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| Report on | The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 – Phase 2 |
| Date of Meeting | 8 th March 2022 |
| Reporting Officer | Terry Scullion, Assistant Director of Property Services |
| Contact Officer | Colm Currie, Principal Building Officer |

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| Is this report restricted for confidential business? | Yes | |
| If 'Yes', confirm below the exempt information category relied upon | No | X |

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| 1.0 | Purpose of Report |
| 1.1 | The purpose of this report is to advise Members on further changes to the liquor licencing laws in Northern Ireland by virtue of the Licensing and Registration of Clubs (Amendment) Act (NI) 2021, some of which will have implications for Entertainment Licensing. |
| 2.0 | Background |
| 2.1 | The Licensing (Northern Ireland) Order 1996, "the Licensing Order", sets out the general licensing systems, including procedures governing the granting or renewal of licences by county/magistrates' courts, permitted hours for the sale of alcoholic drinks, conduct of premises, conditions pertaining to the presence of children in licensed premises, and enforcement. The Registration of Clubs (Northern Ireland) Order 1996, "the Clubs Order", does the same for the supply of alcoholic drinks in private members' clubs. |
| 2.2 | The legislation was amended by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2011, and included measures related to closure powers for police, penalty points, proof of age requirements and irresponsible drinks promotions. These measures were aimed at striking a balance between facilitating the sale of alcoholic drinks, public safety and the public interest. The Licensing of Pavement Cafés Act (Northern Ireland) 2014 inserted Part 5A in the Licensing Order, effectively extending the licensed area of certain premises to a specified public area. |
| 2.3 | Following Consultations on Liquor Licensing Laws in October 2016 and November 2019 by the Department in relation to Liquor Licensing Laws in Northern Ireland, views were sought from all interested individuals and organisations on whether any changes to the law could be made in the future to allow a more flexible and modern licensing framework to develop. |

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| 2.4 | In November 2021 Committee was updated on the first phase of the amendments of the relevant sections of the legislation have been introduced and effective since 1 st October 2021. It was resolved that Entertainment Licensing premises may have permitted hours extended to 3.00am where requested by the applicant, and were the PSNI have no comments in relation to Public Order or Disturbance. The report from the meeting of 9 th November 2021 is attached in Appendix 1. Other phases will come into effect over the next few years. This report outlines phase two of the liquor licensing legislation being effective from 6 th April 2022. |
| 2.5 | It should be noted that the primary responsibility for the enforcement of the above legislation is the PSNI. However, there are aspects of the legislation which will directly affect aspects of the entertainment licensing regime for certain venues. |
| 3.0 | Main Report |
| 3.1 | The Licensing and Registration of Clubs (Amendment) Act (NI) 2021 amends the Licensing Order and the Registrations of Clubs (NI) 1996 and is attached in appendix 2. |
| 3.2 | <p>The key changes, which will take effect in phases are attached in appendix 3, and include:</p> <ul style="list-style-type: none"> • All additional restrictions on opening hours over Easter weekend will be removed; • Opening hours on Sunday evenings will be the same as any other night; • Pubs and Hotels can apply to open until 2:00 am, up to 104 nights per year (instead of 1:00 am); • Smaller pubs will be able to open to 1:00 am, up to 104 nights per year; • Drinking-up time will be increased to 1 hour (allowing pubs to stay open until 3am); • There will be flexibility around opening hours for bars at major events; • A new category of licence will be created for local producers of craft beers, ciders and spirits (allowing drink producers to obtain a licence to sell off-sales alcohol and, in limited circumstances, open taprooms so customers can buy drink alcohol on site); • Cinemas will be able to apply for a liquor licence and serve drink to customers watching a movie; • Sporting clubs will be able to use their grounds for functions up to 6 times per year; • Registered clubs will be able to open to 1:00 am, up to 104 nights per year; • Self-service of alcohol and sales by vending machines will be prohibited; • Restrictions will be placed on off-sales drinks promotions; • Loyalty schemes will not be able to award or redeem points for the sale of alcoholic drinks. |
| 3.3 | Phase two amendments have been made to the liquor licensing legislation and detailed below effective from 6 th April 2022: |

Section 7: Major Events

A new Article 48A to the Licensing Order has been added which gives the Department the power designate an event being held in NI, which will attract significant interest, as a major event and make a “major event order”.

The Department is currently developing a framework for the processing of major event orders which will be made available at the earliest opportunity.

Section 9: Places of public entertainment

This section amends Article 2 of the Licensing Order to include cinemas as a place of public entertainment, allowing them to apply for a licence to sell intoxicating liquor on the premises.

Section 10: Licence for off-sales

This section adds local producers of intoxicating liquor to the categories of premises under Article 5(1) of the Licensing Order which may be granted a liquor licence.

Section 10 also adds new Articles 52B, C and D to the Licensing Order which set out specific conditions which apply to a local producer’s licence:

Local producer’s licence: sales on own premises

New Article 52B allows a local producer of intoxicating liquor to apply for a licence to sell their own products, from their own premises for consumption off the premises. Only intoxicating liquor produced on the premises may be sold.

Local producer’s licence: sale on other licensed premises

New Article 52C allows local alcohol producers to sell their own products (produced on their own production premises), for consumption off the premises, in certain other licensed premises to include hotels, conference centres, indoor arena and places specified in an occasional licence.

The sale must be ancillary to an event, which is being held on those premises wholly, or mainly to promote food, drink or craftwork produced in Northern Ireland.

Local producer’s licence: sales not on licensed premises

New Article 52D permits local producers of intoxicating liquor to sell their own products, (produced on their own production premises), for consumption off the premises, at a place which is not licensed for the sale of alcohol in any way.

An event must be held at that place which is open to the public to wholly or mainly promote food, drink or craftwork in Northern Ireland.

Section 12: Requirement for off licence

A new Article 5A in the Licensing Order requires that where a remote sales of intoxicating liquor takes place in any way other than in person:

- The place of dispatch in Northern Ireland must be licensed to sell intoxicating liquor for consumption off the premises; and

- The person making the sale, personally or by a servant or agent, is the holder of the licence.

This section also amends Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), requiring any person, who is not a servant or agent of the licence holder, and who is delivering intoxicating liquor to the purchaser, to make the delivery without reasonable delay, and to have with them a receipt from the holder of the licence for the purchase of intoxicating liquor.

Section 13: Removal of requirements for children's certificates, etc

This section repeals Article 59 of the Licensing Order (children's certificates) which required licensees to hold a children's certificate if they wished young people under 18 years of age to be allowed in areas of the premises which contained a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

The section makes further amendments to ensure all safeguards remain in place before young people under 18 years of age are allowed in areas of the premises, which contain a bar or are used mainly or exclusively for the consumption of intoxicating liquor.

Section 14: Underage functions

A new Article 58A in the Licensing Order permits a court to make an order specifying a certain part of a licensed premises as suitable to hold underage functions when they are satisfied the required conditions have been met. A new Article 58B in the Licensing Order provides for authorisations for specific functions.

This section also makes changes to Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985. It is now an offence for gaming machines to be made available in any part of licensed premises in which an underage function is being held.

Section 15: Private functions

This section amends Article 58 of the Licensing Order which relates to under 18s in licensed premises. Under 18s will be able to remain on licensed premises up to 1.00am, or to attend a private function, provided certain conditions are met.

Section 16: Delivery of intoxicating liquor to young persons

This section amends Article 60 of the Licensing Order which relates to the sale, etc., of intoxicating liquor to young persons. It makes it an offence for a licensee, or servant or agent, to make a home delivery of intoxicating liquor (purchased by an adult) to any person under 18 years of age.

It also provides that in court proceedings, licensees, or servants or agents, may rely on a defence of due diligence by demonstrating that, when delivering the intoxicating liquor, they recorded details of any proof of age document they had requested in the delivery book or on an invoice.

Section 17: Restaurants and guest houses: notice displaying licence conditions

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| 3.4 | <p>This section amends Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants). It adds a new Article 51(4A) which requires a restaurant, and a guest house which also has a restaurant, to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.</p> <p>Section 22: Occasional licences: conditions This section allows for the police to appear at a hearing of an application for an occasional licence and ask for terms and conditions to be placed on it. There is also an opportunity, on request by the holder of the occasional licence, for a magistrates' court to vary or remove any of the terms or conditions if it is satisfied that it is appropriate to do so.</p> <p>Section 26: Body Corporate: change of directors This sections deals with licence holders which are made up of a body corporate. Article 4 of the Licensing Order (persons to whom licences may be granted) is amended to require a body corporate licence holder to notify the courts and police of any change of directorship within 28 days. Article 72 of the Licensing Order (suspension of licence) is also amended to allow the suspension of a licence on the grounds that the body corporate is no longer fit to hold a licence, having not informed the courts and police of a change of directorship.</p> |
| 3.5 | <p>It is noted that the current 5-year licensing period for Northern Ireland liquor licences ends on 30 September 2022 and Renewal applications must be submitted to the court by 9 August 2022.</p> <p>A further report will be brought to a future Committee setting out any potential implications for Council's Entertainment Licencing policy.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: Within Current Resources |
| | Human: Within Current Resources |
| | Risk Management: None |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: None |
| | Rural Needs Implications: None |

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| 5.0 | Recommendation(s) |
| 5.1 | That Members note the content of this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – The Licensing and Registration of Clubs Committee report of 9 th November 2021 |
| 6.2 | Appendix 2 – The Licensing and Regulations of Clubs (Amendment) Act (NI) 2021 |
| 6.3 | Appendix 3 – Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, February 2022 |