regards to opening hours during these days.

19. To what extent would you agree that the current ‘drinking up’ time should be extended from 30 minutes to 1 hour?

Suggested Council Response

Agree - We agree the current “drinking up” time should be extended from 30mins to 1 hour in anticipation that this will encourage more responsible drinking with patrons, may help stagger patrons leaving times, lead to less pressure on the availability of taxis and also potentially lead to fewer incidents of alcohol related disorder.

There is a concern however that large amounts of drink may be sold at last orders and, unless measures are in place to encourage people to start leaving, it may therefore just move the existing situation 30 minutes further on into the evening. Responsible actions by licensees will be paramount in ensuring this makes an appreciable difference to the current situation and consideration must be given to including this within any revisions regarding increased “drinking up” time.

20. To what extent would you agree with the alignment of alcohol and entertainment licenses?

Suggested Council Response

Agree – It was highlighted by the Council as far back as the 2006 consultation on the proposed review of the Licensing Order that there was a need to review how alcohol and entertainment licensing hours could be better aligned.

At that time the anomaly which exists in the Local Government (Miscellaneous Provisions) (NI) Order 1985 which permits entertainment to be provided up and until the latest hour to which alcohol may be served was highlighted.

Where the Council has restricted the hours during which entertainment may be provided on a premises because of objections from local residents about noise nuisance and disturbance a conflict will arise should additional hours be granted as proposed.

The proposals would therefore require careful consideration to ensure consistency with entertainment licensing provisions in the Local Government (Miscellaneous Provisions) Order. Consideration should be given to ensuring that an occasional additional permitted hours order will only be operative provided the applicant has sought and obtained an appropriate variation to an entertainments licence (councils would probably need some expedited procedure to accommodate variation applications for this purpose). The grant of an additional permitted hours order should not affect the latest hour to which entertainment may be provided under the terms of any entertainment licence.

Similarly the Council are well aware of the concerns of the PSNI that allowing entertainment to be provided later than the latest hour to which alcohol may be sold encourages the illegal sale of alcohol to take place. It must be stated that a previous decision by the Council to restrict the hours of entertainment was successfully challenged and the court held that there is currently no provision in the Local Government (Miscellaneous Provisions) Order to restrict entertainment except under its own legislative framework.

The Council would seek further clarification on the mechanism by which the proposal that the grant of an occasional late alcohol licence will require that an associated entertainments licence will not extend beyond the latest time alcohol can be consumed will be implemented.

Given Council's responsibility for issuing entertainments licences we would be keen to ensure that the Court, in considering applications for occasional additional late opening hours, should have regard to the views of the Council on those applications.

It is suggested that another approach to the problem would be to re-introduce to the Order a provision making it an offence for a member of the public to be on the licensed premises after the latest hour to which alcohol may be sold or consumed. In this instance the hours associated with an entertainment licence would be of no consequence. If worded carefully this could be re-introduced such that it does not affect the sale of non-alcoholic beverages and food that has become an important part of the early morning trade for many bars and restaurants.

21. To what extent do you agree that the person providing the entertainment must be present and performing in the licensed premises?

Suggested Council Response

Agree – We agree that the person providing entertainment must be present and performing in the licensed premises. Our view is that it would be beneficial to have a definition of live entertainment so as to address any ambiguity with regard to current and emerging forms of entertainment provided in licensed premises.

It is again essential that in revising the definition that regard is given to the definitions of entertainment as set out in the Local Government (Miscellaneous Provisions) Order and ensure that both are consistently framed.

22. To what extent would you agree that the Department should change the law to ensure that entertainment provided in restaurants is ancillary to the business of providing food?

Suggested Council Response

Agree – There is a need to provide a diverse range of entertainment venues and care should be taken not to affect the current market for entertainment which complements the restaurant experience. However, there have been significant problems in the past associated with restaurants operating as a bar and providing entertainment when they only have the benefit of a restaurant licence and measures to prevent this are welcome.

23. To what extent would you agree with removing Children's Certificates and allowing young people under 18 years of age to be present in licensed premises until 9.00pm (subject to conditions)?

Suggested Council Response

Agree - We support a city which is child friendly and one that allows families to go out in the evening to enjoy theatre, entertainment and food. We agree with removing children's certificates and allowing young people under 18 years of age to be present in licensed premises until 9pm. It is suggested that even extending this until 10.30pm (subject to conditions) would make venues more family friendly and widen the vibrancy and mix of the evening economy offer.

As mentioned in the comments on the proposal to prohibit persons under 18 from entering areas in supermarkets where alcohol is displayed this proposal would appear to run contrary to that proposal.

24. To what extent would you agree with allowing young people under 18 years of age to attend functions in licensed premises (provided the bar is closed)?

Suggested Council Response

Agree – would support allowing young people under 18 years of age to attend functions in licensed premises provided that all alcohol is placed out of sight and there are no alcohol advertisements on the premises. It is our view that certain young people may not attend local youth clubs or activities because they feel they are too old and prefer going to the under 18 disco's in licensed venues which have a proper DJ, disco lights, etc.

The Council believes that protecting young people under 18 from being attracted to / being sold alcohol, while allowing them to enjoy suitable entertainment venues is important and would encourage the Department to work with colleagues in the DOE to review the Entertainment Licensing Model Terms to address this issue in an holistic manner.

25. We would also welcome your views on the types of arrangements that may be put in place to ensure alcohol is not sold, supplied or consumed on the premises at any event organised for young people under 18 years of age?

Suggested Council Response

The Council have introduced extensive guidance for under 18 functions in entertainment venues and would be more than happy to assist the Minister and his officials in drafting legislation/guidance to support any proposed changes in this area.

Some suggestions are that:

- All alcohol is removed from sight, optics should be taken down and beer pumps switched off and covered;
- Door staff should search individuals entering the premises and their bags for alcohol;
- Individuals should not be permitted to bring any liquids/drinks containers into the venues which may already be mixed with alcohol;
- Any individual with signs of alcohol consumption should not be permitted entry;
- Security staff should be trained to look out for signs of alcohol consumption and contact the minor's parents to collect them;
- Drinks should not be taken into the toilets and toilets should be monitored to ensure alcohol is not being consumed;
- An event for minors should only be for minors therefore over 18s should not be permitted entry;
- If a young person is refused entry due to intoxication, provisions should be put in place where parents are contacted and asked to come and pick up their children from a safe area on the premises set aside for this purpose.

26. To what extent would you agree with preventing the sale of alcohol via Pour Your Own Pint Tables?

Suggested Council Response

Agree – We agree with preventing the sale of alcohol via pour your own pint tables. Our view is that they do not encourage patrons to alternate their alcoholic drinks with non alcoholic drinks and so do not promote responsible drinking. Bar staff cannot monitor when individuals have consumed too much alcohol and therefore are not in a position to refuse service. This is not an activity which we would support and we believe it would have a negative reflection on the type of city we believe Belfast to be.

27. To what extent would you agree with preventing the sale of alcohol via Vending Machines?

Suggested Council Response

Agree – Our view is that staff cannot monitor if youths purchase alcohol from vending machines and bar staff cannot monitor when individuals have consumed too much alcohol and therefore are not in a position to refuse service.

28. To what extent would you agree with the law being changed to prevent the removal of alcohol (carry outs) from pubs after normal opening hours?

Suggested Council Response

Agree – It is our view that similar timings and conditions should exist for both the on and off trade for the sale of unopened alcohol to be taken off the premises. We would support a person not being able to remove alcohol after 11.30pm as alcohol being purchased after hours can lead to alcohol fuelled anti-social behaviour complaints, noisy parties, etc.

Regulating private member clubs

29. To what extent would you agree to the removal of advertising restrictions in relation to functions held on private member club premises?

Suggested Council Response

Agree – We agree with the removal of advertising restrictions in relation to functions held on private member club premises with the limitations as proposed. Consideration should be given to ensuring that such clubs do not undertake any fly-posting or leaflet-drops.

30. To what extent would you agree that young persons under 18 years of age should be permitted to be in a sporting club until 11pm during the summer months?

Suggested Council Response

We agree but cannot understand why this is restricted to summer months only.

31. What in your view constitutes summer months?

Suggested Council Response

We have no definitive view on this and suggest the views of the PSNI and the Federation of Clubs will best inform this proposal.

32. Would you agree that young persons under 18 years of age be permitted in a sporting club until 11pm, on one occasion a year, in order to attend an awards night?

Suggested Council Response

We have no definitive view on this and suggest the views of the PSNI and the Federation of Clubs will best inform this proposal.

33. To what extent would you agree that licensing and clubs' law should be amended to allow statutory approval for industry codes of practice?

Suggested Council Response

Agree – Our view is that industry codes of practice (such as 'The Responsible Retailing Code NI') are complimentary to statutory regulations and can be useful good practice guidance. We agree with the Department formally approving such codes of practice and licence holders and registered clubs having to sign up to an approved code but would welcome more detail on proposals as to how this will be enforced and the mechanism by which objections are made and who can make them. Unless the code is mandatory and any breaches are easily enforced then it will be of little value.

34. To what extent do you agree that the Department should change the law to ensure Angostura Bitters can only be sold in licensed premises?

Suggested Council Response

Agree - Considering the alcohol content it is more responsible that Angostura Bitters are only sold in licensed premises where consumption can be monitored.

Belfast City Council 2015 response to the Entertainment Licensing Review consultation from the Department of the Environment.

Recommendation 19

Where regulated entertainment is provided at a place which has an alcohol licence, the entertainment licence should be valid only until the last permitted time for consumption of alcohol on the premises.

This change should be made at the earliest available opportunity.

The Council would disagree with this recommendation and would not be supportive of synchronising the hours during which alcohol could be consumed on premises with the hours during which entertainment could be provided.

Whilst it may afford the PSNI some comfort that licensee's will not have the opportunity to breach liquor licensing legislation it does not permit any flexibility for a Licensee, with good and justifiable intentions, to provide entertainment beyond the hours of their liquor licence. As stated above, the Council is keen to promote tourism, the night time economy and generally providing as wide a variety of entertainment possible for citizens and tourists alike. There is clearly a demand for entertainment past 1.30am which is evidenced by the increasing number of licensed premises which have recently sought an extension of their entertainment licence to 2am, as well as the numerous city centre venues which currently hold a 3am licence.

It appears that this is an attempt to deal with PSNI concerns in relation to premises selling alcohol past the latest permitted hour. The Council would respectfully suggest that it is for the PSNI to enforce liquor licensing through their own licensing regime and resources and not through the prism of entertainment licensing and the resources of local district councils.

In addition, the Council notes that no rationale has been provided as to why this recommendation be implemented at the earliest available opportunity and would welcome clarification on the basis for this recommendation.

If the Department is minded to align the hours of entertainment and liquor licensing, the Council notes that the recommendation does not address the provision in the 1985 Order which states that a Licensee will not be guilty of providing entertainment after their permitted hours if they are licensed to sell alcohol past that time. The Council would therefore request that the Department remove that anomaly so that where the Council has restricted hours for the provision of entertainment that those hours apply regardless of the latest hour in respect of which liquor is sold.





**Northern Ireland
Assembly**

Appendix 3

COMMITTEE FOR COMMUNITIES

Please use this form to submit written submissions in relation to the Licensing and Registration of Clubs (Amendment) Bill.

Return to committee.communities@niassembly.gov.uk by **Wednesday 19 October 2016**.

Name: Patrick Cunningham

Organisation: Belfast City Council, Building Control Service

Date: 10th October, 2016

Belfast City Council wishes to provide the following comments regarding the Licensing and Registration of Clubs (Amendment) Bill:

Additional hours at Easter

The Bill allows for later opening hours on the Thursday before Good Friday, which previously only permitted certain premises and registered clubs to stay open to midnight. The Bill now proposes to allow a normal late licence of 1.00 am on the Thursday night before Good Friday. Therefore, Good Friday, Easter Saturday and Easter Sunday remain unchanged.

It's worth noting that in comparison, supermarkets and off sales premises can sell alcohol from 8.00 am on Good Friday.

The Council recognises the significance of the Easter period for many people. However, it is aware that there is frustration in both the tourism and licensing industry that licensed premises are effectively closed at a time which tourists are likely to wish to take advantage of being off work on the Monday after Easter.

In addition to the restricted opening hours, there is no retail activity available on Easter Sunday. The Council is concerned that the combination of these factors may lead to tourists either staying away or not enjoying their visit and therefore being unlikely to return or recommend Belfast as a tourist destination. In those circumstances it is the Council's view that the proposed changes remain too restrictive and would suggest that consideration is given to permitting normal opening hours on the Saturday as well as the Thursday.

Extend “drinking-up” time for a trial period of one year in licensed premises and registered clubs

The proposal to extend drinking up time by another 30 minutes to 60 minutes drinking up time is, on balance, welcomed by the Council. However, some things that this might encourage is binge and excessive drinking, as people will have more time to consume their last drink, at last orders they buy more than they would have previously, if this is well managed it may facilitate a more gradual and steady dispersal of patrons, therefore reducing the collective impact of an exodus from an area. It may also prevent unnecessary confrontation and disorder with patrons as management may not have to persuade or remove drinks from them at closing time

However, the Council is concerned as to the rationale for this to be introduced on a trial basis. It is assumed that this is to assess and review how it works over the course of the year. However, in order for a successful and meaningful assessment to be conducted, it will involve reasonable details being recorded, collated and measured/reviewed accordingly. This cannot be done until the trial has been completed, yet the Bill does not allow for the trial to continue during the assessment period or during the process of making regulations to be made to confirm this extension on a permanent basis.

Given the draconian changes that are being proposed in relation to the restriction of entertainment to the permitted licensing hours, the Council is concerned that if this extension is not made permanent the provision of entertainment will be even further restricted. In effect, if the trial is not made permanent then entertainment would have to cease at 1.30 am apart from 12 days of the year when it could be extended by an additional hour. The Council is therefore of the view that if this proposal is introduced it should be on a permanent basis.

Additional hours

The Council believes that flexibility in opening hours is important in promoting tourism and the night time economy and in that context welcomes the ability to apply for additional hours but believes that the changes do not go far enough.

The extension of 12 times per year is not enough to address the change in consumer behaviour and provide an attractive alternative to home drinking and to visitors. This is a view also shared by the industry who consider that they should be able to have a late extensions for the sale of alcohol until 2.00 am twice a week.

One hour, twice a week would be a moderate increase that would help deliver staggered closing and attract people out of home drinking into licensed premises.

The principle of permitting those additional hours could be dealt with by the courts but left to PSNI to administer, which would ensure that they could control the system and be aware of which premises were authorised and when.

Removing carry out facility from premises during ‘drinking up’ time

The Council is concerned that the removal of this provision may have a negative effect as it is a further deterrent to people visiting licensed premises and by extrapolation will encourage people to consume alcohol within the home environment to the cost of both the tourism and hospitality industry.

Align intoxicating liquor and entertainment licences in licensed premises allowed late opening

The draft Bill proposes that entertainment cannot be provided any later than the permitted hours for the consumption of alcohol which, on the basis that drinking up time was extended, would be 1.00 am on a Sunday and 2.00 am the rest of the week. Entertainment until 3.00 am will only be permitted 12 nights per year for certain licensees who have applied for a court order to sell intoxicating liquor until 2.00 am.

The Council is extremely concerned by this proposal and is firmly of the view that it will cause more harm to the night time economy than any purported benefit by the extremely modest increase in permitted hours.

Whilst the proposed changes may afford the PSNI some comfort that licensee's will not have the opportunity to breach liquor licensing legislation, it does not permit any flexibility for a Licensee who wishes, with good and justifiable intentions, to provide entertainment beyond the hours of their liquor licence.

The Council is also concerned about this inroad into the vires of local district councils without a full and meaningful consultation with the public. This particular proposal is highly likely to be controversial with some sections of the community and it is unclear why this fundamental change to council powers is being proposed in legislation which primarily relates to PSNI functions. If the PSNI have difficulties in enforcing certain provisions within the Licensing (NI Order 1996, it is suggested that the more appropriate approach would be to address those difficulties rather than stop all entertainment in Northern Ireland beyond 2.00 am for the vast majority of the year.

Furthermore, a mirror proposal formed part of a consultation issued by the Department of the Environment in 2015. That consultation was issued on foot of a Working Group which was set up to specifically review entertainment licensing. That Working Group had representatives from PSNI, councils, NIFRS and industry representatives. At that time Belfast City Council indicated its opposition to the proposal, as did the other local government representatives who sat on that Group. It is the Council's understanding that the proposal was not supported by the majority of those who responded to that consultation.

In those circumstances the Council is opposed to this provision and would seek an explanation of the rationale for its inclusion in this Bill together with sight of the evidence to support that rationale.

Permitting underage functions in licensed premises and removal of Children certificates

These changes are welcomed as it will permit hotels and other venues to host events and functions catering for the younger audience, provided there are strict controls in place, without fear of breaching their liquor licence.

This will help resolve the issue where a hotel hires its facilities for a school Formal and subsequently ends up being penalised despite the fact that the bar was closed and no alcohol was available. Whilst this is welcomed, concern has been raised that these functions have no lower age limit provided for and the event can run until 1.00 am. It may also enable venues to be able to facilitate other under age events subject to appropriate conditions which could be attached to an entertainment licence.

The removal of the requirement to have Children's certificates and the extension of a person under the age of 18 being allowed on the premises, now to 9.30 pm instead of 9.00 pm is welcomed.

Officers are aware that industry would further request to permit under 18's to remain after 9.30 pm when attending family events and the Council would support that position. If the Department were minded to include such a provision, the Council would suggest that 'family events' should be defined in the legislation to include events such as a wedding, wedding anniversary, christening and birthday parties.

Restrictions regarding the advertising of alcohol in supermarkets and off sales premises and prohibit the advertising of alcohol within the vicinity of a premises

The Council welcomes this proposal and consider it appropriate that with the current societal problems with alcohol that advertising and promotions be restricted from view in places and environments where children are likely to be present.

Place restrictions of the delivery of alcohol

The Council welcomes these proposals.

Approved Codes of Practice

The draft Bill allows the Department to formally approve a Code of Practice in relation to the display or sale of alcohol, as well as any activities designed to promote the sale of alcohol. Whilst the draft Bill requires a court to be satisfied that a licensee is aware of the Code upon the grant, transfer or renewal of a licence it does refer to protection orders. Nor does it make it an offence to fail to comply with any such approved Code.

Whilst this provision is welcomed in principle, the Council is concerned that the fact it is not an offence to fail to comply with the Code will render the provision meaningless, or alternatively that PSNI and others will seek to enforce this Code through the prism of entertainment licensing and the resources of local district councils. The Council would reiterate its position that it is for PSNI to enforce liquor licensing legislation, not local district councils.

The Provisions of the Bill that apply only to registered clubs

A sporting club will be able to apply on six occasions per year to extend the area of its premises licensed to supply alcohol, provided that certain conditions are met. This will allow sporting clubs to take advantage and maximise events being held at their clubs. It will also encourage the introduction of others, such as captain's day at golf clubs, which attract large numbers of members and guests, by extending the area where they can supply alcohol on club grounds.

It further helps that young people will be permitted to remain in the bar area of a registered club until 11.00 pm during the summer months, 1st June to 31st August, or to attend an awards ceremony on one occasion in a calendar year. This will allow young people to avail of the full range of sporting activities open to them during the summer months, which often extend into the evening. An awards ceremony allows sporting clubs to celebrate the success of young people who participate in the sporting activities offered by a club.

However, many of these competitions and ceremonies are not just confined to the summer months and continue throughout the year.

A registered club will be allowed to advertise any function outside a club premises where the advertisement clearly states that only members of the club and their guests may attend. Currently, members of the general public are permitted to attend functions where the proceeds are devoted to charitable or benevolent purposes. However, the law prohibits a registered club from publicly advertising the function.

This Provision will ensure that there are no restrictions on the advertising of such events as many non-members and general public may prefer to attend events within a local club environment.

General comments

The Council is of the view that there are a number of issues which the draft Bill do not address but would merit consideration as either a means to reduce alcohol misuse or as a positive measure which would support Northern Ireland's growing tourism and events offer.

Drinking on Buses

Officers are aware of problems regularly being experienced across Northern Ireland as a result of people drinking on buses coming to nightclubs, or large outdoor music events, and the associated problems when they get off the bus. Unfortunately, there is no legislation to stop on-board drinking taking place except for those going to Class A events.

Officers have been working extensively with the PSNI, promoters, and bus operators across the UK and Ireland to try to tackle this problem but the absence of robust enforcement powers has hampered those attempts. The Council believes that introducing more powers for the PSNI to deal with this issue would reduce the issues associated with alcohol misuse at large scale events.

Micro or Craft Breweries

There is an increasing and popular market within Belfast and across the province for these type of products. Given the growing status of Northern Ireland as a tourism and conference/event destination, it is suggested that the Department considers the extension of occasional licences to permit the off-sale of alcohol at markets which are licensed by a local district council as well as at certain events held in hotels or conference centres.

In light of cuts to NITB funding it is increasingly necessary to seek private sponsorship and involvement in developing events. As well as adding to the visitor offer this would also help small local breweries showcase their wares on a national or international stage.

Special Events

The Bill has also failed to introduce a provision to be able to cater for a 'Special Event' Licence for events of regional economic significance that require a liquor licence but fall outside normal trading hours or outside the scope of an existing licence type. As Northern Ireland, and in particular Belfast, seeks to establish itself on a global scale, it is important

that there is flexibility for international events which are of regional economic significance. The authority to grant this Special Licence could be given to a statutory body, such as Tourism NI, or alternatively at the discretion of the Minister.

For official use only

Date received: _____

Ref Number: _____



Your reference

Our reference SW/as

Date 22 September 2016

Minister Paul Givan MLA
Department for Communities
5th Floor
Lighthouse Building
Gasworks Business Park
Ormeau Road
BELFAST BT7 2JB

Dear Minister

MEETING WITH BELFAST CITY COUNCIL DEPUTATION

Thank you for taking time to meet with a cross-party delegation from the Council on 13 September and providing an opportunity to discuss some common priorities and challenges facing the city.

I wanted to write to you to outline some of the key areas discussed at the meeting which the Council would wish to work alongside the Department for Communities (DfC), and across Government, to progress.

1. Programme for Government and Belfast Agenda

The Council welcomes the Department's support for the Belfast Agenda and looks forward to continuing to work with officials to ensure alignment with the emerging Programme for Government, Investment Strategy, refreshed Economic Strategy and the new Social Strategy which will be brought forward by DfC.

2. Transfer of Regeneration Powers

The Council seeks the early transfer of key regeneration functions such as comprehensive development and compulsory purchase powers, as previously planned for as part of local government reform. This would ensure that the Council has the necessary levers to unlock and bring forward priority regeneration schemes, secure further investment and create additional employment opportunities within and across the city.

The Council looks forward to continuing to work in partnership with DfC to develop and deliver important regeneration schemes within the city (eg Streets Ahead Phase III, Northeast Quarter / Royal Exchange development, East Bank development, New Flagship

Belfast City Council, Chief Executive's Department,
City Hall, Belfast BT1 5GS

Tel: 028 9027 0202, Textphone: 028 9027 0405, Fax: 028 9027 0232

Email: wylies@belfastcity.gov.uk



Visitor Attraction, Transport Hub etc) and to maximise the wider social, economic and regenerative impact of these schemes. Such a collaborative approach is reinforced through the Memorandum of Understanding in place between both organisations.

During discussions, Members outlined the desire of the Council to bring forward proposals for the creation of a number of 'Centres of Excellence' across the city (eg boxing, athletics, rowing, and a national soccer training centre) and would wish to explore the potential to partner with the Department to bring such schemes forward.

3. Infrastructure Investment

The Council wants to work alongside the Department, NI Executive and other partners to co-commission two specific pieces of work in relation to (i) creation of a Strategic Infrastructure Plan for the City-Region and (ii) identifying viable alternative funding mechanisms to deliver key city infrastructure and regeneration schemes.

4. City-Region Growth Partnership

The Council would also seek the support of DfC in developing proposals around a City-Region Growth Deal. This would seek to secure necessary resources to deliver key regeneration schemes, stimulate investment, create jobs and support economic growth not only in Belfast but the wider city-region. It will also help deliver necessary infrastructure and address connectivity and accessibility challenges.

5. Local Development Plan

The Council would wish to explore with the Department and NIHE how the population growth projections which may emerge from the Local Development Plan may affect future housing demand and supply, including tenure and mix, within the city including the liveability of the city centre.

6. Community Development

The Council is aware that a review has been initiated of the current support and funding provided by the Department to the voluntary and community sector including the Community Support Programme. As you will be aware the Council currently receives funding (albeit reduced from previous years) under this programme which is a core element of the Council's Community Support Programme and sustains a range of impactful programmes across the city. The Council would strongly recommend that this funding be protected as part of any review.

The Council would also wish to explore with the Department and other city stakeholders how a more holistic and integrated approach can be taken to utilising community based assets and maximising their wider social and regeneration impact.

7. Addressing Inequalities

The Council is aware that DfC has lead responsibility for bringing forward the new Social Strategy and would intend to publish a draft in the coming months for consultation in line with the PfG. As highlighted at the meeting, there are strong commonalities between the priorities, and associated desired outcomes, of DfC and Council. There is a real opportunity to work in partnership to focus on cross-cutting issues and co-design and deliver impactful local interventions that will make a real and sustainable difference to people's lives.

8. Employability and Skills

The Council welcomes the commitment given that senior departmental officials will work with Council officers, alongside the Department for the Economy and other partners, in establishing an Economic Forum. As discussed, this forum will seek to develop a more co-ordinated approach to addressing the city's employability and skills challenge and will seek to design localised, but scalable, interventions including a 'Belfast Works Employability Pathway Programme'. We also welcome the commitment to work alongside Belfast City Council on the Belfast Works pilot.

9. Welfare Reform

The Council welcomes the reassurance given by departmental officials that the mitigation measures around welfare reform will be rolled out as a matter of priority and acknowledges the in-year budget allocation recently made available to Councils to fund additional advice service support within the city.

10. Fuel Poverty

The Council welcomes the commitment given that departmental officials will engage with colleagues within the Department for Communities to examine how the current financial regime and funding around fuel poverty, including the Affordable Warmth scheme, can be made more flexible and sustainable. It also welcomes the opportunity to explore what other interventions may be taken to alleviate the impact of fuel poverty.

11. Legislative Reform

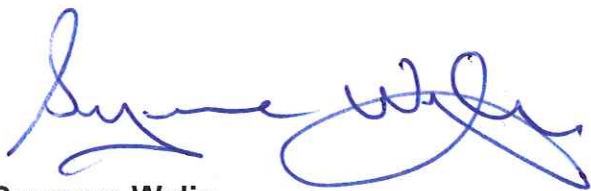
I note that the Department intends to introduce legislation into the Assembly in order to update the law in Northern Ireland in respect of the retail sale of alcohol. The Council would endorse any such proposals and measures which not only address ongoing political and community concerns surrounding excessive alcohol consumption and related harm in Northern Ireland, but which also provide much needed support to the hospitality sector and a boost to tourism across the region.

The Council would therefore welcome the opportunity to contribute to the review and development of new entertainments licensing and liquor licensing laws, whether this be through formal consultation or by the provision of evidence at Committee Stage in the Assembly. I would appreciate if your officials could provide an update on the anticipated next steps in respect of these reviews.

We also wish to work closely with the Department with regards to an exploratory review of both the existing Sunday trading laws and the gambling and betting laws in Northern Ireland in order to make them more responsive to the current social and economic environment. I have asked my officers to contact departmental colleagues to work up a specific proposal, for political and Ministerial consideration, as to how we could constructively and sensitively bring forward an initial review.

Finally, I would like to thank you again for the very constructive meeting and look forward to continuing to work with you and officials to progress the issues outlined above.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Suzanne Wylie', with a stylized flourish at the end.

Suzanne Wylie
Chief Executive