



10 May 2022

Dear Councillor

You are invited to attend a meeting of the Environment Committee to be held in The Chamber, Dungannon and by virtual means Council Offices, Circular Road, Dungannon, BT71 6DT on Tuesday, 10 May 2022 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

- | | | |
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Matters for Information

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Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

20. Residual Waste Management Contracts
21. Grass Cutting/Maintenance Contracts
22. Installation of Memorial Bench on Council Property
23. Climate Change and Sustainable Development Strategy

Matters for Information

24. Confidential Minutes of Environment Committee held on Monday
4 April 2022
25. Council Electricity Supplier Renewal
26. Improvement works at Forthill and Polepatrick Cemeteries
27. Capital Projects – Scoping Contracts Update
28. Capital Framework – ICT Contracts Update
29. Capital Framework – IST Contracts Update

| | |
|--------------------------|--|
| Report on | Dfl Roads Proposal to Mid Ulster District Council - No Waiting, Main Street Bellaghy |
| Date of Meeting | Tuesday 10 th May 2022 |
| Reporting Officer | Terry Scullion, Assistant Director of Property Services |
| Contact Officer | Terry Scullion, Assistant Director of Property Services |

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

| | |
|------------|--|
| 1.0 | Purpose of Report |
| 1.1 | To seek the agreement of Members in relation to a proposal from Dfl Roads to introduce a stretch of no waiting at any time, loading and unloading permitted on Main Street, Bellaghy. |
| 2.0 | Background |
| 2.1 | Dfl Roads dated is proposing to introduce a stretch of no waiting at any time, loading and unloading permitted on Main Street, Bellaghy. |
| 3.0 | Main Report |
| 3.1 | <p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME (LOADING AND UNLOADING PERMITTED) – MAIN STREET, BELLAGHY</p> <p>Correspondence was received from Dfl Roads dated 25 March 2022 proposing to introduce a stretch of no waiting at any time, loading and unloading permitted on Main Street, Bellaghy.</p> <p>Consultation letter and location maps of aforementioned proposal are attached as appendices to this report.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: None |
| | Human: Officer time in drafting reports |
| | Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues. |

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| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty. |
| | Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads. |
| 5.0 | Recommendation(s) |
| 5.1 | That the Environment Committee endorses the proposal submitted by DfI Roads. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Letter from DfI Roads dated 25 March 2022; Proposed Introduction of No Waiting At Any Time (Loading And Unloading Permitted) – Main Street, Bellaghy. |
| 6.2 | Appendix 2– Map – Main Street Bellaghy.. |



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Network Development

Chief Executive
Mid Ulster District Council
Ballyronan
Magherafelt
BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

25 March 2022

Dear Mr McCreesh

PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME (LOADING AND UNLOADING PERMITTED) – MAIN STREET, BELLAGHY

DfI Roads is proposing to introduce a stretch of no waiting at any time, loading and unloading permitted on Main Street, Bellaghy, as shown on the enclosed map.

Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Proposed No Waiting at any time - Main Street, Bellaghy



25/03/2022 10:27:23

| | |
|--------------------------|--|
| Report on | Dfl Roads Proposal to Mid Ulster District Council - No Waiting, Ballymagowan Road, Clogher |
| Date of Meeting | Tuesday 10 th May 2022 |
| Reporting Officer | Terry Scullion, Assistant Director of Property Services |
| Contact Officer | Terry Scullion, Assistant Director of Property Services |

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

| | |
|------------|--|
| 1.0 | Purpose of Report |
| 1.1 | To seek the agreement of Members in relation to a proposal from Dfl Roads to introduce no waiting at any time, loading and unloading permitted on Ballymagowan Road, Clogher. |
| 2.0 | Background |
| 2.1 | Dfl Roads dated is proposing to introduce no waiting at any time, loading and unloading permitted on Ballymagowan Road, Clogher. |
| 3.0 | Main Report |
| 3.1 | <p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME (LOADING AND UNLOADING PERMITTED) – BALLYMAGOWAN ROAD, CLOGHER</p> <p>Correspondence was received from Dfl Roads dated 20 April 2022 proposing to introduce a stretch of no waiting at any time, loading and unloading permitted on Ballymagowan Road, Clogher.</p> <p>Consultation letter and location maps of aforementioned proposal are attached as appendices to this report.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: None |
| | Human: Officer time in drafting reports |
| | Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues. |

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|------------|---|
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty. |
| | Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads. |
| 5.0 | Recommendation(s) |
| 5.1 | That the Environment Committee endorses the proposal submitted by DfI Roads. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Letter from DfI Roads dated 20 April 2022; Proposed Introduction of No Waiting At Any Time (Loading And Unloading Permitted) – Ballymagowan Road, Clogher. |
| 6.2 | Appendix 2– Map – Ballymagowan Road, Clogher. |



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BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

20 April 2022

Dear Mr McCreesh

PROPOSED INTRODUCTION OF NO WAITING AT ANY TIME (LOADING AND UNLOADING PERMITTED) – BALLYMAGOWAN ROAD, CLOGHER

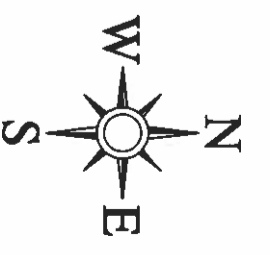
DfI Roads is proposing to introduce two stretches of no waiting at any time, loading and unloading permitted on Ballymagowan Road, Clogher as shown on the enclosed map.

Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc



Key to Proposed Traffic Calming Features



Double yellow No Parking at Any Time restriction

**Station Rd/Ballymagowan Rd
Clogher
Double Yellow Lines**

**PROJECT
Proposed Provision of Parking
Restriction**

DATE: April 2022 **Not to scale**

Reproduced from the Ordnance Survey of Northern Ireland map with
Permission of the Director and Civil Executive.
Crown Copyright Reserved

O.S. Ref: 19508NE

Traffic Management
County Hall
Drumragh Avenue
Omagh
Telephone: (028) 82255643
Fax: (028) 82255642
8179 7AF

DFI Roads
WESTERN DIVISION



As Agency within the Department for
Regional Development
www.dfi.gov.uk

| | |
|--------------------------|---|
| Report on | DfI Roads Proposal to Mid Ulster District Council - Additional Ecar Charging Bay – St Patrick’s Street, Draperstown |
| Date of Meeting | Tuesday 10 th May 2022 |
| Reporting Officer | Terry Scullion, Assistant Director of Property Services |
| Contact Officer | Terry Scullion, Assistant Director of Property Services |

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

| | |
|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To seek the agreement of Members in relation to a proposal from DfI Roads to introduce a second e-car charging bay at the charging bay on St Patrick’s Street, Draperstown. |
| 2.0 | Background |
| 2.1 | DfI Roads dated is proposing to introduce a second e-car charging bay at the charging bay on St Patrick’s Street, Draperstown. |
| 3.0 | Main Report |
| 3.1 | <p>The following outlines the proposal to be brought to the attention of the Environment Committee:</p> <p>PROPOSED INTRODUCTION OF AN ADDITIONAL ECAR CHARGING BAY – ST PATRICK’S STREET, DRAPERSTOWN</p> <p>Correspondence was received from DfI Roads dated 7 April 2022 proposing to introduce a second e-car charging bay at the charging bay on St Patrick’s Street, Draperstown.</p> <p>Consultation letter and location maps of aforementioned proposal are attached as appendices to this report.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: None |
| | Human: Officer time in drafting reports |
| | Risk Management: The introduction of the aforementioned proposal at these locations will assist in the management of road safety issues. |

| | |
|------------|--|
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: The introduction of the aforementioned proposal at these locations will assist DfI in the discharge of their statutory duty. |
| | Rural Needs Implications: The rural needs assessment would be conducted by DfI Roads. |
| 5.0 | Recommendation(s) |
| 5.1 | That the Environment Committee endorses the proposal submitted by DfI Roads. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Letter from DfI Roads dated 7 April 2022; Proposed Introduction Of An Additional Ecar Charging Bay – St Patrick’s Street, Draperstown. |
| 6.2 | Appendix 2– Map – St Patrick’s Street, Draperstown. |



Department for

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Network Development

Chief Executive
Mid Ulster District Council
Ballyronan
Magherafelt
BT45 6EN

County Hall
Drumragh Avenue
Omagh

Tel: 028 8225 4085

7 April 2022

Dear Mr McCreesh

PROPOSED INTRODUCTION OF AN ADDITIONAL ECAR CHARGING BAY – ST PATRICK’S STREET, DRAPERSTOWN

DfI Roads is proposing to introduce a second e-car charging bay at the charging bay on St Patrick’s Street, Draperstown, as shown on the enclosed map.

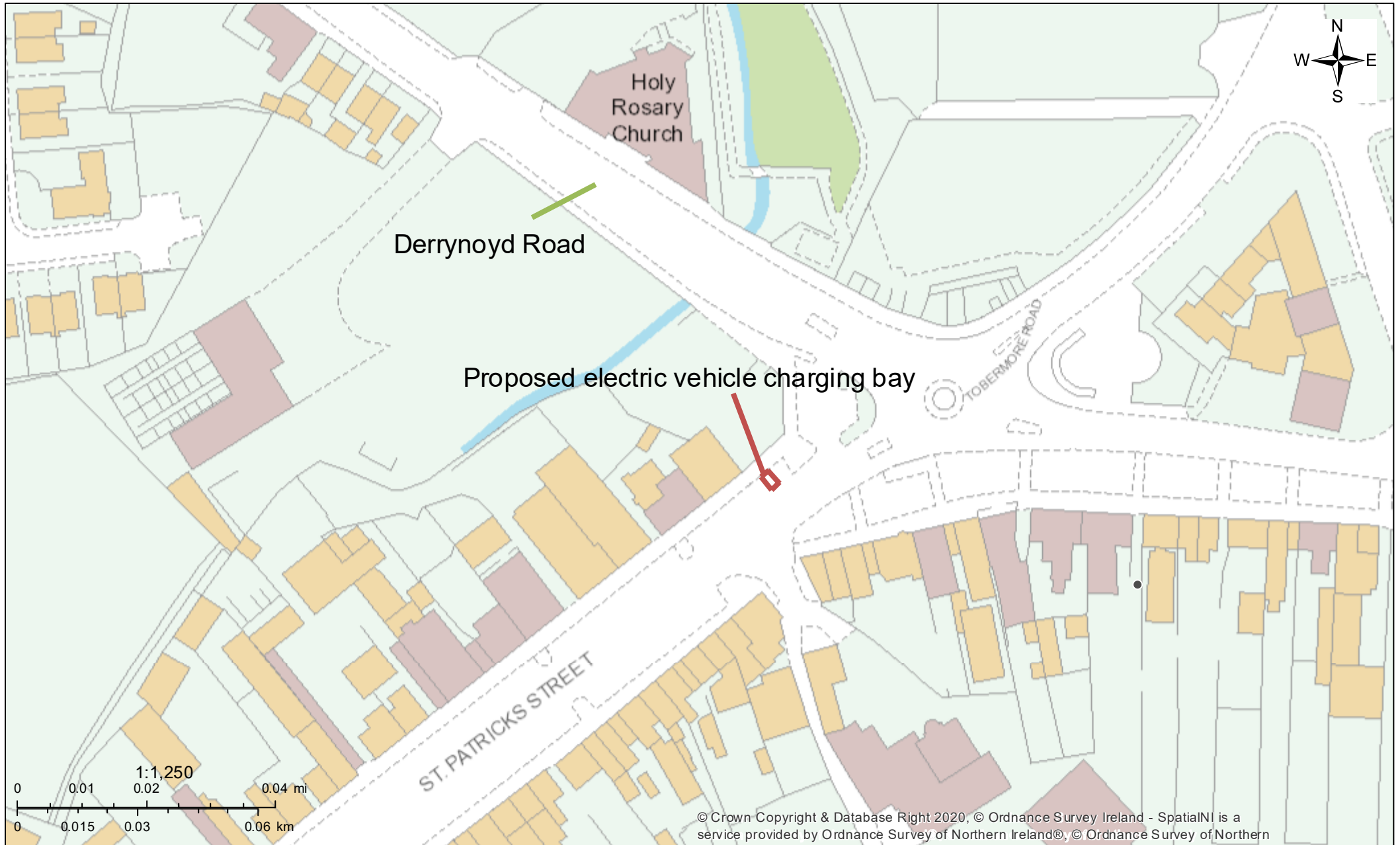
Please bring this matter to the attention of your council.

Yours sincerely

Mrs Hazel Burton
Network Development Section

Enc

Proposed ecar charging bay - St Patrick's Street, Draperstown



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07/04/2022, 14:42:06

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|--------------------------|--|
| Report on | Draft Consultation Response DFI Water, Flooding and Sustainable Drainage |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Ann McAleer, Corporate Policy and Equality Officer |

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

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|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To make elected members aware of the draft consultation response developed on behalf of Mid Ulster District Council in response to the Consultation on Water, Flooding and Sustainable Drainage- Improving How We Manage Water. |
| 2.0 | Background |
| 2.1 | DFI launched this consultation on Water, Flooding and Sustainable Drainage on 11 March 2022. The Council agreed to submit a response at the March 2022 Full Council meeting. |
| 3.0 | Main Report |
| 3.1 | The draft response examines the issues associated with on Water, Flooding and Sustainable Drainage |
| 3.2 | The draft response has been developed in conjunction with the elected members and relevant officers who attended a virtual meeting to discuss the issues addressed in to the consultation document. The meeting was held on Wednesday 13 th April via Microsoft Teams. |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: N/A |
| | Human: N/A |
| | Risk Management: N/A |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: None |
| | Rural Needs Implications: None |

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| 5.0 | Recommendation(s) |
| 5.1 | It is recommended that Council approve the draft response for submission. |
| 6.0 | Documents Attached & References Appendix A: Water, Flooding and Sustainable Drainage- Draft Consultation Response |

26 April 2022

Water, Flooding and Sustainable Drainage Consultation
Water and Drainage Policy Division
Department for Infrastructure, Room 122, Clarence Court,
10-18 Adelaide Street, BELFAST BT2 8GB

Email: waterpolicy@infrastructure-ni.gov.uk

Ref: Water, flooding and Sustainable Drainage Consultation

To whom it may concern:

Mid Ulster District Council would like to take this opportunity to put forward its views and opinion in relation to the Water, Flooding and Sustainable Drainage Consultation.

Comments on the nine key policy areas explored in the consultation document are set out below:

1. Powers for NI Water to implement wider water shortage measures

Mid Ulster District Council sees no issue with extending the hosepipe ban to additional non-essential activities if this in order to conserve water during short period of water shortage. The Council welcomes the additional water conservation mechanism detailed in this document and would hope that if additional water storage solutions and drainage solutions are found then perhaps hosepipe bans would become more infrequent. This mechanism may also enable more advanced and effective forward planning by DFI that will allow for more effective planning for short periods of water shortages.

2. Powers for NI Water to enter onto private land to carry out works for flood risk management purposes including construction of Sustainable Drainage Systems (SuDS)

In relation to this proposal, Mid Ulster District Council would recommend that consultation is carried out with landowners, particularly in instances where a landowner has denied permission to access their land in order for NI Water to carry out sustainable drainage works that. The Council would also like clarity in relation to whether this mechanism will be used in last resort or extreme situation where landowner consent cannot be provided and not primarily in dispute scenarios. The Council would also like to enquire if landowners (as willing participants in the process or not) would be eligible for financial compensation for damage caused to the land as a result of the works being carried out.

Mid Ulster District Council is also aware of other scenarios similar to drainage works where DFI have the power for enforce such as hedge cutting. However, Members are aware of instances where, while landowners have been consistently asked to carry out maintenance works on their land but have not followed the requirements of the Department's requests. In some instances, this has caused accessibility issues because of subsequent overgrown hedges and muck and soil blocking gullies, leading to a build-up of debris with the potential to cause hazardous road conditions. Therefore the Council would encourage DFI to ensure that when the onus is placed on landowners in relation to public safety issues and that this is followed up stringently up on. This could alleviate to some public safety risks such as fallen trees during stormy weather as well as instances of flooding.

Mid Ulster District Council would also like to raise the issues caused by DFI when maintenance and improvement works are being carried out. While repair and maintenance works carried out within the District is welcomed in the majority of instances, there have been numerous instances of the maintenance and improvement works carried out by DFI have created or compound issues. This has been noted in relation to gullies being blocked or not maintained/reinstated after resurfacing works have been carried out. Some issues also don't not come to the fore until a period of time after the works have been carried out. For example, if an area has DFI works carried out in Spring and the first instance of heavy rainfall doesn't occur until late Summer then the consequences of changes to water run-off areas etc such as localised flooding and freezing road conditions only arise at a later date when it can be difficult for have the issue resolved by DFI because of time and budgetary constraints. The works to address these issues can lead to adverse local issues and when the work is being carried out to resolve the secondary issues, closing roads and create miles long diversions which are very difficult for rural residents to manage.

3. Provision of an enabling power for the Department to introduce arrangements to encourage developers to use Sustainable Drainage Systems (SuDS) as the preferred drainage solution in new developments

With regard to the proposals to provide the Department with a power to introduce arrangements to make sustainable drainage systems (SuDS) the preferred drainage solution in new developments, by regulation or by non-statutory means, the Council welcomes any improvements to the current drainage systems. If this proposal will reduce the levels of pressure on the current drainage infrastructure by providing an alternative drainage solution for storm water, that would be of significant benefit to the District and would be encouraged.

It is recognised that in recent years the lack of sewer and drainage infrastructure has stifled new housing developments in the District. It is hoped that finding practical ways to address this issue will lead to an increase in much needed additional housing stock in the District.

However, Mid Ulster District Council would also like to take this opportunity to highlight the drainage issues that can be caused by preventable issues, such as reduced gully emptying or gully openings being blocked. These issues can be ongoing and severely impede the drainage systems in local areas.

4. Powers for NI Water to adopt certain drainage infrastructure, which is in private ownership and was constructed prior to 1st October 1973

Mid Ulster District Council supports this proposal in instances where it is deemed necessary.

5. Enhanced powers for NI Water to deal with drain and sewer misconnections

Mid Ulster District Council would recommend that a joined up thinking approach is taken to address the context in which misconnections arise.

6. Powers for NI Water to register Article 161 agreements in the Statutory Charges Register

Mid Ulster District Council supports this proposal as a mechanism to reduce 'red tape' and the unnecessary time and expense.

7. Powers for the Department to grant fund Homeowner Flood Protection measures

With regard to the proposals to provide DFI with powers to provide a sustainable Homeowner Flood Protection measure, the Council welcomes the introduction of a grants scheme for residents whose properties are susceptible to flooding.

However the Council would seek clarity in relation to the type of defined criteria that would create eligibility, particularly in relation to home owners who have chosen to build homes on land that is susceptible to flooding.

8. Powers to provide easements and additional compensation arrangements for affected landowners to facilitate flood storage

In relation to the proposal for powers to be provided to DFI to provide easements and additional compensation arrangements for affected landowners the Council has no additional comment to make.

9. Technical amendments to enable future amendment of subordinate legislation - Powers for the Department to amend, update or revoke the Drainage (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009:

Mid Ulster District Council is of the opinion that it is difficult to form a fully rounded opinion in relation to this proposal given the lack of information available regarding what specifically the change in legislation will be used for and how wide and varied the use of the additional powers are likely to be.

In conclusion, Mid Ulster District Council welcomes this consultation and looks forward to workable solutions being found to any outstanding issues raised in relation to water, flooding and sustainable drainage.

Yours sincerely

Chair of Mid Ulster District Council

| | |
|--------------------------|--------------------------------------|
| Report on | Street Renaming |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | PJ Fox, Principal Building Officer |

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

| | |
|------------|--|
| 1.0 | Purpose of Report |
| 1.1 | To advise members of requests for the Renaming and Renumbering of an existing street, and to seek approval to undertake the surveys of all applicable residents on the street/road in question |
| 2.0 | Background |
| 2.1 | In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility of renaming and renumbering existing streets where requested. |
| 2.2 | The Policy on Street Naming and Numbering – Section 6.0, as adopted (See Appendix 1) forms the basis for considering requests for renaming and renumbering of existing streets/roads. |
| 3.0 | Main Report |
| 3.1 | <p>The Building Control Service within the Directorate of the Environment have received a joint letter signed by the householders which formed a petition requesting the renaming of the street as noted below:</p> <p>From:</p> <p>Stewartstown Road, Coalisland, Dungannon</p> <p>To</p> <p>Moss Road, Coalisland, Dungannon</p> |

| | |
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| 3.2 | The road in question is a branch road linking the main Stewartstown Road with Mullaghmoyle Road in the townlands of Mullaghmoyle and Shanliss Lower. (See Appendix 2). |
| 3.3 | Street signage indicating the name “Moss Road” were erected by the legacy Dungannon & South Tyrone Borough Council and are in place for approximately 15 years. (See Appendix 3). However at present this branch road is officially considered Stewartstown Road. |
| 3.4 | In accordance with the Policy on Street Naming and Numbering – Section: 6.0, where no less than 50% of the householders of the street/road have signed a petition then the Council will consider a survey of the street/road in relation to the desired name change and reason for same. |
| 3.5 | A joint letter of request was submitted by over 50% of the householders and these have been confirmed as residents evidenced by their listing on the current Electoral Register as required in accordance with the Policy as adopted. |
| 4.0 | Other Considerations |
| 4.1 | <u>Financial & Human Resources Implications</u> Financial: Within current resources Human: Within current resources |
| 4.2 | <u>Equality and Good Relations Implications</u> None |
| 4.3 | <u>Risk Management Implications</u> None |
| 5.0 | Recommendation(s) |
| 5.1 | Approval to proceed with the Street Renaming survey of the Stewartstown Road (branch road), Coalisland, to all occupiers of each property as listed on the Electoral Register of the road, in accordance with the Policy for Street Naming and Numbering. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Policy on Street Naming and Numbering – Section 6.0 : Renaming and Renumbering Existing Streets |
| 6.2 | Appendix 2 – Map indicating Road relating to Street Renaming Survey |

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| 6.3 | Appendix 3 – Map & photos indicating location of existing “Moss Road” street signage |
|-----|--|

Policy on Street Naming and Numbering

| Document Control | | | |
|-----------------------------------|--|----------------|----------|
| Policy Owner | Director of Public Health & Infrastructure | | |
| Policy Author | Director of Public Health & Infrastructure | | |
| Version | Version 2 | | |
| | | | |
| Consultation | Senior Management Team | Yes / No | |
| | Trade Unions | Yes / No | |
| Equality Screened by | Principal Building Control Officer | Date | 27/04/21 |
| Equality Impact Assessment | N/A | Date | |
| Good Relations | N/A | | |
| Approved By | Environment Committee | Date | 11/05/21 |
| Adopted By | Council | Date | 27/05/21 |
| | | | |
| Review Date | | By Whom | |
| | | | |
| Circulation | Councillors, Staff | | |
| | | | |
| Document Linkages | | | |

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| 6.0 | Renaming Existing Streets | |
| 7.0 | Roles & Responsibilities | |
| 8.0 | Impact Assessments <ul style="list-style-type: none"> • Equality Screening & Rural Needs Impact • Staff & Financial Resources | |
| 9.0 | Support & Advice | |
| 10.0 | Communication | |
| 11.0 | Monitoring & Review Arrangements | |

| Appendices | Description | Page Number |
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| A | Article 11 of the Local Government (Miscellaneous Provisions) (NI) Order 1995 | |
| B | Naming of New Streets and Housing Developments: <i>Procedure</i> | |
| C | Renaming Existing Streets: <i>Procedures</i> | |

1.0 INTRODUCTION

1.1 Mid Ulster District Council resolved that a policy and associated procedures be developed to guide the Council in accordance with the provisions of Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995("the 1995 Order"), referenced in Appendix A to this policy, on;

- (i) Naming of New Streets and Housing Developments;
- (ii) Renaming and Re-numbering existing streets

2.0 Policy Aim & Objectives

2.1 **Policy Aim:** To ensure the naming of New Streets and Housing Developments is delivered in a fair, equitable and consistent manner.

2.2 Policy Objectives:

- To facilitate Mid Ulster District Council in meeting its statutory obligations with regard to local government Street Naming requirements
- To confirm the mechanism and process by which Mid Ulster District Council will name new streets and housing developments
- To provide residents with a process whereby they may request the renaming of their street
- To ensure street names are reflective of localities within which they are being proposed and engagement of all affected residents of streets where requests have been received to rename

3.0 Policy Scope and Legislative Framework

3.1 This policy relates specifically to the naming of New Streets/ Housing Developments and processing requests for the erection of nameplates expressing the name of the street in a language other than English. The statutory basis for this policy is contained within Article 11 of the 1995 Order.

- 3.2 This legislation empowers Council to authorise the naming of streets within its respective District. The 1995 Order provides for street naming, street numbering and the provision of street signs. It also provides the Council with a discretionary power to erect dual language street signs or second nameplates in a language other than English via Section 1a and 1b. A copy of the relevant statute is included in Appendix A.

Interpretation and Definitions

- 3.3 For purposes of this Policy the following interpretation/ definitions apply as set out within the 1995 Order:

- Nameplate - defined as a means of 'signifying a name in writing'
- Street - defined as 'any road, square, court, alley, passage or lane'.

4.0 Linkage to Corporate Plan

- 4.1 Referring to Mid Ulster District Council's Corporate Plan 2015-2019, this policy contributes toward the delivery of Corporate Theme 1 *Delivering for Our People*.

5.0 Naming of New Streets

- 5.1 Proposals for new Street names linked to traditional place names will be favorably considered and that if such a place name is traditionally in a language other than English, that name may also be considered as the name by which that place may be known. The procedure that will apply in relation to proposal under this [policy] is contained in Appendix [B]. Building names are not controlled by statute and do not form part of this Policy.
- 5.2 Criteria - General

To maintain the heritage and identity of the area administered by Mid Ulster District Council in naming a new Street and/ or Housing Development the following criteria shall be adhered to. The name chosen shall;

1. Reflect the local townland name, or a local geographical/ topographical, social or historical feature.
2. The name shall not use the townland name within which the street and/ or the housing development is situated. The townland name shall still form part of the postal address.

3. The name should not mark any historical or political event or any individual or family, living or deceased.
4. The prefix of the name can only be the same as an existing Street or Road name prefix in the locality if it is accessed from that street or road.
5. To avoid confusion over addresses the name should not sound similar to an existing Street or Road name in that District Electoral Area.
6. The erected nameplate shall express the name in English; and may express that name in any other language other than English in accordance with Article 11 of the 1995 Order.
7. Although not prescriptive or exhaustive the running order/hierarchy for Street naming should follow an easily understood pattern, for example:
 - Road–Street–Avenue–Mews–Drive–Lane–Close–Alley

6.0 Renaming and Renumbering Existing Streets

6.1 Provision shall be made for the renaming and renumbering of existing Streets within the Mid Ulster District Council area, where instances as noted in 7.2 below require that that this be undertaken to maintain a consistent approach to street naming. The 1995 Order empowers Council to authorise Street names within the area they administer. The procedure that will apply in relation to a proposal under this policy is contained in Appendix C.

6.2 Criteria - General

The renaming or renumbering of an existing street shall normally only be considered;

- To remove similar or the same street name in the immediate locality
- Where a street name has been 'lost'
- To correct an incorrectly spelt name
- If emergency services have reported problems in identifying and locating the street
- If postal services or other statutory agencies has reported problems in identifying and locating the street
- Where a request has been received by the Council and signed by not less than 50% of the occupiers of a street to which a change is being sought. This would be based on 1 occupier per premises on the relevant street

7.0 Roles and Responsibilities

- 7.1 **Director of Public Health and Infrastructure:** shall have responsibility for implementation of this policy by Mid Ulster District Council, through the Building Control Service.
- 7.2 **Building Control Service:** shall be responsible for implementing arrangements to administer; (i) requests to name New Streets and Housing Developments and (ii) requests to rename existing Streets.
- 8.0 Impact Assessments**
- 8.1.1 Equality Screening & Impact**
- 8.1.1 This policy has been subject to equality screening in accordance with the Council's equality scheme screening process. It has been 'screened out' for an Equality Impact Assessment.
- 8.2 Rural Needs Impact**
- 8.2.1 This policy has been subjected to a rural needs impact assessment and thus can demonstrate regard to rural needs when delivering this public service.
- 8.3 Staff & Financial Resources**
- 8.3.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented. Valid requests for determination will be brought to attention of Committee.
- 9.0 Support and Advice**
- 9.1 Advice and guidance on the implementation of this should be sought from the Head of Building Control
- 10.0 Communication**
- 10.1 The Building Control Service within the Public Health & Infrastructure Department of Council is responsible for the communication, delivery and adherence to this policy
- 11.0 Monitoring and Review Arrangements**

11.1 Implementation of this policy will be routinely monitored and a formal review undertaken 4 years from its effective commencement date.

Appendix A
Article 11, Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Street names and numbering of buildings

Powers of councils in relation to street names and numbering of buildings

11.—(1) A council may erect at or near each end, corner or entrance of any street in its district a nameplate showing the name of the street; and a nameplate erected under this paragraph—

- (a) shall express the name of the street in English; and
- (b) may express that name in any other language

(2) A council may, immediately adjacent to a nameplate erected under paragraph (1) which expresses the name of a street in English only, erect a second nameplate expressing the name of the street in a language other than English.

(3) Neither this Article nor anything done by a council thereunder authorises or requires the use of the name of a street expressed in a language other than English as, or as part of—

- (a) the address of any person; or
- (b) the description of any land; for

the purposes of any statutory provision.

(4) In deciding whether and, if so, how to exercise its powers under paragraph (1)(b) or (2) in relation to any street, a council shall have regard to any views on the matter expressed by the occupiers of premises in that street.

(5) Any person who—

- (a) obscures, pulls down or defaces any nameplate erected under paragraph (1) or (2);
- (b) erects in any street any nameplate showing as the name of the street a name different from that in any nameplate erected in the street under paragraph (1) or (2); or
- (c) erects in any street any nameplate purporting to show the name of the street, without the authorisation of the council for the district in which the street is situated,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Where a council has exercised its powers under paragraph (1) in relation to any street, the occupier of each house or other building in that street shall ensure that that house or building is at all times marked with such number as the council may approve for the purposes of this Article.

(7) Where a person fails to comply with paragraph (6) the council may serve on him a notice requiring him to comply with that paragraph within 7 days from the date of service of the notice.

(8) A person who fails to comply with a notice served on him under paragraph (7) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(9) Where a person fails to comply with a notice served on him under paragraph (7) in respect of any house or other building, the council may itself do anything which he has failed to do and may recover from that person summarily as a civil debt any expenses thereby reasonably incurred by it.

(10) In this Article—
“nameplate” includes any means of signifying a name in writing; “street” includes any road, square, court, alley, passage or lane.

(11) The power of a council to erect a nameplate under paragraph (1) or (2) includes power—

- (a) to erect it on any building or in such other manner as the council thinks fit; and
- (b) to cause it to be erected by any person authorised in that behalf by the council.

(12) The following statutory provisions shall cease to have effect, namely—

- (a) sections 64 and 65 of the Towns Improvement Clauses Act 1847^{F6};
- (b) in section 38 of the Towns Improvement (Ireland) Act 1854^{F7} the words “naming the streets and numbering the houses and also so much thereof as relates to”;
- (c) section 21 of the Public Health Acts Amendment Act 1907^{F8};
- (d) section 19 of the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949^{F9}; and
- (e) so much of any local Act as relates to the naming of streets or the numbering of houses or buildings;

Appendix B
Naming of New Streets and Housing Developments: *Procedure*

1. Developers should submit an application for a new Street/ Development naming to the Council's Building Control service within the Public Health and Infrastructure Department ("the Department") before any promotional activity on the sale of properties commences.
2. The applicant should recommend at least 2 but no more than 3 names per street for consideration, outlining how they consider the proposed names comply with the criteria referred to within Section 5.2 above. To ensure compliance, applicants should consider contacting local historical/community groups where available, which may be beneficial on receiving advice on names which would be relevant for proposed names of a new road/street in the locality.
3. If the Department determines that the name(s) does not conform to the criteria within 5.2 of this Policy, the developer/applicant will be informed of this and asked to submit an alternative name(s) and/or written representations as to why they disagree. When the Council receives an alternative name(s) and the Council Officer deems that it meets the criteria then it will be recommended to the Council's Environment Committee for consideration.
4. If the developer/applicant is not in agreement with the Department's evaluation they can make written representations which will be considered at the next available meeting of the Environment Committee.
5. The developer/ applicant will be informed of the approved name following approval of the Environment Committee minutes at the next available Council meeting of Mid Ulster District Council
6. Should the Committee not accept any of the presented options the applicant/ developer will be informed of the Council's decision
7. If following the non-acceptance of a proposed name the applicant/ developer does not resubmit an alternative name to the Council within 8 weeks of the date of the decision letter, the Council may identify a name and notify the applicant/ developer of their intention to approve that name. The Council shall allow four weeks to elapse from the date of the notification of the name before presenting it to the next available Environment Committee
8. If a street name has been approved by the Council it shall not be considered for change within 6 months from the date of approval, unless in accordance with the Council's Standing Orders.
9. Names shall be shown on nameplates which will include the townland where relevant and erected in line with current Guidance.
10. New buildings will be allocated numbers consecutively with odd numbers to the right hand side and even numbers to the left hand side.

Appendix C

Renaming Existing Street Name: Procedures

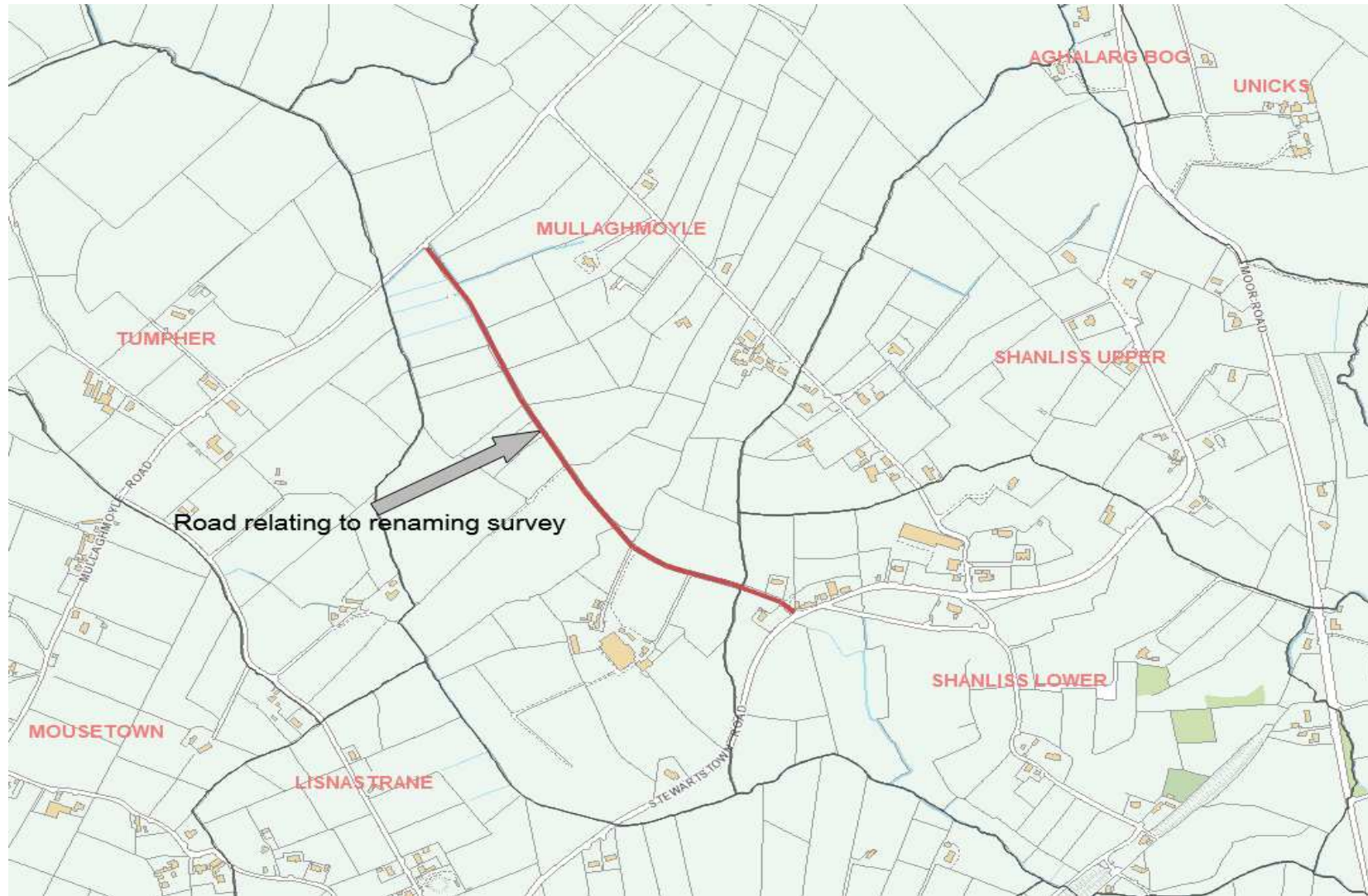
This procedure provides guidelines for the procedure for renaming of existing street/road names which the 1995 Order empowers councils to authorise. The following procedure for canvassing the views of occupiers and the criteria to be applied in deciding whether to rename a street with an alternative in English shall be:

1. Upon receipt of a petition, signed by not less than 50% of the householders (based on one resident per household over the age of 18) of the street/road ("a Petition") the Council will consider a survey of the street/road in relation to the desired name change and reason for same.
2. The proposed name must meet the criteria set down in this policy for the naming of New Streets, as detailed within 5.2 of this policy.
3. If the Department considers the new name meets the criteria, approval to undertake the survey will be sought from the Environment Committee.
4. The Council will survey, by post, to the occupier(s) of each of the properties listed on the Electoral Register and one survey per established business as appears on the Non-Domestic Valuation List of that street/road or the part of a street/road affected at that time; seeking their views on the request to change the name. The survey shall be carried out by the Council's Building Control service.
5. Residents of the existing street being surveyed to be made aware at time of survey of issues which will arise if the street is successfully renamed.
6. Replies will be by way of a supplied self-addressed envelope and must be returned by the date specified in the correspondence giving notification of the survey and reason for same . Only replies received from registered occupiers by that date will be considered
7. The outcome of the survey will be presented to the Environment Committee and only where all occupiers (100 %) in the affected street agree with the proposed name change, will a recommendation be presented to approve the change.
8. Where a request is not approved any further request will not be considered until the expiry of a 12 month period from the date of the Environment Committee meeting where the outcome of the survey was considered.
9. Where a Petition to have an existing street renamed is not approved then the occupiers will be notified of this.

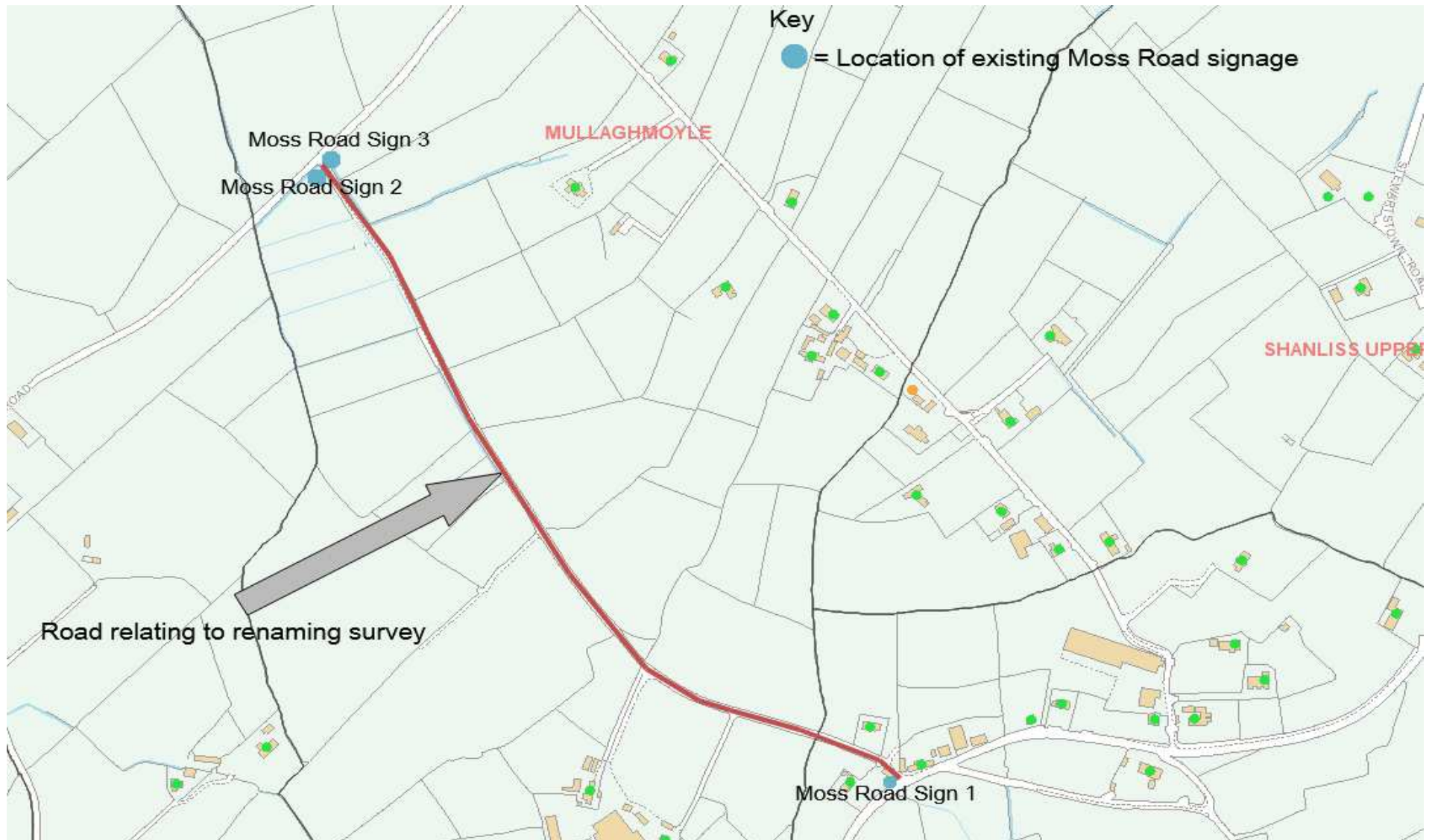
10. Where a new nameplate is erected. The decision to remove an existing nameplate will be made by Property Services, where deemed necessary to do so.
11. Historical nameplates may remain in place where they are fitted to an existing wall (or dwelling), where they will not affect directional issues. This shall be at the discretion of Property Services.
12. Where the Department receives a request from the emergency services, mail delivery services or other statutory bodies who have difficulty locating the street to rename it. They shall inform residents as noted above and consider to survey and rename the street upon the agreement of all households on that street. Such requests shall be notified to and approval sought from Environment Committee and outcome of survey reported to same.

Appendix 2

Map indicating location of Stewartstown Road (Branch Road) proposed for street renaming survey



Appendix 3 – Map Indicating location of current street signage indicating “Moss Road”



Moss Road Street Sign 1



Moss Road Street Sign 2



Moss Road Street Sign 3



| | |
|--------------------------|---|
| Report on | Council Estate Capital Property Repairs/Maintenance 2022/23 |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Paddy Conlon, Building and Assets Manager, and Cormac McGinley, Building Maintenance Officer |

| | | |
|---|-----|--------------------------|
| Is this report restricted for confidential business? | Yes | <input type="checkbox"/> |
| If 'Yes', confirm below the exempt information category relied upon | No | X |

| | |
|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To update members on Capital funded refurbishment and upgrade of council assets across the Council Estate during the 2021/22 financial year, and seek approval for high level plans for 2022/23. |
| 2.0 | Background |
| 2.1 | Property Services have significant repair and maintenance undertakings across the council estate. At present maintenance is undertaken daily on a reactive basis due to the size, age and condition of the Estate, in line with annual revenue budget setting cycle. |
| 2.2 | However, there are lot of areas that fall out of the scope of daily maintenance that it isn't, prudent or sustainable, to fund through revenue budget provision such as: <ul style="list-style-type: none"> • Improvement and upgrading to meet new service needs. • Refurbishment to new condition to extend the capacity of an asset • Capital replacement of major components. • Upgrading to meet statutory requirements. • Operational tasks to enable occupancy and use (cleaning, security, waste removal). • Construction of new assets; • Major restoration as a result of natural or other disaster. |
| 3.0 | Main Report |
| 3.1 | In February 2020 Council agreed its Capital Programme commitments for the period 2020 to 2024. The programme committed £500,000 per annum of the programme for 'Property Repairs/Maintenance'. Funding is used to address defective or non-compliant Estate assets in need of refurbishment or replacement, and cannot be defined as routine or annual maintenance funded from revenue. The works undertaken annually are not an exhaustive list of the total refurbishment needs of the Estate, but reflect the most significant priorities. See appendix 1 for an update on work funded in the 2021/22 financial year. |

| | |
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| 3.2 | <p>There are a number of council assets in need of investment and refurbishment. Those proposed for refurbishment have been identified in appendix 2 enclosed to enable forward planning of resources at the start of the new financial year (i.e. 2022/23).</p> |
| 3.3 | <p>Similar to previous years, the 22/23 proposals listed detail the estimated investment required are priority based on risk detailed below:</p> <p style="padding-left: 40px;">Priority 1 - Maintenance in respect of health and safety issues</p> <p style="padding-left: 40px;">Priority 2 - Statutory maintenance requirements; security, fire, gas, electrical and access systems</p> <p style="padding-left: 40px;">Priority 3 - Structural maintenance for all MUDC owned property assets</p> <p style="padding-left: 40px;">Priority 4 - Building fabric maintenance for all MUDC owned building assets except unoccupied assets, assets identified for disposal and ancillary assets, and</p> <p style="padding-left: 40px;">Priority 5 - Maintenance of unoccupied assets, assets identified for disposal and ancillary assets</p> |
| 3.4 | <p>The list categorized work into the first three priorities, with the Prior one being the most critical. The majority of capital will be used to carry out Priority 1 works. To date much of this work has been completed using Council approved framework contractors to ensure works are delivered during the delivery period were feasible and within agreed framework rates, and also public procurement. It is proposed to utilized existing Council approved framework contractors, approved publicly available frameworks accessible to Council, or public tender as required during 2022/23 period for physical implementation.</p> |
| 3.5 | <p>The list of repairs and maintenance requirements detailed are not an exhaustive list of maintenance requirements in the Council estate, and may change during the year depending on organisation requirements for uncommitted expenditure. It should be noted that the Capital Programme has committed funding to a number of other specific properties, and work streams that may be able to fund future refurbishment requirements.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | <p>Financial: The total funding required is estimated to be £500,000 (excluding VAT), however these are subject to value engineering through approved frameworks, quotation or tender.</p> |

| | |
|------------|--|
| | <p>Human: Staff resources to procure, deliver and supervise works as detailed, and engagement with any Client services to minimise any facility inconvenience as a result of work. Works scheduling will be dependent on staff resources.</p> |
| | <p>Risk Management: Risks associated with maintenance of the estate will be managed in the following order of priority as detailed within section 3.3 of the main report, subject to resources.</p> |
| 4.2 | Screening & Impact Assessments |
| | <p>Equality & Good Relations Implications: As per Council policy</p> |
| | <p>Rural Needs Implications: As per Council policy</p> |
| 5.0 | Recommendation(s) |
| 5.1 | Members are requested to note the content of the report on the Capital funded property repair and maintenance works carried out in 2021/22, and to approve high level capital funded refurbishment plans proposed for 2022/23 to the value of £500,000 (excl VAT). |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Implementation Update on capital funded Property Repairs and Maintenance Initiatives 2021/22 |
| 6.2 | Appendix 2 – Proposed capital funded Property Repairs and Maintenance Initiatives 2022/23 |

Appendix 1 – High Level Estate Refurbishment initiatives committed in 2021/22 funded through the Capital Programme 2020-2024

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|---|---|--|----------------------------------|---------------------------------------|---------------|
| Dungannon Park, The Bridewell, Magherafelt & Maghera Leisure Centre | Oil heating boiler/burner upgrades, and replacement storage tanks | Following M&E condition surveys recommended heating upgrades as the existing units were approaching end of life, and alternative fuel systems were not viable (e.g. mains gas). Oil storage tank replacements required to meet oil storage compliance regulations. | £182,211.52 | Public Tender | Completed |
| Central Carpark Magherafelt | Resurfacing of carpark and Lighting quality/spread enhancement | Existing carpark required resurfacing and carpark lighting required upgrade to provide an adequate spread of light to improve user safety in the town centre | £45,921.70 | Council approved Framework Contractor | Completed |
| Cookstown Leisure Centre | Pool Filter replacement | Refurbishment of 3 Main Pool Filters | £40,504.20 | Framework Contractor | Completed |
| Maghera Leisure Centre | ACU/AHU Control system replacement | Replacement of obsolete control unit to manage facility AHU/ACU | £14,363 | Framework Contractor | Completed |

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|--|---|---|---------------------------|---|--|
| Cookstown Leisure Centre | Air Conditioning refurbishment | Air conditioning repairs, including replacement air conditioning heating coil and faulty pressurised unit in boiler house. | £20,130 | Framework Contractor | Completed |
| | | | | | |
| Multiple Properties (Magherafelt area) | Legionella repairs, risk assessments and review recommendations | Repairs to hot and cold water plumbing systems to comply with recommendations in legionella risk assessments and reviews underway to ensure statutory compliance, including new risk assessments. | £65,000 | Framework Contractor | Work substantially complete |
| | | | | | |
| Civic Buildings | Air conditioning Upgrade/refurbishment | Upgrade/refurbishment of air conditioning systems in the Council Chambers in Dungannon and Magherafelt in line with any updated Covid guidance during 2021/22 | £75,000 | Framework Contractor and quotation/tender | Passed to Technical Services to deliver improvement in Civic buildings in Cookstown and Dungannon Chambers |
| | | | | | |
| Coalisland Canal | Environmental Improvements | Canal and drainage clean ups following asset transfer in 2015. Clear up works, boundaries repairs and | £18,865 | Framework Contractors | Completed |

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|-----------------------------|-------------------------|---|---------------------------|----------------------------------|------------------------------|
| | | enhancements required to manage flood and pollution risks. | | | |
| Mid Ulster Sports Arena | Repairs to flood lights | Electrical upgrades to the floodlights following fire safety concerns | £26,837.03 | Framework contractor | Complete |
| Magherafelt Council offices | Door Automation | Automation and access control of lower ground floor rear entrance & corridor doors to facilitate DDA building compliance | £15,386 | Quotation & Framework contractor | Complete |
| Oaks Road Depot | Perimeter Fencing | Replacement of perimeter security fencing to the Oaks Rd depot as existing fence has reached its end of life and site needs secured to protect assets housed on site. | £33,865.45 | Framework Contractor | Scheduled for May 22 |
| Magherafelt Council offices | Roof Repairs | Partial removal of existing roof tiles, installation of new felt, DPC and bird guards and re-install of tiles in the two storey or original part of the building. Soffits & fascia to be cleaned and re-painted | £23,500 | Framework Contractor | Works substantially complete |
| Dungannon Council offices | Fall Arrest on roof | Existing fall arrest system does not comply with current legislation and needs replaced | £23,783.75 | Framework Contractor | Scheduled for May 22 |

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|------------------------------------|-------------|-----------------------------------|---------------------------|-------------------|--------|
| TOTAL ESTIMATED EXPENDITURE | | | £500,367.65 | | |

Appendix 2 – High Level Estate Refurbishment proposals for 2022/23 funded through the Capital Programme 2020-2024

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|---|---|--|---------------------------|---|--|
| Multiple large building frequently used by the public for entertainment or recreation | Fire risk review and mitigation measures to improve fire action measures and controls | Updated measured survey assessment of public facing buildings and review of Fire Risk Assessment using in house and professional service resources as required. Programme of physical improvement works fire safety improvement measures to commissioned (e.g. Burnavon Arts & Cultural Centre) | £100,000 | Approved Framework contractors and quotation. | Fire Safety improvement works at Burnavon identified |
| Off Street Car Park Improvements | Substantial car park resurfacing and lighting quality/spread enhancements. | The off street car parks require significant sections of resurfacing and patching across the district. Lighting requires upgrading to provide an adequate spread of light to improve user safety in the town centres. These measures have been identified from repeat maintenance and survey during 2021/22. | £55,000 | Approved Framework contractors | Improvement works identified at Thomas Street, Burn Road and Rainey Street |
| Greenvale Leisure Centre | Boiler Replacements and associated control enhancements | M&E condition surveys recommends heating upgrades as the existing boilers and burners are over 25 years old and nearing end of life. | £200,000 | Public Tender | Subject to funding |

| Work Location | Description | Refurbishment/Enhancement Details | Estimated Cost (excl VAT) | Procurement Route | Status |
|------------------------------------|---|---|---|---|--------------------|
| | | | | | |
| Dungannon Park | Boundary Fence Installation and associated civil works | The boundary fence to the western boundary of Dungannon Park is at end of life. This fence is over 300m in length and upgrade is essential to adequately secure the property asset. | £80,000 | Public Tender | Subject to funding |
| Multiple Properties | Legionella repairs, risk assessments and review recommendations | Repairs to hot and cold water plumbing systems to comply with recommendations in legionella risk assessments and reviews underway to ensure statutory compliance, including new risk assessments. | £35,000 | Approved Framework Contractor, quotation/tender | Subject to funding |
| TOTAL ESTIMATED EXPENDITURE | | | £500,000 (incl contingency of £30,000) | | |

Notes:

Proposals listed are driven by Health and Safety requirements to ensure continued safe use and upgrades are required to meet statutory requirements, or prolong the life of the asset.

| | |
|--------------------------|---------------------|
| Report on | Bus Shelters Update |
| Date of Meeting | 10 May 2022 |
| Reporting Officer | Raymond Lowry |

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

| | |
|------------|--|
| 1.0 | Purpose of Report |
| 1.1 | To update Members on the current bus shelter status. |
| 2.0 | Background |
| 2.1 | Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the department to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather. |
| 2.2. | Following the bus shelter collaborative workshop held in March 2020, the bus shelter process was discussed and agreed at the Council meeting held on the 27 th March 2020. Members are advised in a monthly report of progress made on the various applications that have been lodged with the department. |
| 2.3 | Due to the Covid-19 pandemic progress has been delayed with unavailability of staff and priority of workloads within the various departments involved in dealing with the shelter installation. MUDC / DfI Roads have met (through "Microsoft Teams") to discuss a selection of these projects and will continue to carry out similar meetings to progress shelter applications. |
| 2.4 | Members to note current Procedural guide approved by Council March 2021. (see appendix 1) |

| | |
|------------|---|
| 3.0 | Main Report |
| 3.1 | <p>The following information headings will be covered:</p> <ul style="list-style-type: none"> • New applications received in the past month (see 3.2) • Progress on stages 2-4 application process (see 3.3) • Request for Council to move from stage 5 (see 3.4) • Progress update on stages 6-9 (see 3.5) • Neighbour Notification summary and detailed analysis (see 3.6) • Projects recommended for approval (3.7) • Projects recommended for withdrawal (see 3.8) • Shelters passed to Property Services for installation (3.9) • Progress update on stages 10-11 (see 3.10) • Update on statutory response times in relation to agreement on time related responses for application (see 3.11) • Other issues (see 3.12) |
| 3.2 | <p>New Applications received in the past month – 1Nr new application received in the past month.</p> <ul style="list-style-type: none"> • Derryfubble Road - Benburb |
| 3.3 | <p>Progress on stages 2-4 of the application process – see table in Appendix 1.</p> |
| 3.4 | <p>Requests for Council to move from stage 5 of the application process – 0Nr,</p> |
| 3.5 | <p>Progress update on stages 6-9 – the applications below have been discussed with a view to getting approval:</p> |
| 3.6 | <p>Summary of Neighbour Notifications</p> <ul style="list-style-type: none"> • Coagh Road, Stewartstown. • Garrison Road, Curran. • Beatrice Villas/William Street, Bellaghy. • Hillhead, Stewartstown. |
| | <p>On ratification of Councils position on shelter Technical Services will notify in writing all nearest neighbours originally surveyed.</p> |

- **Coagh road, Stewartstown** (see Table 4 Appendix 1 – reference 09) Neighbour notification completed.

| Shelter Location | Coagh Road, Stewartstown |
|---------------------------------|---------------------------------|
| Bus Shelter Requested | 19/04/2021 |
| Date Request Validated | 21/04/2021 |
| Survey Issued | 31/03/2022 |
| Survey Returned By | 14/04/2022 |
| Survey Letters Issued (No.) | 3 |
| Survey Letters Returned | 0 |
| Replies in Favour | 1 Late |
| Replies not in Favour | 0 |
| No response | 0 |
| Valid Returns | 0 |
| Percentage that have objections | 0% |

In accordance with the Bus Shelter Procedural guide, at least 51% of the addresses surveyed must have no objections to the shelter. NOTE; for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected. The bus shelter at **Coagh Road, Stewartstown** is recommended to be installed.

- **Garrison Road, Curran** (see Table 4 Appendix 1 – reference 13) Neighbour notification completed.

| Shelter Location | Garrison Road, Curran |
|---------------------------------|------------------------------|
| Bus Shelter Requested | 26/01/2022 |
| Date Request Validated | 28/01/2022 |
| Survey Issued | 31/03/2022 |
| Survey Returned By | 14/04/2022 |
| Survey Letters Issued (No.) | 2 |
| Survey Letters Returned | 1 |
| Replies in Favour | 1 |
| Replies not in Favour | 0 |
| No response | 0 |
| Valid Returns | 1 |
| Percentage that have objections | 0% |

In accordance with the Bus Shelter Procedural guide, at least 51% of the addresses surveyed must have no objections to the shelter. NOTE; for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected. The bus shelter at **Garrison Road, Stewartstown** is recommended to be installed.

- **Beatrice Villas, Bellaghy** (see Table 4 Appendix 1 – reference 11) Neighbour notification completed.

| Shelter Location | Beatrice Villas, Bellaghy |
|---------------------------------|----------------------------------|
| Bus Shelter Requested | 18/01/2022 |
| Date Request Validated | 20/01/2022 |
| Survey Issued | 31/03/2022 |
| Survey Returned By | 14/04/2022 |
| Survey Letters Issued (No.) | 4 |
| Survey Letters Returned | 2 |
| Replies in Favour | 2 |
| Replies not in Favour | 0 |
| No response | 0 |
| Valid Returns | 2 |
| Percentage that have objections | 0% |

In accordance with the Bus Shelter Procedural guide, at least 51% of the addresses surveyed must have no objections to the shelter. NOTE; for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected. The bus shelter at **Beatrice Villas, Bellaghy** is recommended to be installed.

- **Hillhead Road, Stewartstown** (see Table 4 Appendix 1 – reference 10) Neighbour notification completed.

| Shelter Location | Hillhead Road, Stewartstown |
|---------------------------------|------------------------------------|
| Bus Shelter Requested | 07/12/2021 |
| Date Request Validated | 09/12/2021 |
| Survey Issued | 31/03/2022 |
| Survey Returned By | 14/04/2022 |
| Survey Letters Issued (No.) | 4 |
| Survey Letters Returned | 1 on time, 1 late |
| Replies in Favour | 1 |
| Replies not in Favour | 1 |
| No response | 0 |
| Valid Returns | 1 |
| Percentage that have objections | 50% |

In accordance with the Bus Shelter Procedural guide, at least 51% of the addresses surveyed must have no objections to the shelter. NOTE; for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected. The bus shelter at **Hillhead Road, Stewartstown** is recommended to be installed.

3.7 **Projects noted below are recommended for approval** – 4 Nr application currently being recommended for approval.

3.8 **Projects noted below are recommended for withdrawal** – 0 Nr applications are being recommended for withdrawal.

3.9 Members to Note the following shelters as listed in Table 3 have been passed over to Property Services for installation and these are currently being programmed for installation within their current workload. Further discussions ongoing with Technical services to confirm / clarify installation requirements

Table 3

| Shelter Location | Current Status | Date programmed by Property Services for installation | Shelter type to be installed |
|--------------------------------------|----------------|---|------------------------------|
| Washingbay Road, Moor Road, Clonoe | Approved | Q1 | Glazed |
| Main Street, Bellaghy (SH HomePlace) | Approved | Q1 | Glazed, Cantilever |
| Reenaderry road, Washingbay | Approved | Q1 | Metal |

3.10 **Progress update on stages 10-11** – 0nr shelters installed since date of last meeting,

3.11 **Progress on response times** – Agreed response times within 30 days with statutory agencies.

| Statutory Agencies | Number requests sent | Reply <30 Days | Reply >30 Days |
|---------------------|----------------------|----------------|----------------|
| Translink | 3 | 2 | 1 |
| Education Authority | 2 | 2 | 0 |
| Dfl Roads | 0 | 0 | 0 |
| NIHE | 1 | 0 | 1 |

**Translink,
Responses Outstanding**

1. Brough Road, Castledawson
2. The Square, Moy
3. Ballygawley road, Killeshill

**Education Authority,
Responses Outstanding**

1. The Square, Moy
2. Ballygawley road, Killeshill

**NIHE
Responses Outstanding**

1. Land purchase request, St Colmans Park, Moortown

- **Interagency Meeting;** Statutory update meeting to be held 10 May 2022, with DFI Roads EA, NIHE and Translink, to discuss new Bus shelter locations, response times and any other issues.
New contacts for DFI (Roads) and Translink introduced in a bid to help progress current applications
Elected members to be invited for update on all existing issues regarding Bus Shelter delivery at a meeting date to be confirmed. .

3.12 **Other issues:** None to report.

| | |
|------------|--|
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: Within budget for Technical Services and Property services to action provision / installation costs within their budget. |
| | Risk Management: Non-delivery will have adverse impact of users of public transport. |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: N/a |
| | Rural Needs Implications: N/a |
| 5.0 | Recommendation(s) |
| 5.1 | Members to note the content of the report on the progress made on bus shelters within the district and grant approval to progress thus shelters listed under 5.3 below. |
| 5.2 | <ul style="list-style-type: none"> • Those listed in 3.2 - 1Nr new applications received in the last month, Derryfubble road, Benburb. |
| 5.3 | <ul style="list-style-type: none"> • Those listed in 3.6 – 4nr application to move to approval to install stage Coagh Road, Stewartstown Beatrice villas, Bellaghy Garrison road, Curran Hillhead road, Stewartstown |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – March 2021 - Procedural guide |
| 6.2 | Appendix 2 – Progress table with comments |

Procedural Guide on the Provision of Bus Shelters



1.0 Bus Shelters – Mid Ulster District Council

Council is empowered under the Local Government Miscellaneous Provisions (NI) Order 1985, with the consent of the Department for Infrastructure (DfI) to erect and maintain on any road within the district of the council, shelters for the protection from the weather or persons waiting to enter public service vehicles. Bus shelters are erected following local representations. They are provided, particularly for those who have to use public services who may have to stand out in the inclement weather.

1.1 PROCEDURAL STATEMENT

Council will erect a bus shelter where there is shown to be a need, providing the location does not present a safety or nuisance problem and adequate funding is available. Relocation of bus shelters should only take place as a result of either road alignment or the bus companies relocating their bus stops. All other cases of relocation should be resisted as long as there is an identified need for the shelter. Any relocation as a result of retail business / property owner request will only be considered if an alternative suitable location (distance restrictions will be considered) can be accommodated AND the retail business / property owner covers all associated costs for relocated shelter.

If there is any reported anti-social behaviour over a 12 month period at the location of a new/existing shelter the shelter location will be reviewed by Council with an option to remove the shelter and make good the existing surfaces.

1.2 CRITERIA FOR THE ERECTION OF A BUS SHELTER

1. Usage must be a minimum of 6 passengers over a period of a day and applications will be considered on a first come, first served basis, with Translink NI / Education Authority confirming this information. Less than 6 passengers will only be considered by a Council/DEA approval process.
2. The location must be at a recognised bus stop.
3. Following validation, the Council will canvass, by post, all property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter.
4. At least 51% of the addresses surveyed must have no objections to the shelter.

NOTE - for the purposes of assessment where 51% (rounded to the nearest whole number) of property addresses that respond indicate that they are not in favour of the erection of a shelter, then the results of the survey will be forwarded to the Environment Committee for information confirming that the shelter will not be approved or erected.)

Appendix 1

5. There should be no Department for Infrastructure Roads objections on traffic grounds.
6. There must be sufficient budgetary provision available to provide the bus shelter.
7. All Survey results that do not meet the essential criteria to be reported to Council for consideration.
8. Once refused a request may not be considered for a further 12 month period from the original decision by Council.
9. Form TS/BSRF/01 to be completed and signed off by Head of Service.
10. Bus Shelter request to be approved by Environment Committee.

1.3 DESIGN OF BUS SHELTER

The Council endeavour to provide good quality, comfortable bus shelters purchased through the Procurement Department. Where appropriate they will endeavour to have bus shelters erected free of charge, other than services by Adshel.

1. All shelters within 30mph speed limits will have shelter in accordance with **Example A**, (as below).
2. All shelters outside 30mph speed limits will have shelter in accordance with **Example B**, (as below).

Council will consider in conservation areas the erection of shelters above this standard, but the cost of such shelters excluding erection and servicing costs shall not exceed £3000.00.



Example A, within 30mph speed limits, Glazed shelter.



Example B, outside 30mph speed limits, painted metal shelter.

1.4 REPLACEMENT OF BUS SHELTERS

Any defective shelters that require replacement as part of their life span to be replaced using location criteria and shelter design Examples A or B as noted above as part of the maintenance of the Council Estate .

1.5 PROVISION OF BUS SHELTERS – PROCESS

Stage 1: Send application form to person requesting Erection of Shelter.

Stage 2: Acknowledge receipt of request (in writing) – standard letter sent.

Stage 3: Carry out preliminary visit to investigate suitability of site.

Stage 4: Contact Translink / SELB / Private approved Coach Companies to confirm viability of erecting bus shelter i.e. recognised "Bus Stop", number and age of children, bus routes etc. 1st organisation to respond with numbers meeting the criteria i.e. 6 or more then proceed to next stage.

Note – shelters only provided at locations where it is confirmed a minimum of six people await / board buses.

| Organisational Name | Contact Name | Contact Number | |
|---------------------|--------------|----------------|--|
| | | | |
| | | | |

Stage 5: Report to Environment Committee to seek Council approval/instruction.

Stage 6: Identify landowner e.g. Housing Executive, local farmer, etc. and obtain their written consent for erection of bus shelter and consult with adjoining properties (contact local Councillor and arrange site meeting if necessary). Elected members to be notified by email when letters are to be issued to neighbours for information purposes.

Stage 7: Send letters (with location maps) for approval/comments to DfI (Roads) / Water Service, PSNI, BT and NIE (arrange follow-up site meetings if necessary).

Stage 8: Sign and return DFI (Roads), Article 66, Consent/Schedule at least six days prior to erection of bus shelter.

Stage 9: Erect bus shelter – Example A or Example B (see 1.3).

Stage 10: Send request to GIS officer to have new asset plotted, and add to shelter register which is to be forwarded to Procurement Department, for insurance cover. Information to include erection/ maintenance/ ownership/ risk assessments / inspection regime / legal agreements between Council and the relevant landowners.

Stage 11: Report back to Council.



Date

Our Ref: MUDC/TS/BS/

The Occupier

Address 1

Address 2

Postcode

Dear Sir/Madam,

Re: Application for Provision of Bus Shelter at [Enter Location]

Mid Ulster District Council have received an application to erect a bus shelter at the above location and as noted in attached map (see Appendix 1).

The Council's Procedural Guide on the Provision of Bus Shelters outlines that validated applications are subject to neighbour notification. Those who meet the following criteria are eligible to register their preference on this matter:

- All property addresses within 50m frontage to the bus stop (25m either side) on the erection of the shelter, including the type of shelter

Our records indicate that this address is within 50m criteria and therefore subject to neighbour notification.

If approved Council would install Bus Shelter type **[Enter Bus Shelter Example A or B]** as detailed in Appendix 2.

On completion of this survey Council will provide a determination on this request on the basis of the majority preference as submitted. For approval to be considered, at least 51% (majority) of respondents must be in favour of the proposal.

Please read carefully the statements on the survey form attached. Tick your preferred option in the appropriate box, print your name and address and sign the document. The completed survey form(s) should be returned to this office by either:

- a. returning in Self Addressed Envelope provided, or
- b. emailing to Technicalservices@midulstercouncil.org

Forms received after **[Enter Day and Date]** will not be considered.

Thank you for your time completing this survey.

If you have any queries on the above, please contact (Officer Name) in the Cookstown Office by email at (,,,,,,,) or by telephone on 03000 132 132 Ext: 24400.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Raymond Lowry', enclosed in a thin black rectangular border.

Raymond Lowry
Head of Technical Services

Encs.

Cc DEA Councillors



PROVISION OF BUS SHELTER – SURVEY FORM

1. **I HAVE NO OBJECTIONS** to have a Bus Shelter erected at **[Enter Location]**

2. **I DO NOT WISH** to have a Bus Shelter erected at **[Enter Location]**

If you have ticked this box please give reason for objection

Reason for Objection:

Name: _____
(CAPITALS)

Address: _____

Signature: _____

The Results of this survey will be available to view on the MUDC website www.midulstercouncil.org under Council Meetings but should you wish to receive written correspondence detailing the outcome of the survey please tick this box.

Data Protection

In accordance with Data Protection Legislation, Mid Ulster District Council has a duty to protect any data we hold. The information you provide on this survey form will be used for the purposes of processing your survey and will not be shared to any third party unless law or regulation compels such a disclosure. Information will be retained in accordance with the Council's Retention and Disposal Policy.

Appendix 1

[Insert Map of proposed Bus Shelter location]

Appendix 2

BUS SHELTER TYPE

See below Example A - within 30mph speed limits, glazed shelter.



See below Example B - outside 30mph speed limits, painted metal shelter.



| Table 1 – Applications awaiting formal application to be submitted (2nr) | | | | |
|--|--|-------|---|---|
| No | Location | Stage | Status / Comment | Progress status |
| 1 | Thatch Inn, Hillhead Road | 0 | Presented to Translink for comment | Exact location for shelter to be determined with DFI Roads, in relation to A6 new road alignment. DFI roads to confirm if shelter to fall under their remit to install rather than MUDC. |
| 2 | Derryfubble road, Benburb | 1 | Request and maps | Site visit to be organised with applicant, landowner identified as NIHE. |
| Table 2 – New applications received since last Committee (1nr) | | | | |
| 1 | The Square, Moy Village | 4 | Application form received | User number requests sent to translink and EA |
| Table 3 – STAGES 2-4, (8nr) | | | | |
| 1 | Derryvale, Coalisland | 3 | Proposed location has been declined by Translink. Alternative sites being sought. | Site visit held, 08 February with DFI roads and Translink to agree site. Alternative location has been identified, Landowner to be identified as adjacent to existing field access. DFI roads to confirm. |
| 2 | Brough Road, Castledawson (Private Application) - 2018/001 | 3 | Application Form returned . | User numbers requested by Translink/EA . Translink Have reported 4nr passengers, Reminder to be sent to Translink for user numbers, EA do not use this route.Reminder sent |
| 3 | Tirkane Road, Maghera | 2 | Application Form returned . | Site visit held, identified site for shelter. User numbers to be revisited and updated by Translink. |
| 4 | Annaghmore Rd, Clonoe | 3 | New application | DFI Roads to visit site May 2022, to assess proposed location |
| 5 | Cloverhill, Moy | 3 | Application received | Passenger numbers requests sent to Translink and Education Authority confirmed, Translink are reviewing pick up locations and this potentially will be moved into Moy village. During discussions at the statutory meeting 13/02/2021, Translink advised that this will be confirmed when known at the next available stakeholder meeting. |
| 6 | Killeshill- A29 Ballygawley Road | 4 | Application received | Application form received, Translink confirming numbers, DFI to visit site after passenger numbers confirmed. |
| 8 | The Mills, Coalisland | 4 | Application received | DFI Roads to visit site April 2022, potential issue with proposed location |
| Table 4 – STAGES 5-8, (14 NR) | | | | |
| No | Location | Stage | Status / Comment | Progress status |

| | | | | |
|----|--|---|---|--|
| 1 | Tullyhogue Village | 6 | Residents declined original location as will promote anti-social behaviour. Limited options for alternative sites that suit bus pick-ups. | New site identified within village. Travel directions and pick up numbers confirmed with EA and Translink still to respond. Reminder sent. Discussed at recent Statutory meeting, site visit to be arranged to review proposed locations with DFI Roads, w/c 7/03/2022 |
| 2 | St Colmans Park, Moortown | 6 | Met applicant on site 9 October 2020, site agreed. | NIHE confirmed that they are the registered owner. Letter sent from applicant to Minister for comment on the requirement by NIHE to sell/ lease grounds. Nearest neighbour returned 27 October 2021, no responses received. NIHE application sent to explore lease/purchase options 08/02/2022 |
| 3 | Glendavagh Road, Crilly, Aughnacloy - 2016/013 | 6 | Application Form filled in during meeting with Cllr Burton | Site visit held with DFI roads. Site identified, subject to landowner agreement. Translink confirmed 0nr users, EA confirmed 6nr users. Site visit to be confirmed with EA and DFI roads for site location, w/c 7 March 2022. |
| 4 | Church street , Cookstown | 6 | Site meeting held with applicant, user number requests issued to Translink and EA | User numbers requested from Translink and EA. Translink responded to say they lift 20nr passengers. EA confirmed 10nr users. Site estate agent for adjacent vacant site to be consulted on shelter location. Reminders sent. Site meeting 08 April confirmed site for shelter subject to approval. |
| 5 | Kinrush Road/Battery Road Junction, Moortown | 6 | Original site limited space, alternative site to be confirmed. | Original location deemed not acceptable although alternative location has now been identified and progress to install shelter to programmed. TS programmed to discuss with DFI roads at next meeting and progress to instruct to install shelter. |
| 6 | Kingsisland Primary School | 6 | Final confirmation from primary school required to progress. | Meeting to be held with school on exact location of shelter, location drawing circulated to school and church for final approval for shelter location. Meeting held with Primary school. A Planning application has been lodged to extend the school. (On hold subject to Planning decision) |
| 7 | Magheracastle Road / Mountjoy Road, Brocagh | 6 | Pending withdrawal notification from applicant as proposed site on wrong side of the road for pick-up. | Report at next Council Site meeting held 3 August, site agreed, requests sent to Translink and EA for number confirmation. Reminders sent to both parties awaiting responses |
| 8 | Goland Road/ Armaghlughey Road, Ballygawley - 2016/015 | 6 | Site and user numbers confirmed . | Translink users confirmed, 10nr. Location to be agreed with DFI roads./ Translink. Site visit planned for w/c 7 March 2022 |
| 9 | Coagh Rd, Stewartstown | 6 | New application | Translink confirmed they do not pick-up at this location. EA confirmed 8nr passengers. Once approved at council neighbour notification to be issued |
| 10 | Hillead, Stewartstown | 6 | Site visit 24 January 2022, application form completed | Passenger numbers confirmed by Translink, 20 plus children. Once approved at council neighbour notification to be issued |
| 11 | William Street/Beatrice Villas, Bellaghy | 6 | Site visit 20 January 2022, application form completed | Passenger numbers confirmed by Translink, 30nr children. Once approved at council neighbour notification to be issued |

| | | | | |
|----|------------------------------|---|---|---|
| 12 | 119 Millix Road, Ballygawley | 5 | Application received, site agreed | Application form received, Translink confirmed not one of their routes, EA confirmed 8-10 users, DFI to visit site to assess site location. |
| 13 | Garrison Road, Curran | 6 | Site visit 28 January 2022 | Passenger numbers confirmed by Translink and EA, 6nr. Once approved at council neighbour notification to be issued |
| 14 | Eglish View, Ballinderry | 5 | Application pending Statutory authorities meeting | Following recent DEA meeting, 09/08/2021. Site visit to be arranged with DFI Roads w/c 7 March 2022, to review new location. DFI roads also to review footpath provision to see if it can be funded under their Active travel programme. Location agreed. |

Table 5 – STAGE 9, (3NR),

| No | Location | Stage | Status / Comment | Progress status |
|----|---------------------------|-------|---|--|
| 1 | Clonoe Crossroads | 9 | Relocation of existing shelter as too close to junction. Land search in progress to find alternative suitable site. | Shelter to be installed by end of March 2022, awaiting shelter delivery from supplier |
| 2 | Main Street, Bellaghy | 9 | Existing shelter removed, at chemist. Proposed new sites have been identified at Seamus Heaney HomePlace. | Shelter to be installed by end of March 2022 |
| 3 | Reenaderry Rd, Reenaderry | 9 | New application | User numbers confirmed by Translink, 16nr users. DFI roads confirmed suitability, landowner consultation required, for exact location. Nearest neighbour returned, approved. |

Table 6 – Stage 10-11 - Bus Shelters Installed (15nr)

| No | Location | Stage | Status / Comment | Progress status |
|----|-----------------------------|-------|---|-----------------|
| 1 | 143 Omagh road, Ballygawley | 10 | Existing Bus stop/layby, report to committee required | Installed. |

| | | | | |
|----|--|----|--|------------|
| 2 | Millview/Dunnamore Road, Dunnamore | 10 | Location agreed, site, DFI Roads compliant for new location. | Installed. |
| 3 | Kildrum Estate, Galbally | 10 | New shelter provision at entrance to housing development. | Installed. |
| 4 | Thornhill Road, Pomeroy | 10 | Location opposite community Hall | Installed. |
| 5 | Killeenan Road/Camlough Road/Loughdoo Road | 10 | Proposal to locate shelter in Kildress GAC. | Installed. |
| 6 | Glebe Court, Castlecaulfield | 10 | Relocation of existing shelter, land ownership to be confirmed for new site. | Installed. |
| 7 | Culnady Village | 10 | Site approved in centre of village, located on DFI Roads lands. | Installed. |
| 8 | Stewartstown | 10 | Translink to provide Clear Channel shelter at this location. Available budget for Translink causing delay. | Installed. |
| 9 | Credit Union, Moygashel | 10 | Location agreed with MUDC, Translink and Cllr Cuthbertson on 28-02-2020 | Installed. |
| 10 | Cappagh Village | 10 | Existing shelter in dangerous location, no footpath. Community request to have children lifted in the village. Limited turning space for buses in village. | Installed. |
| 11 | Whitebridge, Ballygawley | 10 | New request for shelter | Installed. |
| 12 | Annaghboe Road/Washingbay Road Junction, Clonoe - 2017/006 | 10 | Siting of new shelter on Washingbay Road. | Installed. |

| | | | | |
|----|---|----|--|------------|
| 13 | Killeen, Lisaclare Road | 10 | Translink provided alternative pick-up avoiding dangerous road crossing to Coole Road. New pick-up on Lisaclare Road | Installed. |
| 14 | Brackaville, Four Seasons Bar, Coalisland | 10 | New location agreed with DFI roads and Translink | Installed. |
| 15 | Drummullan village | 10 | Replacement shelter with narrow sides to aid access | Installed. |

Table 7 – Applications to be Withdrawn/ Re- visited (7Nr)

| No | Location | Stage | Status / Comment | Progress status |
|----|-----------------------------|---------------------|--|--|
| 1 | Coole Road | Revisit application | Re-open application | Discussion with DfI Roads to be held in light of new agreed process principals. Report at next Council Meeting |
| 2 | Main Street, Benburb | 6 | Review Application | Following recent DEA meeting 06/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position. Discussed at Statutory meeting 13/12/2021, DFI Roads to visit to review proposed location w/c 31st January 2022 |
| 3 | Innishrush Village | 6 | Application pending Statutory authorities meeting | Following recent DEA meeting 19/08/2021, Objection status still evident in current position – recommendation – seek statutory comments on the proposed slightly adjusted position. Alternative site to be reviewed by DFI Roads/Translink |
| 4 | Bellaghy, Overends layby | 6 | Withdraw Application | Following recent DEA meeting 11/08/2021, agreed to withdraw the current application |
| 5 | Meenagh Park, Coalisland | 6 | Withdraw Application | Application to be withdrawn by applicant |
| 6 | Knockloughrim Village | 9 | Landowner unknown for proposed site. Further investigations underway to determine landowner. | Parks department have agreed location within their site. Nearest neighbour consultation returned, did meet required criteria to proceed. Approved, passed to Property Services 27/08/2021 for installation. Translink confirmed change of bus route with pick-up moved to the centre of village, discussed at statutory agencies meeting 13/12/2021. New shelter is not to be installed |
| 7 | Jordan Engineering, Benburb | 4 | Meeting organised with Cllr Burton on site to agree location. Not agreed | Shelter application withdrawn by applicant, unable to find suitable location for shelter |

Minutes of Meeting of Environment Committee of Mid Ulster District Council held on Monday 4 April 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Brown

Councillors Buchanan, Burton, Cuthbertson, Glasgow*, Graham*, Kearney, N McAleer, S McAleer*, B McGuigan, S McGuigan*, McNamee, Milne*, O'Neill* (7.25 pm), Totten, Wilson

Officers in Attendance

Mrs Campbell, Strategic Director of Environment
Mr Fox, Principal Building Control Officer**
Mr Lowry, Head of Technical Services**
Mr McAdoo, Assistant Director of Environmental Services**
Mr Scullion, Assistant Director of Property Services**
Mrs Loughran, Business Support Manager

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.01 pm

The Chair, Councillor Brown welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. Councillor Brown in introducing the meeting detailed the operational arrangements for transacting the business of the committee in the chamber and by virtual means, by referring to Annex A to this minute.

E090/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

E091/22 Apologies

None.

E092/22 Declarations of Interest

The Chair reminded Members of their responsibility with regard to declarations of interest.

E093/22 Chair's Business

None.

Matters for Decision

**E094/22 DfI Roads Proposal to Mid Ulster District Council - A6
Castledawson to Toome — Proposed Road Classification**

The Assistant Director of Property Services presented previously circulated report which sought agreement in relation to A6 Castledawson to Toome — Proposed Road Classification.

Proposed by Councillor Cuthbertson
Seconded by Councillor Buchanan and

Resolved That it be recommended to Council to endorse the proposal submitted by Department for Infrastructure Roads in relation to A6 Castledawson to Toome — Proposed Road Classification.

E095/22 Consultation on Mandatory Digital Waste Tracking

The Assistant Director of Environmental Services presented previously circulated report which outlined Council's proposed response to a Consultation on the Introduction of Mandatory Digital Waste Tracking.

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

Resolved That it be recommended to Council to approve the proposed response to the Consultation on Mandatory Digital Waste Tracking as outlined at appendix to report.

E096/22 Bus Shelter Update

The Head of Technical Services presented previously circulated report which provided update on current bus shelter status.

The Chair, Councillor Brown referred to installation of bus shelter at Main Street, Bellaghy (Seamus Heaney HomePlace) and stated he had received correspondence from a business in the area in relation to where this bus shelter is to be located. Councillor Brown asked if officers had gone back to businesses in the area to ensure they are content with where the bus shelter is to be sited as his understanding was that the previous location considered was going to cause access problems for some businesses.

The Head of Technical Services stated he would check the detail of the application tomorrow but advised that all applications are noted through the consultation process along with relevant stakeholders and if they are content then the bus shelter should

be located accordingly. In terms of neighbour notification, the officer advised that Council policy is to notify all neighbours within the radius approved and if there is an overwhelming acceptance of a proposal then it will move ahead. The Head of Technical Services advised that officers do not go back to individual objectors after full Council ratification but he would check and report back to the Councillor.

The Chair, Councillor Brown stated that there were concerns raised in relation to that particular bus shelter and those raising the concerns had not heard back from Council and asked that this be followed up.

Councillor Milne stated that the bus shelter proposed for Main Street, Bellaghy would not obstruct anyone and is on the footpath with full visibility splays. The Councillor stated that the person objecting may also have objected the last time it was under consideration.

Councillor Wilson stated there are a number of bus shelters in the District which are no longer in use and are in a dilapidated condition. The Councillor asked if officers undertake an annual inspection of bus shelters and if not in use asked if they are removed.

The Assistant Director of Property Services advised a survey of bus shelters is undertaken annually and this is done from a maintenance point of view during the summer season at the same time as strimming is undertaken around road nameplates etc. From this survey, work will be undertaken in terms of maintenance ie. repair, powerwashing, painting. The officer highlighted that the survey does not take account of whether bus shelters are still in use and liaison with Translink would be required in this regard.

Councillor Wilson stated he felt that there are a number of bus shelters which are not being used and that the matter should be discussed further with relevant stakeholders.

Councillor Kearney referred to the green type bus shelters and asked if consideration had ever been given to placing a luminous sign or Council logo on the bus shelters it installs to be make them identifiable.

The Head of Technical Services advised that consideration can be given to this as some bus shelters are in rural locations and a reflective strip would provide some added safety.

- Resolved** That it be recommended to Council –
- To note the new application received for The Square, Moy Village
 - That the applications listed below move to stage 5 –
Eglish View, Ballinderry
Millix Road, Ballygawley
 - To discuss and undertake survey with Translink in terms of use of bus shelters in the District.
 - To give consideration to placing of reflective strip/Council logo on bus shelters to aid safety.

Matters for Information

E097/22 Environment Committee minutes of meeting held on 8 March 2022

Members noted minutes of Environment Committee held on 8 March 2022.

Councillor McNamee referred to the river pollution which took place last week and asked if officers could provide an update on the matter and advise of the extent of the fish kill and identify the source of the pollution.

The Chair, Councillor Brown advised that Environmental Health matters were now considered under the remit of the Development Committee.

Councillor Wilson thanked staff for the good work recently completed in Cookstown Cemetery. The Councillor went on to advise that there have been a number of instances of theft at the Cemetery and felt that an appeal should go out from the Committee for people visiting the Cemetery to be vigilant.

Councillor Cuthbertson stated he had raised similar concerns in the past and that a report was to be brought back in relation to installing CCTV in cemeteries. The Councillor advised that a report had not been brought back to date and asked that this be looked at again.

E098/22 Bin Ovation Update

Members noted previously circulated report which provided update on usage of the Bin-ovation App and associated competition.

E099/22 Update/survey on Recycling Centre prepayment system

Members noted previously circulated report which provided update on the operation of the Recycling Centre prepayment system for the acceptance of commercial waste and results of customer satisfaction survey.

E100/22 Building Control Workload

Members noted previously circulated report which provided update on the workload analysis for Building Control.

E101/22 Dual Language Signage Surveys

Members noted previously circulated report which advised on the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests.

E102/22 Dual Language Signage Requests

Members noted previously circulated report which advised of requests for Dual Language Signage from residents on the streets/roads in question.

E103/22 Continuation of Reduced Fees for Entertainment Licences 2022/23

Members noted previously circulated report which advised on the outcome of the Department of Communities consultation exercise with Councils on a review of Fees for Entertainment Licences for 2022/23.

E104/22 Lough Neagh Access for Boats

Members noted previously circulated report which provided update in relation to correspondence to the Department of Infrastructure about access to Lough Neagh around the quays for boats.

E105/22 Driver and Vehicle Agency (DVA) Services

Members noted previously circulated report which advised of correspondence on Driver and Vehicle Agency Services in Mid Ulster.

Live broadcast ended at 7.31 pm.

Local Government (NI) Act 2014 - Confidential Business

Proposed by Councillor McNamee
Seconded by Councillor B McGuigan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items E106/22 to E113/22.

Matters for Decision

- E106/22 Tenders for Grass Sports Pitch Maintenance Services
- E107/22 Award of Contract for the Collection, Treatment and Recycling/Recovery of Wood from Recycling Centres
- E108/22 Off street Car Parking: Future Provision Update

Matters for Information

- E109/22 Environment Committee Confidential Minutes of meeting held on 8 March 2022
- E110/22 Capital Framework – ICT Contracts Update
- E111/22 Capital Framework – IST Contracts Update
- E112/22 Capital Projects – Scoping Contracts Update
- E113/22 Fleet Operator Licence Update

E114/22 Duration of Meeting

The meeting was called for 7.00 pm and ended at 7.48 pm.

CHAIR _____

DATE _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the Council's [Policy & Resources/Environment/Development] Committee in the Chamber, [Dungannon/Magherafelt] and virtually.

I specifically welcome the public watching us through the Live Broadcast. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening I will ask each member to confirm whether they are for or against the proposal or abstaining
- When invited to speak please introduce yourself by name to the meeting
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- If referring to a specific report please reference the report, page or slide being referred to
- Lastly, I remind the public and press that taking photographs of proceedings or using any means to enable anyone not present to see or hear proceedings, or making a simultaneous oral report of the proceedings are not permitted

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

| | |
|--------------------------|--------------------------------------|
| Report on | Building Control Workload |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | PJ Fox, Principal Building Officer |

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

| | | | |
|------------|---|-----------------------|---------------------------------|
| 1.0 | Purpose of Report | | |
| 1.1 | To provide Members with an update on the workload analysis for Building Control across Mid-Ulster District Council. | | |
| 2.0 | Background | | |
| 2.1 | <p>Building Control applications are received in three different forms:-</p> <p>a) Full Applications - submitted with detailed working drawings.</p> <p>b) Building Notices - minor work not usually requiring detailed plans, e.g. provision of insulation to roof space, etc.</p> <p>c) Regularisation Applications – where work has been carried out without an approval, an application must be submitted for retrospective approval.</p> | | |
| 3.0 | Main Report | | |
| 3.1 | Workload Analysis | April 2022 | Accumulative 2022/23 |
| | Total number of Applications | 116 | 116 |
| | Full plans applications received | 34 | 34 |
| | Building Notices applications received | 74 | 74 |
| | Regularisation applications received | 8 | 8 |
| | Estimated value of works submitted | £9,152,439 | £9,152,439 |
| | 431 | 431 | |

| | | | |
|------------|---|------------|------------|
| | Number of inspections carried out by Building Control Officers | | |
| | Commencements | 111 | 111 |
| | Domestic Dwellings | 22 | 22 |
| | Domestic alterations and Extensions | 73 | 73 |
| | Non-Domestic work | 16 | 16 |
| | Completions | 87 | 87 |
| | Domestic Dwellings | 22 | 22 |
| | Domestic alterations and Extensions | 54 | 54 |
| | Non-Domestic work | 11 | 11 |
| | Property Certificates Received | 130 | 130 |
| 3.2 | It should be noted from the Workload Analysis in 3.1, that the full range of applications are being received and administered in accordance with our procedures and performance criteria. | | |
| 3.3 | It can also be noted that the demand for the service remain high and Building Regulation applications submitted are now at pre pandemic levels | | |
| 3.4 | All inspections are continue to be carried out as requested subject to a risk assessment being completed. | | |
| 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 |
| 5.0 | Recommendation(s) |
| 5.1 | Members are requested to note the content of this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – List of significant applications received by the Building Control Service |

Significant Developments April 2022

| Applicant | Location of Development | Details of Development | Estimated value of development |
|------------------------------------|--|--|---------------------------------------|
| B. Rafferty | Forest Close, Pomeroy. | Erection of 20no. dwellings (Ave floor area 116m ²) B.C. fee - £4,738.78 | £1,675,900 |
| Countrywide Homes Ltd | Glenburn View, Galbally, Dungannon. | Erection of 6no. dwellings (Ave floor area 127m ²) B.C. fee - £1,848.28 | £549,480 |
| Sperrin 55 | 4 Creagh Industrial Estate, Toome. | Erection of a portal framed building (Floor area 500m ²) B.C. fee - £2,850 | £482,000 |
| Tobermore Concrete Products Ltd | 2 Lisamuck Road, Tobermore. | Erection of a shot blasting plant (Floor area 725m ²) B.C. fee - £2,615 | £434,275 |
| Tyrone Trailers | 127a Reenaderry Road, Coalisland. | Extension of storage unit (Floor area 733m ²) B.C. fee - £2,550 | £421,430 |

| | |
|--------------------------|---|
| Report on | Dual Language Signage Surveys |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Colm Currie, Principal Building Officer |

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

| | | | | | | | | | |
|--|--|----------------|----------------------|--------------------|-------|------------------------|------------|--|------------|
| 1.0 | Purpose of Report | | | | | | | | |
| 1.1 | To advise Members on the result of surveys undertaken on all applicable residents on the streets/roads in response to Dual Language Signage Nameplate requests. | | | | | | | | |
| 2.0 | Background | | | | | | | | |
| 2.1 | In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English. | | | | | | | | |
| 2.2 | The Policy for Street Naming and Dual Language Signage – Section 6.0, as adopted forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets. | | | | | | | | |
| 2.3 | In accordance with the Policy as adopted, all occupiers as listed on the Electoral Register residing on the streets/roads as noted below were canvassed, by post seeking their views on the request to erect dual-language street nameplates in the Irish Language as requested in each case. | | | | | | | | |
| 3.0 | Main Report | | | | | | | | |
| 3.1 | The Building Control Service within the Public Health and Infrastructure Directorate issued occupiers of the undernoted streets, correspondence seeking their views on the request to erect a dual-language street nameplate. | | | | | | | | |
| 3.2 | Completed surveys were received by the return date and the outcome is as follows in each case: <table border="1" data-bbox="276 1850 1313 2040"> <tr> <td>Name of Street</td> <td>Mill Road, Cookstown</td> </tr> <tr> <td>Language Requested</td> <td>Irish</td> </tr> <tr> <td>Date Request Validated</td> <td>25/10/2021</td> </tr> <tr> <td>Survey Request Reported to Environment Committee</td> <td>08/03/2022</td> </tr> </table> | Name of Street | Mill Road, Cookstown | Language Requested | Irish | Date Request Validated | 25/10/2021 | Survey Request Reported to Environment Committee | 08/03/2022 |
| Name of Street | Mill Road, Cookstown | | | | | | | | |
| Language Requested | Irish | | | | | | | | |
| Date Request Validated | 25/10/2021 | | | | | | | | |
| Survey Request Reported to Environment Committee | 08/03/2022 | | | | | | | | |

| | |
|-------------------------|------------|
| Surveys Issued | 21/02/2022 |
| Surveys returned by | 21/03/2022 |
| Survey Letters Issued | 18 |
| Survey Letters Returned | 7 |
| Replies in Favour | 7 |
| Replies not in Favour | 0 |
| Invalid | 0 |
| Valid Returns | 7 |
| Percentage in Favour | 100% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Mill Road, Cookstown will be erected.

| | |
|--|----------------------------|
| Name of Street | Leitrim Road, Castledawson |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 108 |
| Survey Letters Returned | 61 |
| Replies in Favour | 26 |
| Replies not in Favour | 29 |
| Invalid | 6 |
| Valid Returns | 55 |
| Percentage in Favour | 47% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Leitrim Road, Castledawson will not be approved or erected.

| | |
|--|---------------------------|
| Name of Street | Sperrin Mews, Magherafelt |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 12 |
| Survey Letters Returned | 8 |
| Replies in Favour | 6 |
| Replies not in Favour | 2 |
| Invalid | 0 |

| | |
|----------------------|-----|
| Valid Returns | 8 |
| Percentage in Favour | 75% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Sperrin Mews, Magherafelt will be erected.

| | |
|--|-------------------------------|
| Name of Street | Princess Terrace, Magherafelt |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 12 |
| Survey Letters Returned | 9 |
| Replies in Favour | 7 |
| Replies not in Favour | 2 |
| Invalid | 0 |
| Valid Returns | 9 |
| Percentage in Favour | 78% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Princess Terrace, Magherafelt will be erected.

| | |
|--|-------------------------|
| Name of Street | Camaghy Road, Dungannon |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 22 |
| Survey Letters Returned | 6 |
| Replies in Favour | 6 |
| Replies not in Favour | 0 |
| Invalid | 0 |
| Valid Returns | 6 |
| Percentage in Favour | 100% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in

favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Camaghy Road, Dungannon will be erected.

| | |
|--|----------------------|
| Name of Street | Oaks Road, Dungannon |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 76 |
| Survey Letters Returned | 19 |
| Replies in Favour | 16 |
| Replies not in Favour | 2 |
| Invalid | 1 |
| Valid Returns | 18 |
| Percentage in Favour | 89% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Oaks Road, Dungannon will be erected.

| | |
|--|-----------------------------|
| Name of Street | Knockavaddy Road, Dungannon |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 9 |
| Survey Letters Returned | 2 |
| Replies in Favour | 0 |
| Replies not in Favour | 2 |
| Invalid | 0 |
| Valid Returns | 0 |
| Percentage in Favour | 0% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Knockavaddy Road, Dungannon not be approved or erected.

| | |
|--|--------------------|
| Name of Street | Rathbeg, Cookstown |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 134 |
| Survey Letters Returned | 45 |
| Replies in Favour | 40 |
| Replies not in Favour | 1 |
| Invalid | 4 |
| Valid Returns | 14 |
| Percentage in Favour | 98% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Rathbeg, Cookstown will be erected.

| | |
|--|---------------------------|
| Name of Street | Queen Street, Magherafelt |
| Language Requested | Irish |
| Date Request Validated | 01/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |
| Surveys returned by | 28/03/2022 |
| Survey Letters Issued | 1 |
| Survey Letters Returned | 1 |
| Replies in Favour | 1 |
| Replies not in Favour | 0 |
| Invalid | 0 |
| Valid Returns | 1 |
| Percentage in Favour | 100% |

In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Queen Street, Magherafelt will be erected.

| | |
|--|-----------------------------|
| Name of Street | Westland Drive, Magherafelt |
| Language Requested | Irish |
| Date Request Validated | 08/02/2022 |
| Survey Request Reported to Environment Committee | 08/03/2022 |
| Surveys Issued | 28/02/2022 |

| | | | | | | | | | | | | | | | | | |
|-------------------------|--|---------------------|------------|-----------------------|----|-------------------------|----|-------------------|----|-----------------------|----|---------|---|---------------|----|----------------------|-----|
| | <table border="1"> <tr> <td>Surveys returned by</td> <td>28/03/2022</td> </tr> <tr> <td>Survey Letters Issued</td> <td>41</td> </tr> <tr> <td>Survey Letters Returned</td> <td>37</td> </tr> <tr> <td>Replies in Favour</td> <td>25</td> </tr> <tr> <td>Replies not in Favour</td> <td>11</td> </tr> <tr> <td>Invalid</td> <td>1</td> </tr> <tr> <td>Valid Returns</td> <td>36</td> </tr> <tr> <td>Percentage in Favour</td> <td>69%</td> </tr> </table> <p>In accordance with the Dual Language Signage Nameplates Policy, where more than 51% of the completed replies returned by occupiers indicate that they are in favour of the erection of a dual language street nameplate, it is confirmed that the dual language nameplates at Westland Drive, Magherafelt will be erected.</p> | Surveys returned by | 28/03/2022 | Survey Letters Issued | 41 | Survey Letters Returned | 37 | Replies in Favour | 25 | Replies not in Favour | 11 | Invalid | 1 | Valid Returns | 36 | Percentage in Favour | 69% |
| Surveys returned by | 28/03/2022 | | | | | | | | | | | | | | | | |
| Survey Letters Issued | 41 | | | | | | | | | | | | | | | | |
| Survey Letters Returned | 37 | | | | | | | | | | | | | | | | |
| Replies in Favour | 25 | | | | | | | | | | | | | | | | |
| Replies not in Favour | 11 | | | | | | | | | | | | | | | | |
| Invalid | 1 | | | | | | | | | | | | | | | | |
| Valid Returns | 36 | | | | | | | | | | | | | | | | |
| Percentage in Favour | 69% | | | | | | | | | | | | | | | | |
| 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 | | | | | | | | | | | | | | | | |
| 5.0 | Recommendation(s) | | | | | | | | | | | | | | | | |
| 5.1 | That Members note the results of the surveys for application of Dual Language Nameplates in Irish for the streets/roads as detailed below. | | | | | | | | | | | | | | | | |
| 5.2 | Where more than 51 % of occupiers that respond indicated that they were in favour of the erection of a dual language signage, nameplates will be erected. <ul style="list-style-type: none"> 1. Mill Road, Cookstown 2. Sperrin Mews, Magherafelt 3. Princess Terrace, Magherafelt 4. Camaghy Road, Dungannon 5. Oaks Road, Dungannon 6. Rathbeg, Cookstown 7. Queen Street, Magherafelt 8. Westland Drive, Magherafelt | | | | | | | | | | | | | | | | |

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| 5.3 | <p>Where more than 51 % of occupiers of the street as noted below did not respond to indicate that they were in favour of the erection of a dual-language street nameplate, then the dual language nameplate will not be erected</p> <p style="text-align: center;">1. Knockavaddy Road, Dungannon 2. Leitrim Road, Castledawson</p> |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Dual Language Nameplate Translation for each street/road |

Appendix 1 – Dual Language Nameplate Translation for each street/road

| | Current Name | Irish Translation |
|-----------------|---------------------------------|--------------------------------------|
| Road | Mill Road, Cookstown | Bóthar an Mhuilinn |
| Townland | Killucan Dungate | Coill Leamhcáin Dún gCéad |

| | Current Name | Irish Translation |
|-----------------|--|--|
| Road | Princess Terrace, Magherafelt | Ardán an Bhanphrionsa |
| Townland | Town Parks Of Magherafelt | Páirceanna Baile Mhachaire Fíolta |

| | Current Name | Irish Translation |
|-----------------|---|---------------------------------|
| Road | Camaghy Road South, Galbally | Bóthar Chamachaidh Theas |
| Townland | Glenbeg | An Gleann Beag |

| | Current Name | Irish Translation |
|-----------------|-----------------------------|--------------------------|
| Road | Oaks Road, Dungannon | Bóthar na Darach |
| Townland | Drumcoo | Droim Cuach |

| | Current Name | Irish Translation |
|-----------------|---------------------------|---------------------------|
| Road | Rathbeg, Cookstown | Ráth Beag |
| Townland | Gortalowry | Gort an Leamhraigh |

| | Current Name | Irish Translation |
|-----------------|--------------------------------------|--|
| Road | Queen Street, Magherafelt | Sráid na Banríona |
| Townland | Town Parks Of Magherafelt | Páirceanna Baile Mhachaire Fíolta |

| | Current Name | Irish Translation |
|-----------------|--|--------------------------|
| Road | Westland Drive, Magherafelt | Céide an Iarthair |
| Townland | Tullagh | An Tulach |

| | |
|--------------------------|---|
| Report on | Dual Language Signage Requests |
| Date of Meeting | 10 May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Colm Currie, Principal Building Officer |

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

| | |
|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To advise Members of requests for Dual Language Signage from residents on the streets/roads in question. |
| 2.0 | Background |
| 2.1 | In accordance with the Local Government (Miscellaneous Provisions) NI Order 1995 – Article 11 the Council is tasked with the responsibility to erect dual language signs or second nameplates, adjacent to the nameplate in English. |
| 2.2 | The Policy for Dual Language Nameplate Signage as adopted forms the basis for considering requests expressing the name in a language other than English, to both existing and new streets. |
| 2.3 | In accordance with the Policy as adopted, the Environment Committee will be informed of requests which have been validated and are proceeding to survey. |
| 3.0 | Main Report |
| 3.1 | The Building Control Service within the Public Health and Infrastructure Directorate have received valid letters signed by occupiers of the street in each case requesting signage to be erected in a second language being “Irish” in each case adjacent to the nameplate in English as follows:- 1. Park Avenue, Cookstown |
| 3.2 | The occupiers signing the requests in each case have been confirmed as residents of their particular street which has been evidenced by their listing on the current Electoral Register as required in accordance with the Policy as adopted, see letters of request attached in Appendix 1. |

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| 3.3 | It should also be noted that the Electoral Office are still only permitting access to members of the public including Officers of the Council for 60 minutes per visit. In addition, the time required to gain the necessary information has increased considerably due to the number of individuals that have been recently added to the Electoral Register. |
| 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 |
| 5.0 | Recommendation(s) |
| 5.1 | That Members note the content of this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Letter received from a resident of Park Avenue, Cookstown |

Appendix 1 – Letter received from a resident of Park Avenue, Cookstown

Dual Language Signage Requests
C/O Mid-Ulster District Council
Burn Road
Cookstown

5th April 2022

To whom it may concern,

RE: Dual Language Signage – Park Avenue, Cookstown

I am writing to ask you to initiate the Council Procedure for Irish dual language signage on Park Avenue, Cookstown

In accordance with the Policy, by way of my signature below, I am giving consent, as a resident of the road, to now carry out the relevant Procedure recently agreed by Council.

Yours sincerely,

Park Avenue
Cookstown
BT80 8AH

| | |
|--------------------------|---|
| Report on | Entertainment Licensing Applications |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Colm Currie, Principal Building Officer |

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

| | |
|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To update Members on Entertainment Licensing applications across Mid Ulster District Council. |
| 2.0 | Background |
| 2.1 | The Council has responsibility for licensing places of entertainment in accordance with The Local Government (Miscellaneous Provisions) (NI) Order 1985. Entertainment Licensing applications are received on a continued basis across the District. Statutory consultations are carried out with PSNI and NIFRS for each Entertainment Licence application (grant or renewal) submitted. |
| 3.0 | Main Report |
| 3.1 | <p>As previously agreed a list of applications for all grant/renewal of Entertainment Licences in Mid Ulster District Council is attached (see Appendix 1). The number of applications received on a monthly basis will vary depending on the date of expiry of the current licence.</p> <p>Each application is accompanied by the following documentation:</p> <ol style="list-style-type: none"> 1 A current Fire Risk Assessment detailing the following: <ol style="list-style-type: none"> (a) means of escape from premises (b) management responsibilities for day to day safety aspects (c) details of review on an annual basis <p>The fire risk assessment submitted is audited by the inspecting officer.</p> 2 Electrical certification is required for the following: <ol style="list-style-type: none"> (a) General electrical installation (b) Emergency lighting system (c) Fire alarm system 3 Details of current public liability insurance for premises |

| | |
|--|---|
| <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> | <p>4 Copy of public advertisement in local press</p> <p>Following the application for the Grant/Renewal of an Entertainment Licence being submitted and validated, an inspection is carried out to ensure that the premises are in compliance with all relevant guidance and legislation.</p> <p>Areas which would be inspected are as follows:</p> <ol style="list-style-type: none"> 1. Means of escape from the venue i.e. Final Exit Doors and Easy Opening Devices are satisfactory and escape routes are free from obstruction etc. 2. All floor, wall, and ceiling coverings are in compliance and in good condition 3. All firefighting equipment are correctly positioned and serviced as required 4. The general condition of the premises is satisfactory 5. All management documentation is in place <p>Entertainment licensing applications have continued to be processed where possible including statutory consultations with external Bodies as required by legislation.</p> <p>Licences have been issued where inspections had been completed and all points requiring attention have been addressed.</p> <p>Inspection of venues have continued where possible to do so and specifically where issues in relation to the current Covid-19 Guidance can be achieved.</p> |
| <p>4.0</p> | <p>Other Considerations</p> |
| <p>4.1</p> | <p>Financial, Human Resources & Risk Implications</p> <p>Financial: Within Current Resources</p> <p>Human: Within Current Resources</p> <p>Risk Management: Within Current Resources</p> |
| <p>4.2</p> | <p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: None</p> <p>Rural Needs Implications: None</p> |

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| 5.0 | Recommendation(s) |
| 5.1 | Members are requested to note the content of this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences. |
| 6.2 | Appendix 2 – Schedule of Entertainment Licence applications which have been granted/renewed. |

Appendix 1 – Schedule of applications received for the Grant/Renewal of Entertainment Licences May 2022

| Name of Applicant | Name of Premises | Address of Premises | Type of Licence | Days and Hours proposed | Max Number of Patrons |
|--------------------------|-------------------------------|--------------------------------------|------------------------|--|------------------------------|
| R Patton | Dungannon Rugby Football Club | 36 Moy Road Dungannon | Annual | Monday To Saturday From 11.00 To 01.00 Sunday From 11.00 To 23.00 | 330 |
| L Knox | Molesworth Church Hall | 69-71 Molesworth Street Cookstown | 14 Unspecified Days | Monday To Friday From 18.00 To 01.00 Saturday From 18.00 To 24.00 | 250 |
| J Fox | Parochial Centre | 153 Aughrim Road Toomebridge | 14 Unspecified Days | Monday To Sunday From 12.00 To 24.00 | 100 |

| Name of Applicant | Name of Premises | Address of Premises | Type of Licence | Days and Hours proposed | Max Number of Patrons |
|--------------------------|-------------------------|-----------------------------------|------------------------|--|------------------------------|
| C Eastwood | The Rusty Keg | 64-66 Main Street Pomeroy | Annual | Monday To Saturday From 11.30 To 01.00 Sunday From 12.30 To 24.00 | 100 |
| R Martin | Eglish St Patrick's | 109 Killyliss Road Dungannon | 14 Unspecified Days | Monday To Sunday From 18.00 To 02.00 | 560 |
| H O'Neill | Erins Own GAC | 56 Quarry Road Knockcloghrim | Annual | Monday To Saturday From 12.00 To 01.00 Sunday From 12.00 To 23.00 | 500 |
| D Scott | Scott's Bar | 72-76 Main Street Fivemiletown | | Monday To Saturday From 11.00 To 01.00 Sunday From 12.00 To 24.00 | 140 |

| Name of Applicant | Name of Premises | Address of Premises | Type of Licence | Days and Hours proposed | Max Number of Patrons |
|----------------------------------|---------------------------|--------------------------------|------------------------|--|------------------------------|
| J Gates | Magherafelt Parish Centre | 24 King Street Magherafelt | Annual | Monday To Sunday From 09.00 To 01.00 | 620 |
| Carntogher Community Association | An Coire | 132a Tirkane Road Maghera | Annual | Monday To Sunday From 09.00 To 01.00 | 220 |
| MUDC | The Bridewell | 6 Church Street Magherafelt | Annual | Monday To Sunday From 09.00 To 00.00 | 260 |
| Upperlands Community Development | The Linenhall Centre | 67 Kilrea Road Upperlands | Annual | Monday To Sunday From 10.00 To 02.00 | 200 |
| T McMullin | Royal British Legion Club | 67 Kilrea Road Upperlands | Annual | Monday To Saturday From 12.00 To 23.00 Sunday From 11.00 To 23.00 | 175 |

| Name of Applicant | Name of Premises | Address of Premises | Type of Licence | Days and Hours proposed | Max Number of Patrons |
|---------------------------------|--------------------------|-----------------------------------|------------------------|--|------------------------------|
| M Quinn | Derrytresk GAC | 100 Annaghmore Road Coalisland | Annual | Monday to Saturday From 15.00 To 02.00 Sunday From 15.00 To 23.00 | 454 |
| J Clarke | St Oliver Plunkett Hall | 232 Mayogall Road Clady | 14 Unspecified Days | Monday To Sunday From 12.00 To 01.00 | 542 |
| M Davison | Davison's Bar | 44-46 Main Street Castlecaulfield | Annual | Monday To Sunday From 11.00 To 01.00 | 180 |
| A Robson, A Beacom & H McCleary | Corick House Hotel & Spa | 20 Corick Road Clogher | Annual | Monday To Sunday From 09.00 To 02.00 | 1362 |
| W McCracken | Desertcreat Church Hall | 4 Desertcreat Road Cookstown | 14 Unspecified Days | Monday To Sunday From 09.00 To 00.00 | 190 |
| A McGuckin | MacFlynn Suite | 75 Castledawson Road Magherafelt | Annual | Monday To Sunday From 08.00 To 23.00 | 110 |

| Name of Applicant | Name of Premises | Address of Premises | Type of Licence | Days and Hours proposed | Max Number of Patrons |
|-------------------|-----------------------------|-------------------------------|-----------------|---|-----------------------|
| C Eastwood | Dunleath Bar | 58-66 Church Street Cookstown | Annual | Monday To Saturday From 11.30 To 01.00 From 12.30 To 00.00 | 135 |
| S J Houston | The Loft Bar and Restaurant | 99a Tullyvar Road Aughnacloy | Annual | Monday To Thursday From 11.00 To 23.30 Friday And Saturday From 10.00 To 01.30 Sunday From 10.00 To 23.00 | 147 |

Appendix 2 – Schedule of Entertainment Licence applications which have been Granted/Renewed/Varied in May 2022

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|-------------------|---------------------------------------|-----------------------------------|-------------------------------|--|
| C McCausland | The Lower House | 38 Main Street, Donaghmore | Annual | Monday To Saturday From 11.00 To 01.00 Sunday From 11.00 To 01.00 |
| H Stewart | Magherafelt Presbyterian Church | 28 Meeting Street, Magherafelt | Any 14 Unspecified days | Monday To Friday From 20.00 To 01.00 Saturday From 20.00 To 00.00 |

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|-------------------|------------------|---------------------------------|-----------------|---|
| N & L McKearney | The Gables Bar | 40 Cookstown Road, Dungannon | Annual | Monday To Saturday From 11.00 To 01.00 Sunday From 11.00 To 00.00 |
| S Cushley | St Malachy's GAC | 55 Brough Road, Castledawson | Annual | Monday To Thursday From 10.00 To 00.00 Friday & Saturday From 10.00 To 01.00 Sunday From 10.00 To 00.00 |

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|-------------------|--------------------|---------------------------------|-------------------------------|--|
| P Forbes | The Cove Bar | 126 Shore Road, Magherafelt | Annual | Monday To Saturday From 11.30 To 01.00 Sunday From 11.30 To 00.00 |
| S Loughrin | Lissan House Trust | 8 Drumgrass Road, Cookstown | Any 14 Unspecified days | Monday To Sunday From 12.00 To 01.30 |
| C Loughran | The Millwheel Bar | 60 Dunnamore Road, Cookstown | Annual | Monday To Tuesday From 11.30 To 23.30 Wednesday To Sunday From 11.30 To 01.30 |

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|-------------------|-----------------------------|----------------------------------|-------------------------------|--|
| J McCormack | Michael Davitts GAC | 37 Garvagh Road, Swatragh | Annual | Monday To Friday From 11.10 To 23.00 Saturday From 11.00 To 01.00 Sunday From 11.00 To 23.00 |
| S Hudson | Desertmartin Parish Hall | 19 Dromore Road, Desertmartin | Any 14 Unspecified days | Monday To Sunday From 12.00 To 00.00 |
| E Cassidy | Gormley's Bar | 3 Church Street, Ballygawley | Annual | Monday To Saturday From 11.30 To 01.30 Sunday From 12.30 To 00.30 |

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|--------------------------|---------------------------------|------------------------------------|-------------------------------|--|
| P Crozier | St Trea's GAA Hall | 246 Shore Road, Magherafelt | Annual | Monday To Sunday From 9.00 To 01.00 |
| E Bell | The Four Corners | 1 Mullaghmoyle Road, Coalisland | Annual | Monday To Saturday From 11.00 To 01.00 Sunday From 11.00 To 01.00 |
| L Daly | Daly's Bar | 51-53 Moore Street, Aughnacloy | Annual | Monday To Saturday From 11.30 To 01.30 Sunday From 12.30 To 01.30 |
| A Barrett | Errigle Keerogue Church Hall | Ballinasaggart, Ballygawley | Any 14 Unspecified days | Monday To Sunday From 19.00 To 00.00 |
| Scott & Ewing | Jimmy Johnston's Bar | 39-41 Main Street, Augher | Annual | Monday To Sunday From 11.30 To 01.30 |

| Name of Applicant | Name of Premises | Address of Premises | Type Of Licence | Days and Hours Granted |
|--------------------------|-------------------------|------------------------------|-------------------------------|--|
| R Wilson | The Wesleyan Hall | Main Street, Fivemiletown | Any 14 Unspecified days | Monday To Sunday From 09.00 To 01.00 |

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| Report on | The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 – Phases 3, 4 & 5 |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Terry Scullion, AD Property Services |
| Contact Officer | Colm Currie, Principal Building Officer |

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| Is this report restricted for confidential business? If 'Yes', confirm below the exempt information category relied upon | Yes | |
| | 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 and the effective dates of Phases 3, 4 and 5 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 |
| | <p>Members will recall previous papers brought to Committee for information purposes in regards to the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 as summarised:</p> <ol style="list-style-type: none"> 1. On 9th November 2021 Committee were updated on Phase 1 of the amendments of the relevant sections of the legislation have been introduced and effective since 1st 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 (Appendix 1) 2. On 8th March 2022 Committee were updated on Phase 2 of the liquor licensing legislation being effective from 6th April 2022. (Appendix 2) 3. Phases 3 and 4 will come into effect on 1 June 2022 and 1 October 2022 respectively. 4. Phase 5 will come into effect on 6 April 2023. |

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| 3.0 | Main Report |
| 3.1 | <p>Members will note correspondence received from the Department for Communities (DfC) relating to The Licensing And Registration Of Clubs (Amendment) Act (Northern Ireland) 2021 (Appendix 5) which states confirmation of dates of when the remaining Phases 3, 4 and 5 are to come into effect.</p> |
| 3.2 | <p>The key changes in Phase 3 which comes into effect on 1 June 2022 are contained in the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, April 2022 (Appendix 4), and are summarised as follows:</p> <p>Section 11: Local producer’s premises: suitability for on-sales</p> <p>This section introduces a new Article 52E (Local producer’s premises: suitability for on sales) to the Licensing Order, allowing local producers to apply to the court for a suitability order for a specific part of their premises for the sale and consumption of intoxicating liquor in the premises and can make an application to the county court at any time</p> <p>Once a suitability order has been granted, a new Article 52F (Local producer’s premises: authorisations for on sales) allows for the application for an authorisation for the sale and consumption of the intoxicating liquor in the premises on specific dates. The permitted hours on these dates are between 4pm and 10pm. No more than 104 authorisations may be granted during a 12-month period and an authorisation may not include Christmas day</p> <ul style="list-style-type: none"> • Drinking-up time of 60 minutes is permitted under Article 46 of the Licensing Order • Holder of the licence must display a notice in the part of the premises to which an order under Article 52E applies when Article 52F is in force detailing: <ul style="list-style-type: none"> • Specific dates of consumption • Time of consumption between 4pm and 10pm • No consumption after 60 minutes drinking up time. |
| 3.3 | <p>The key changes in Phase 4 that comes into effect on 1 October 2022 are contained in the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, April 2022 (Appendix 4), and are summarised as follows</p> <p>Section 18: Prohibition on self-service and sales by vending machines</p> <p>Section 18 of the Act introduces a new Article 54A in the Licensing Order, which prohibits the sale of intoxicating liquor not made under the direct supervision of a licensee or a member of staff.</p> <p>Section 19 – Restrictions on off-sales drinks promotions in supermarkets etc.</p> <p>Section 19 of the Act introduces new Article 57ZA in the Licensing Order, which restricts the advertising of drinks promotions in supermarkets to the</p> |

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| <p>3.4</p> | <p>area in which intoxicating liquor may be displayed in such premises. Supermarkets and other licensed premises which sell intoxicating liquor for consumption at home will also not be permitted to advertise drinks promotions available in the premises within the vicinity of the premises, or any other premises licensed to sell for consumption off the premises. Section</p> <p>Section 25 – Code of practice</p> <p>Section 25 of the Act introduces a new Article 76F in the Licensing Order which allows the Department for Communities to approve a relevant code of practice produced by a person or group of persons who have a relevant interest in matters surrounding intoxicating liquor. A court must be satisfied that for grant or transfer of a licence, any prospective licence holder is aware of any approved code, and for renewal of a licence that licence holders are aware and have been complying with such code.</p> <p>The key changes in Phase 5 that comes into effect on 6 April 2023 are contained in the Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, April 2022 (Appendix 4), and are summarised as follows:</p> <p>Section 20 – Prohibition of loyalty schemes</p> <p>Section 20 of the Act introduces new Article 57ZB in the Licensing Order, which prohibits the award or redemption of loyalty or bonus points for the purchase of intoxicating liquor in all licensed premises.</p> <p>3.5 A further report will be brought to a future Committee setting out any potential implications for Council’s Entertainment Licencing policy.</p> |
| <p>4.0</p> | <p>Other Considerations</p> |
| <p>4.1</p> | <p>Financial, Human Resources & Risk Implications</p> <p>Financial:</p> <p>Human: Within Current Resources</p> <p>Risk Management: None</p> |
| <p>4.2</p> | <p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: None</p> <p>Rural Needs Implications: None</p> |

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| 5.0 | Recommendation(s) |
| | 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 9th November 2021 |
| 6.2 | Appendix 2 – The Licensing and Registration of Clubs Committee report of 8th March 2022 |
| 6.3 | Appendix 3 – The Licensing and Regulations of Clubs (Amendment) Act (NI) 2021 |
| 6.4 | Appendix 4 – Licensing and Registration of Clubs (Amendment) Act (NI) 2021 DfC Guide, April 2022 |
| 6.5 | Appendix 5 – Letter received from the Department of Communities (The Licensing And Registration Of Clubs (Amendment) Act (Northern Ireland) 2021) |

Appendix 1 - Report on Licensing Legislation - November 21

Confirm how this Report is to be treated by placing an X and abbreviation in either;

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|-------------------------------------|--------------|--|-----------------|
| <input checked="" type="checkbox"/> | For Decision | | For Information |
| Env | Committee | | Council |

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| Report on | The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 |
| Date of Meeting | 9 th November 2021 |
| Reporting Officer | William Wilkinson |
| Contact Officer | William Wilkinson |

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| Is this report restricted for confidential business? | | Yes | |
| If 'Yes', confirm below the exempt information category relied upon | | No | |
| | Information relates to an individual | | |
| | Information is likely to reveal identity of an individual | | |
| | Information relates to financial or business affairs of a person (including the council) | | |
| | Information relates to consultations or negotiations, in relation to labour relations matters | | |
| | Information relates to claim which legal professional privilege could be maintained in legal proceedings | | |
| | Reveals that council proposes to give a notice by virtue of which requirements are imposed on a person; or make an order or direction under any statutory provision | | |
| | Relates to action taken or to be taken in connection with prevention, investigation or possession of crime | | |

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| 1.0 | Purpose of Report |
| 1.1 | To advise Members on The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 which came into operation on 1 st October 2021. |
| 2.0 | Background |
| 2.1 | Following Consultations in October 2016 and November 2019, in relation to Liquor Licensing Laws in Northern Ireland, the first phase of the amendments of the relevant sections of the legislation have been introduced and has come into operation on 1 st October 2021. It is anticipated that there will be further amendments to the liquor licensing legislation in due course. |

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| 2.2 | It should be noted that the primary responsibility for the enforcement of the above legislation will be 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 | <p>The main amendments to the liquor licensing legislation is as noted below and as detailed in “The Licensing and Registration of Clubs(Amendment) Act (Northern Ireland) 2021 Guide” – See Appendix 1:</p> <p>Section 1 - Removal of restrictions at Easter Easter weekend permitted hours now mirror what is available for any other weekend throughout the year. Section 1 of the Act amends Articles 30, 42, 44, 45 and 47 of the Licensing Order by removing all references to Good Friday and Easter Sunday.</p> <p>Section 2 - Removal of restrictions on late opening for on-sales on Sunday Section 2 of the Act amends Articles 30, 42, 44, 45 and 47 of the Licensing Order removes the restrictions on late opening on Sunday nights, this means that closing times on a Sunday will be the same as any other night. It is important to note, there will be no changes to the opening times for licensed premises on a Sunday.</p> <p>Section 3 - Public houses and hotels; further additional hours Section 3 of the Act allows pubs and hotels (which already have an Article 44 order) to apply to the courts for later opening for an additional hour, up to 104 nights in any year. Food and/or entertainment will need to continue to be provided during late opening. This is not an automatic entitlement – licensees must apply for these additional hours, if they choose to do so.</p> <p>Section 4 - Alignment of closing time for liquor and entertainment Section 4 of the Act, introduces Article 44C of the Licensing Order which means that entertainment provided during later opening must stop at the end of “drinking-up” time. This effectively means that Entertainment licences can be issued up to 3am on a premises where a further additional hours order has been granted.</p> <p>Currently, where possible, the majority of Entertainment Licences issued by this Council reflect the existing liquor licensing hours. It will not be an offence to provide entertainment beyond the latest time currently licensed, provided the entertainment does not go on beyond the latest hour for the consumption of alcohol, therefore there will be no need to amend entertainment licences already issued until such times as the licence is being renewed and the applicant can demonstrate there is a further additional hours order in place. Where an entertainment licence goes beyond the latest time for consumption of alcoholic drinks, the additional permitted hours are no longer valid, and sales of alcoholic drinks must stop at 11pm.</p> |

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| | <p>Section 5 - Police authorisations for additional hours Section 5 of the Act amends Article 45 of the Licensing Order to increase the number of late night authorisations the police may grant to small pubs from 20 to 104. Larger pubs, which have an Article 44 order, will also be allowed to apply to the police for late night opening on a night the Article 44 does not cover, until 1am, up to 20 times per year. Notice of any applications to the police must be displayed on or near the relevant premises during the three weeks before the first occasion to which the application relates. A copy of the notice must also be served on the district council.</p> <p>Section 6 - Extension of drinking-up time Section 6 of the Act amends Article 46 of the Licensing Order to extend the current drinking-up time in all licensed premises from 30 minutes to one hour.</p> <p>Section 8 - Licensed race track; Sunday sales Section 8 of the Act amends Article 42 of the Licensing Order to permit licensed race tracks within the place of public entertainment definition to sell alcoholic drinks on a Sunday.</p> <p>Section 27 - Removal of exemption for angostura bitters Section 27 of the Act amends Article 2 of the Licensing Order which means that Angostura bitters are now categorised as intoxicating liquor and can only be sold in licensed premises.</p> <p>3.2 As noted in Section 4 detailed in 3.1, it is highlighted that the newly introduced legislation now aligns the closing time for liquor and entertainment licensing.</p> <p>Currently, Mid Ulster District Council has a Policy whereby Entertainment Licensed premises may have permitted hours to 2.00 am where requested by the applicant and where PSNI have no comments in relation to Public Order or Disturbance.</p> <p>As a result of the amendments to the legislation, in effect premises cannot provide entertainment beyond the liquor licensing hours which would include the drinking up time of 1 hour. Therefore, where in line with the latest permitted time to sell alcohol and include drinking up time, entertainment is now permitted to continue to 3am in line with the amended legislation.</p> <p>3.3 In addition, where premises do not hold a liquor licence, in order to align the permitted hours from an entertainment licensing perspective, it is considered that Mid Ulster District Council may wish to extend the latest permitted time to 3am where requested for all venues.</p> |
| 4.0 | Other Considerations |
| 4.1 | Financial, Human Resources & Risk Implications |
| | Financial: Within Current Resources |

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| | Human: Within Current Resources |
| | Risk Management: None |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: None |
| | Rural Needs Implications: None |
| 5.0 | Recommendation(s) |
| 5.1 | That Members note the content of this report and agree that Entertainment Licensing premises may have permitted hours to 3.00 am where requested by the applicant and where PSNI have no comments in relation to Public Order or Disturbance. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 - The Licensing and Registration of Clubs(Amendment) Act (Northern Ireland) 2021 Guide |

Appendix 2 – The Licensing and Registration of Clubs Committee report of 8th March 2022

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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 | <p>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 1st 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 9th 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 6th April 2022.</p> |
| 2.5 | <p>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.</p> |
| 3.0 | <p>Main Report</p> |
| 3.1 | <p>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.</p> |
| 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 | <p>Phase two amendments have been made to the liquor licensing legislation and detailed below effective from 6th April 2022:</p> |

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 | <p>Financial, Human Resources & Risk Implications</p> <p>Financial: Within Current Resources</p> <p>Human: Within Current Resources</p> <p>Risk Management: None</p> |
| 4.2 | <p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: None</p> <p>Rural Needs Implications: None</p> |

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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 |

Appendix 3 – The Licensing and Regulations of Clubs (Amendment) Act (NI) 2021



Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021

2021 CHAPTER 7

An Act to make provision about liquor licensing and the registration of clubs. [26th August 2021]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

PART 1

LICENSING

Permitted hours

Removal of additional restrictions at Easter

- 1.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (7), omit “, Easter Day or Good Friday”.
- (2) In Article 42 of that Order (general permitted hours), in paragraph (1)—
 - (a) in sub-paragraph (a), omit “Good Friday or”, and
 - (b) omit sub-paragraph (b) and the following “and”.
- (3) In paragraph (2)(b) of that Article, omit “or Easter Day”.
- (4) In paragraph (3) of that Article, omit “and (b)”.

(5) In Article 44 of the Licensing Order (additional permitted hours), in paragraph (6)(a), omit “Easter Day or Good Friday,”.

(6) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (3)(a), omit “, Easter Day or Good Friday”.

(7) In Article 47 of that Order (extension licences), in paragraph (6)(a), omit “Easter Day or Good Friday,”.

(8) In Article 50 of that Order (restrictions as to sales for consumption off premises), in paragraph (1), omit “or Easter Day”.

Removal of restrictions on late opening for on-sales on Sunday

2.—(1) In Article 30 of the Licensing Order (occasional licences), in paragraph (1)(c), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following.”.

(2) In Article 42 of the Licensing Order (general permitted hours)—

(a) in paragraph (1), after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays, other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”.

(b) in paragraph (1)(c), for the words from “except” to “Christmas Day” substitute “on Christmas Day,” and

(c) in paragraph (3), for “paragraph (1)(c)” substitute “paragraph (1)(aa) and (c)”.

(3) In Article 42 of the Licensing Order, after paragraph (1) insert—

“(1A) Neither paragraph (1)(aa) nor, in a year when Christmas Day is on a Sunday, paragraph (1)(c) applies in the case of premises of a kind mentioned in Article 5(1)(a) with respect to which a direction under Article 7(10) or 15(5)(a) is in force.”.

(4) In Article 44 of the Licensing Order (orders for additional permitted hours), in paragraph (2), for the words from “the hours—” to “shall” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following shall”.

(5) In Article 45 of that Order (authorisations for additional permitted hours), in paragraph (1), for the words from “the hours—” to “in addition to” substitute “the hours on any day from 11 in the evening to 1 in the morning of the day next following in addition to”.

(6) In Article 47 of that Order (extension licences), in paragraph (1)(b), for paragraphs (ii) and (iii) substitute—

“(ii) on Sundays, between half past 12 in the afternoon and 1 in the morning of the day next following.”.

Public houses and hotels: further additional hours

3.—(1) After Article 44 of the Licensing Order insert—

“Public houses or hotels: order for further additional permitted hours

44A.—(1) In the case of premises of the kind referred to in Article 5(1)(a) or an hotel, a county court or court of summary jurisdiction may, when making an order under Article 44(1), also make an order under paragraph (3) or (4) of this Article.

(2) In the case of premises of the kind referred to in Article 5(1)(a), or an hotel, to which an order under Article 44 applies, a court of summary jurisdiction may, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9, make an order under paragraph (3) or (4).

(3) An order under this paragraph may direct that, on each day specified in the order (being a day specified in the order under Article 44), an additional hour beginning immediately after the end of the period authorised by the order under Article 44 is to be included in the permitted hours for the premises to which that order applies for the purposes referred to in paragraph (2) of that Article.

(4) An order under this paragraph may direct that, on each day specified in the order (being a day other than one specified in the order under Article 44), the hours that would be included in the permitted hours if the day were one specified in the order under Article 44 and an additional hour beginning immediately after the end of those hours are to be included in the permitted hours for the premises to which that order applies.

(5) An order under paragraph (4) is subject to a condition that, during the hours authorised by the order, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(6) In paragraph (5), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).

(7) A court must not make an order under paragraph (3) or (4) unless the court is satisfied that—

- (a) the business will be conducted during the hours mentioned in that paragraph and any period immediately following their termination in such a manner as not to cause undue inconvenience to persons residing in the vicinity of the premises; and

(b) the hours mentioned in that paragraph will not cause undue inconvenience to persons residing in the vicinity of the premises.

(8) The court may, accordingly, make the order subject to such terms and conditions as the court thinks fit for the purpose of avoiding such inconvenience as is mentioned in paragraph (7).

(9) Subject to paragraph (10), where notice of an application under paragraph (2) has been served on the clerk of petty sessions, the clerk may make the order sought as if the application had been made to the clerk and may do so in the absence of the applicant.

(10) Where—

(a) a notice of objection to the application has been served upon the clerk and has not been withdrawn, or

(b) the clerk is of the opinion, for any other reason, that the application should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(11) Paragraphs (6) and (7) of Article 44 apply in relation to an order under paragraph (3) or (4) of this Article as they apply in relation to an order under paragraph (1) of that Article; and for that purpose—

(a) the reference to that Article in the opening words of paragraph (6) of that Article is to be read as including a reference to this Article, and

(b) the references to paragraph (2) of that Article are to be read as references to paragraph (3) or (as the case may be) paragraphs (4) and (5) of this Article.

(12) Not more than 104 days in any year may be specified in an order or orders made under this Article.

(13) Regulations may modify paragraph (12) so as to substitute a different number of days for the number for the time being specified there.

(14) Regulations may not be made under paragraph (13) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Orders under Article 44A: revocation, modification etc.

44B.—(1) An order under Article 44A may be revoked or modified by a court of summary jurisdiction on the application of the holder of the licence.

(2) Where a court of summary jurisdiction is, in the case of premises in relation to which an order under Article 44A has been made, satisfied for the purposes of paragraph (3), the court may act under paragraph (4) in relation to the order.

(3) A court is satisfied for the purposes of this paragraph in the case of premises if, on a complaint made under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981, it is satisfied that, on a previous day specified in an order under Article 44A in relation to the premises—

- (a) the business carried on in the premises was conducted during the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
- (b) such hours caused undue inconvenience to persons residing in the vicinity of the premises; or
- (c) in the case of a complaint made by the district commander for the police district in which the premises are situated, the specified part or parts of the premises were not used for the purposes mentioned in paragraph (3) or (5) of Article 44A (as the case may be).

(4) The court may—

- (a) revoke the order under Article 44A that is referred to in paragraph (2) of this Article; or
- (b) modify the order or, in relation to the order, the hours mentioned in paragraph (3) or (4) of Article 44A (as the case may be); or
- (c) make the continuance of the order subject to such terms and conditions as the court thinks fit.”.

(2) In Schedule 9 to the Licensing Order (procedure for certain applications), after paragraph 2 insert—

“**2A.** A person who intends to make an application under Article 44 or 44A must (in addition to complying with the duty under paragraph 2)—

- (a) not more than 6 weeks nor less than 2 weeks before the time of the court sitting at which the application is to be made, cause notice of the application to be published at least once in 2 newspapers circulating in the vicinity of the premises to which the application relates;
- (b) during the 3 weeks before that time, cause notice of the application to be displayed on or near the premises to which the application relates.”.

(3) In that Schedule—

- (a) in the title, after “44” insert “, 44A”,
- (b) in paragraph 1, after “44” insert “, 44A”, and
- (c) in paragraph 4, after sub-paragraph (b) insert—
 - “(ba) in the case of an application under Article 44A, on any ground mentioned in Article 44A(5) or (7);”.

Alignment of closing time for liquor and entertainment

4. After Article 44B of the Licensing Order (inserted by section 3(1)) insert—

“Alignment of closing time for liquor and entertainment

44C.—(1) This Article applies in relation to any occasion on which an entertainments licence in force in respect of premises to which an order under Article 44 applies would (but for this Article) permit entertainment that was being provided in the premises to continue to be provided in the premises after the end of the hours mentioned in Article 44(2).

(2) The hours mentioned in Article 44(2) do not apply in relation to the premises on that occasion and the hours specified in Article 42 apply instead in relation to the premises on that occasion.

(3) But the entertainments licence continues in force on that occasion and accordingly permits entertainment to be provided in the premises after the end of the hours specified in Article 42.

(4) If an order under Article 44A(3) or (4) applies in relation to the premises, the references in this Article to the hours mentioned in Article 44(2) are to be read as including a reference to the additional hour authorised by that order.

(5) The references in this Article to the hours specified in Article 42 are references to those hours as extended by Article 46.

(6) In this Article—

“entertainment” has the same meaning as in Article 44, and

“entertainments licence” means a licence under paragraph 3 of Schedule 1 to the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985.”.

Police authorisations for additional hours

5.—(1) In Article 45 of the Licensing Order (authorisations for additional permitted hours), in paragraph (1)—

- (a) omit “other than premises to which an order under Article 44 applies”,
- (b) before “occasion to which the application relates” insert “first”, and
- (c) in the full-out words at the end, for “on any 1 occasion specified in the authorisation” substitute “on such occasions specified in the authorisation as the commander thinks fit”.

(2) After that paragraph insert—

“(1A) In the case of premises to which an order under Article 44 applies, an authorisation under this Article is subject to a condition that, during

the additional hours authorised, the premises may be used for the sale of intoxicating liquor only if they are also being used for the provision of—

- (a) musical or other entertainment; or
- (b) substantial refreshment; or
- (c) both such entertainment and refreshment.

(1B) In paragraph (1A), “entertainment” has the same meaning as in Article 44 (see paragraph (8) of that Article).”.

(3) For paragraph (2) of that Article substitute—

“(2) In the case of premises to which an order under Article 44 applies, not more than 20 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2A) In the case of premises of any other description, not more than 104 authorisations shall be granted under this Article to the holder of the licence of the premises in any year.

(2B) Regulations may modify paragraph (2) or (2A) so as to substitute a different number of authorisations for the number for the time being specified there.

(2C) Regulations may not be made under paragraph (2B) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(4) After paragraph (3) of that Article insert—

“(4) A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises for which the authorisation is to be sought;
- (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises are situated.

(5) The notice under paragraph (4) must specify the kind of premises to which the application relates and must contain such information as may be prescribed by magistrates’ courts rules.

(6) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981 on the grounds—

- (a) that the business carried on in premises to which an authorisation under this Article applies is being conducted during the hours mentioned in paragraph (1) or any period immediately following

their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or

(b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.

(7) Where the court is satisfied that the grounds of the complaint are made out, it may—

(a) revoke the authorisation; or

(b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or

(c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.

(8) The terms and conditions which may be imposed under paragraph (7) include those requested by the district commander of the police district in which the premises are situated.”.

Extension of “drinking-up time”

6.—(1) In Article 46 of the Licensing Order (exceptions from prohibition of sale etc. of intoxicating liquor outside permitted hours), in paragraph (1), in each of sub-paragraphs (a) and (b), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (3) of that Article insert—

“(4) Regulations may modify paragraph (1)(a) or (b) so as to substitute “30 minutes” for “60 minutes”.

(5) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Major events

7.—(1) After Article 48 of the Licensing Order (but before the following cross-heading) insert—

“Major event orders

Extension of permitted hours for major events

48A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

(a) designates the event as a major event, and

(b) provides that, during the period specified in the order, the permitted hours for any place or premises to which the order applies are the hours specified in the order.

(2) A major event order may apply to—

(a) all licensed premises either in Northern Ireland as a whole or in the area or areas specified;

(b) all licensed premises of a specified kind either in Northern Ireland as a whole or in the area or areas specified;

(c) any place or premises for which an occasional licence has been granted and which is or are situated on the site where the event is to take place.

(3) In specifying an area for the purposes of paragraph (2)(a) or (b), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(5) The period specified in a major event order may not include Christmas Day.

(6) The hours specified in a major event order are in addition to the hours permitted by any occasional licence, any order under Article 44 or 44A, any authorisation under Article 45 or any extension licence, which applies to a place or premises to which the major event order applies.

(7) If, in the case of premises to which an order under Article 44, 44A or 48 applies, the event designated by a major event order is to take place on a day which is not specified in an order under Article 44 or 44A or an extension licence, the major event order has effect as if that day were so specified.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

Major event order: conditions

48B.—(1) A major event order may impose conditions; and it may (without prejudice to the generality of section 17(5)(b)(ii) of the Interpretation

Act (Northern Ireland) 1954) impose conditions which, in particular, vary according to whether they relate to the sale of intoxicating liquor for consumption on, or for consumption off, a place or premises.

(2) A major event order may not authorise at any place or premises, other than the place or premises at which the event is to take place, the sale of intoxicating liquor for consumption off that place or premises.

(3) Accordingly, a major event order may, in so far as it applies to a place or premises for which an occasional licence has been granted, authorise during the period specified under Article 48A(1)(b) the sale of intoxicating liquor for consumption off the place or premises specified in the licence, despite the prohibition in Article 30(5)(b).

(4) Paragraphs (2) and (3) do not apply in the case of a place or premises for which an occasional licence has been granted to the holder of a licence for a restaurant.

(5) A major event order which authorises the sale of intoxicating liquor for consumption in a place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the consumption of intoxicating liquor in the place or premises.

(6) A major event order which authorises the sale of intoxicating liquor for consumption off any place or premises also authorises, during the first 60 minutes after the conclusion of the hours specified in the order, the taking of intoxicating liquor in a sealed container from the place or premises.

(7) Regulations under Article 46(4) may also modify paragraph (5) or (6) of this Article so as to substitute “30 minutes” for “60 minutes”.

(8) A major event order, in so far as it applies to premises of any of the kinds mentioned in Article 5(1), does not affect the requirement to comply with the conditions relating to the sale of intoxicating liquor which apply to premises of that kind.

(9) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|--|------|
| “48B(9) | Contravening condition of major event order | 3-4” |
|---------|--|------|

Licensed race tracks: Sunday sales

8.—(1) In Article 42 of the Licensing Order (permitted hours), in paragraph (3), after “a theatre” insert “or (subject to paragraph (4)) premises on a licensed track”.

(2) After that paragraph insert—

“(4) The permitted hours for premises on a licensed track do not include any time on Christmas Day.

(5) In this Article, “licensed track” has the meaning given in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.”.

Types of licensed premises

Places of public entertainment: inclusion of cinemas

9.—(1) In Article 2 of the Licensing Order (interpretation), in paragraph 2—

(a) in the definition of “places of public entertainment”, after subparagraph (a) insert—

“(aa) premises used as a cinema;”

(b) at the appropriate place insert—

““cinema” means any place which is used primarily and ordinarily for a film exhibition within the meaning of Article 2 of the Cinemas (Northern Ireland) Order 1991 and the use of which for such exhibitions is licensed under Article 3 of that Order;”.

(2) In Article 42(3) of the Licensing Order (general permitted hours) before “a theatre” insert “a cinema,”.

Local alcohol producers

Licence for off-sales

10.—(1) In Article 5 of the Licensing Order (premises for which licence may be granted), in paragraph (1), after subparagraph (1) insert “;

(m) premises in which the business of producing intoxicating liquor is carried on in accordance with any certificate of registration, licence or other authorisation which is required by a statutory provision.”.

(2) After paragraph (6) of that Article insert—

“(7) Paragraph (1)(m) applies only where the business in question is carried on wholly or mainly in Northern Ireland.”.

(3) After Article 52A of the Licensing Order insert—

“Local producer’s licence: sales on own premises

52B.—(1) A local producer’s licence shall not authorise—

- (a) the sale of intoxicating liquor unless it is produced in the production premises;
- (b) the sale of intoxicating liquor for consumption in the production premises, except in so far as that is permitted by Articles 52E and 52F.

(2) But a local producer’s licence shall, where one or more persons are being given a tour of the production premises, authorise the provision to each person of a sample of intoxicating liquor produced in the premises for consumption in the premises, so long as no charge is made for providing the sample separate from the charge made for giving the tour.

(3) In paragraph (2), “sample”, in relation to intoxicating liquor, means an amount (whether in one serving or more) which does not exceed the amount prescribed in regulations.

(4) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in the production premises in contravention of paragraph (1), the holder is guilty of an offence.

(5) Where the holder of a local producer’s licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (2), the holder is guilty of an offence.

(6) Where intoxicating liquor is available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display in the production premises a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) Where, having purchased intoxicating liquor from the holder of a local producer’s licence, a person consumes the liquor—

- (a) in the production premises, or
- (b) in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under the holder’s control or used by the holder’s permission,

that person and the holder of the licence, if the consumption is with the holder’s or a servant’s or agent’s knowledge or consent, are each guilty of an offence.

(8) A person guilty of an offence under paragraph (4) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(9) A person guilty of an offence under paragraph (5), (6) or (7) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(10) In this Article and Articles 52C to 52F—

“local producer’s licence” means a licence for premises of a kind mentioned in Article 5(1)(m), and

“production premises”, in relation to a local producer’s licence, means the premises to which the licence relates.

Local producer’s licence: sale on other licensed premises

52C.—(1) A local producer’s licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in licensed premises to which this Article applies intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption off those licensed premises, and
- (b) is ancillary to an event which is held wholly or mainly to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland.

(2) The licensed premises to which this Article applies are—

- (a) an hotel;
- (b) a conference centre;
- (c) an indoor arena;
- (d) an outdoor stadium;
- (e) a place or premises specified in an occasional licence.

(3) Regulations may modify paragraph (2) so as to add or remove a reference to licensed premises of a specified kind.

(4) Regulations may not be made under paragraph (3) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(5) Where the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), the holder is guilty of an offence.

(6) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display in the licensed premises to which this Article applies at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(7) A person guilty of an offence under paragraph (5) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(8) A person guilty of an offence under paragraph (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Local producer’s licence: sales not on licensed premises

52D.—(1) A local producer’s licence shall authorise the holder of the licence, personally or by a servant or agent, to sell by retail in a place which is not licensed premises intoxicating liquor produced in the production premises if the sale—

- (a) is for consumption away from that place, and
- (b) is ancillary to an event being held at that place, which is open to the public and in relation to which each of the following three conditions is satisfied.

(2) The first condition is that the Department, in response to a request made by the person organising the event, has published a statement that, in its opinion, the event—

- (a) is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland, and
- (b) is of importance to the area of Northern Ireland in which it is being held.

(3) The second condition is that a senior local police officer, in response to a request made by the person organising the event, has given the person written approval for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

(4) The third condition is that a senior local police officer, in response to a request made by the holder of the local producer’s licence, has given the holder written approval for the sale by the holder, or a servant or agent, of intoxicating liquor at the event in accordance with this Article.

(5) A request under paragraph (2), (3) or (4) must be made in writing at least two weeks before the day (or the first day) on which the event is due to be held.

(6) In considering a request under paragraph (2), the Department must consult such persons as it considers appropriate.

(7) The holder of a local producer’s licence is also authorised to provide any person at the event in question with a sample of the intoxicating liquor for consumption at the event as an inducement to purchase the intoxicating liquor; and for this purpose, “sample” has the same meaning as in Article 52B.

(8) A person who, being the holder of a local producer’s licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of paragraph (1), is guilty of an offence.

(9) Where the holder of a local producer’s licence, personally or by a servant or agent, provides a person with intoxicating liquor in contravention of paragraph (7), the holder is guilty of an offence.

(10) Where intoxicating liquor is made available for purchase in accordance with this Article, the holder of the local producer’s licence shall at all times display at the point of sale of the intoxicating liquor a notice in the form and manner, and containing the information, prescribed by regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(11) Where, having purchased intoxicating liquor from the holder of a local producer’s licence, a person consumes the liquor at the place where the event is being held, that person and the holder of the licence, if the consumption is with the holder’s or a servant’s or agent’s knowledge or consent, are each guilty of an offence.

(12) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(13) A person guilty of an offence under paragraph (9), (10) or (11) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(14) In this Article—

“place” includes “premises”, and

“senior local police officer” means a police officer of, or above, the rank of inspector designated for the purpose of giving approvals under this Article by the district commander for the police district in which the place where the event is being held is situated.”

(4) In Article 2 of the Licensing Order (interpretation), after paragraph (6) insert—

“(6A) In this Order any reference to the production of intoxicating liquor includes a reference to the brewing, fermenting or distilling of intoxicating liquor but does not include a reference merely to the packaging of intoxicating liquor.”

(5) In Article 42 of that Order (general permitted hours), in each of paragraphs (1) and (2), after “Article 5(1)(b)” insert “or (m)”.

(6) In each of the following provisions of that Order, after “Article 5(1)(b)” insert “or (m)”—

(a) Article 46(1)(a)(ii) (exception for sales outside permitted hours),

(b) Article 56(1) (penalty for permitting consumption in unlicensed part of premises), and

(c) Article 58(1)(b) (prohibition on young persons).

(7) In Part 1 of Schedule 1 to that Order (application for grant of licence), after paragraph 3 insert—

“3A. In the case of an application for the grant of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 1(c) must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(8) In Part 1 of Schedule 4 to that Order (application for renewal of licence), after paragraph 4 insert—

“4A. In the case of an application for the renewal of a licence for premises of a kind mentioned in Article 5(1)(m), the notice mentioned in paragraph 3 must be accompanied by a copy of any certificate of registration, licence or other authorisation which is required by a statutory provision for the production of intoxicating liquor in the premises.”.

(9) In Part 1 of Schedule 10A to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|---|-----|
| “52B(9) | Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice on own premises. Consumption on premises of intoxicating liquor purchased there | 3-4 |
| 52C(8) | Failure by local producer to display notice at point of sale on other licensed premises. | 3-4 |
| 52D(13) | Provision of sample in contravention of local producer’s licence. Failure by local producer to display notice at point of sale at unlicensed place. Consumption of intoxicating liquor at unlicensed place” | 3-4 |

(10) In Part 2 of Schedule 10A to that Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

| | | |
|---------|--|-----|
| “52B(8) | Failure by local producer to comply with licence on own premises | 4-5 |
|---------|--|-----|

| | | |
|---------|---|------|
| 52C(7) | Failure by local producer to comply with licence on other licensed premises | 4-5 |
| 52D(12) | Failure by local producer to comply with licence at unlicensed place | 4-5” |

Sales and consumption of intoxicating liquor in local producer’s premises

11.—(1) After Article 52D of the Licensing Order (inserted by section 10(3)) insert—

“Local producer’s premises: suitability for on-sales

52E.—(1) In respect of premises which are of a kind mentioned in Article 5(1)(m) and part of which is structurally adapted, and used or intended to be used, for the purpose of providing persons frequenting the premises with intoxicating liquor produced in the premises for consumption in the premises—

- (a) a county court which grants a local producer’s licence or declares a local producer’s licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, on the application of the holder of the local producer’s licence made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises during the hours specified in Article 42(6).

(2) A court shall not make an order under paragraph (1) unless it is satisfied that the part of the premises specified in the order is suitable for the sale of intoxicating liquor produced in the premises for consumption in the premises.

(3) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (2) have continued to be complied with.

Local producer’s premises: authorisation for on-sales

52F.—(1) In the case of premises of a kind specified in Article 5(1)(m) in respect of which an application has been made for an order under Article

52E, the court hearing the application may, if it makes the order, also grant an authorisation under this Article on an application made in compliance with the procedure set out in Schedule 10.

(2) In the case of premises of that kind in respect of which an order under Article 52E has effect, a court of summary jurisdiction may, on an application made in compliance with the procedure set out in Schedule 10, grant an authorisation under this Article.

(3) An authorisation under this Article may authorise the holder of the local producer's licence, on the day and during the hours specified in the authorisation, to sell in the part of the premises to which the order under Article 52E applies intoxicating liquor produced in the production premises for consumption in that part of the premises.

(4) Not more than 104 authorisations shall be granted under this Article to the holder of a local producer's licence in any year.

(5) Regulations may modify paragraph (4) so as to substitute a different number of authorisations for the time being specified there.

(6) Regulations may not be made under paragraph (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(7) Nothing in this Article permits an authorisation under this Article to authorise the sale of intoxicating liquor on Christmas Day.

(8) Where the holder of a local producer's licence, personally or by a servant or agent, sells intoxicating liquor or makes it available for purchase in contravention of an authorisation under this Article, the holder is guilty of an offence.

(9) Where intoxicating liquor is made available for purchase in accordance with an authorisation under this Article, the holder of the local producer's licence shall at all times display in the part of the premises to which the order under Article 52E applies a notice in the form and manner, and containing the information, prescribed in regulations; and a person acting in contravention of this paragraph is guilty of an offence.

(10) A person guilty of an offence under paragraph (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(11) A person guilty of an offence under paragraph (9) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 30 of the Licensing Order (occasional licences), after paragraph (1) insert—

“(1A) An occasional licence may not be granted for any part of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies.”.

(3) In Article 42 of the Licensing Order (general permitted hours), in each of paragraphs (1) and (2), after “or (m)” (inserted by section 10(5)) insert “(subject to paragraph (6))”.

(4) In that Article after paragraph (5) (inserted by section 8(2)) insert—

“(6) In the case of premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies, the permitted hours for a part of the premises specified in the order on a day on which an authorisation under Article 52F has effect are the hours on that day from 4 in the afternoon to 10 in the evening.”.

(5) In Article 46 of the Licensing Order (exception for sales outside permitted hours), in paragraph (1)(a)(ii), after “or (m)” (inserted by section 10(6)(a)) insert “(but see paragraph (1A))”.

(6) In that Article, after paragraph (1) insert—

“(1A) The reference in paragraph (1)(a)(ii) to premises of a kind mentioned in Article 5(1)(m) does not include a reference to premises of that kind with respect to which an order under Article 52E is in force.”.

(7) In Article 56 of the Licensing Order (penalty for permitting consumption of intoxicating liquor in unlicensed part of premises), after paragraph (1) insert—

“(1A) The exception in paragraph (1) for premises of a kind mentioned in Article 5(1)(m) does not apply to premises of that kind to which an order under Article 52E applies during the period for which an authorisation under Article 52F has effect.”.

(8) In Article 58 of the Licensing Order (young persons prohibited from certain premises), in paragraph (5), before “if” insert “, or who is in licensed premises of a kind mentioned in Article 5(1)(m) to which an order under Article 52E applies at a time when an authorisation under Article 52F has effect,”.

(9) In Schedule 9 to the Licensing Order (procedure on certain applications)

—
(a) in the title, after “48” insert “, 52E”,

(b) in paragraph 1, after “48” insert “, 52E”, and

(c) in paragraph 4, after paragraph (c) insert—

“(ca) in the case of an application under Article 52E, on the ground mentioned in Article 52E(2);”.

(10) In Schedule 10 to the Licensing Order (applications for extension licences)—

(a) after paragraph 1 insert—

“1A. In this Schedule authorisation” means an authorisation under Article 52F.”,

(b) in paragraph 2, after “the grant of a licence” insert “or authorisation”, and

(c) in paragraph 4, after “the granting of the licence” insert “or authorisation”.

(11) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|----------|--|------|
| “52F(11) | Failure by local producer to display notice on part of premises to which authorisation under Article 52F applies | 3-4” |
|----------|--|------|

(12) In Part 2 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 4 fine), at the appropriate place insert—

| | | |
|----------|--|------|
| “52F(10) | Failure by local producer to comply with authorisation under Article 52F | 4-5” |
|----------|--|------|

Remote sales

Requirement for off-licence

12.—(1) After Article 5 of the Licensing Order insert—

“Remote sales: requirement for off-licence

5A. Where a sale of intoxicating liquor by retail is made otherwise than in person and the premises from which the intoxicating liquor is despatched are in Northern Ireland, the sale is not authorised for the purposes of this Order unless—

- (a) the premises are licensed for the sale of intoxicating liquor for consumption off the premises, and
- (b) the person making the sale, personally or by a servant or agent, is the person who holds that licence.”.

(2) In Article 66 of the Licensing Order (conditions as to delivery of intoxicating liquor), after paragraph (1) insert—

“(1A) Where, in the case of a sale of the kind mentioned in Article 5A, the person who is to deliver the intoxicating liquor to the purchaser is not a servant or agent of the holder of the licence for the premises from which the intoxicating liquor is despatched, that person must—

- (a) secure that the delivery is made without unreasonable delay, and

(b) when making the delivery, be carrying a receipt from the holder of the licence, or a servant or agent, for the purchase of the intoxicating liquor.”.

(3) In paragraph (2) of that Article, after “paragraph (1)” insert “or (1A)”.

(4) In paragraph (3) of that Article, for “this Article” substitute “paragraph (1)”.

Young people in licensed premises

Removal of requirement for children’s certificate, etc.

13.—(1) Article 59 of the Licensing Order (children’s certificates) is repealed.

(2) In Article 58 of that Order (prohibition of young persons from certain premises), in paragraph (5)—

(a) after “is in a part of licensed premises” insert “mentioned in paragraph (1) (c)”,

(b) omit sub-paragraph (b) and the following “and”,

(c) after sub-paragraph (c) (but before the following “and”) insert “and

(ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and

(d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.

(3) In paragraph (6) of that Article—

(a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and

(b) for sub-paragraph (b) substitute—

“(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.

(4) Omit paragraphs (7), (8) and (9) of that Article.

(5) In paragraph (10) of that Article—

(a) for “, (3), (7), (8) or (9)” substitute “or (3)”,

(b) in sub-paragraph (a), omit “or (7)”, and

(c) in sub-paragraph (b), for “, (3), (8) or (9)” substitute “or (3)”.

(6) In paragraph (11) of that Article, omit “or (8)”.

(7) In Article 60B of the Licensing Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in licensed premises”.

Underage functions

14.—(1) After Article 58 of the Licensing Order insert—

“Suitability of certain premises for underage functions

58A.—(1) In respect of premises to which this Article applies—

- (a) a county court which grants a licence or declares a licence provisionally granted to be final, on the application of the person applying for the grant or declaration, or
- (b) a court of summary jurisdiction, at any time, upon the application of the holder of the licence for those premises made in compliance with the procedure set out in Schedule 9,

may, by order, specify any part of the premises as being suitable for underage functions.

(2) In this Article and Article 58B, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(3) A court must not make an order under paragraph (1) unless it is satisfied—

- (a) that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;
- (b) that appropriate steps have been taken for securing the safety of persons under the age of 18 while attending an underage function in that part of the premises and that it is otherwise suitable for underage functions;
- (c) that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

(4) An order under paragraph (1) may be revoked by a court of summary jurisdiction—

- (a) on the application of the holder of the licence; or
- (b) where, on complaint made under Part 8 of the Magistrates’ Courts (Northern Ireland) Order 1981, the court is not satisfied that the requirements of paragraph (3) have continued to be complied with.

(5) The premises to which this Article applies are—

- (a) any part of premises of a kind mentioned in Article 5(1)(a) which is structurally adapted, and used or intended to be used, for the purpose

of providing persons frequenting the premises with a main table meal at midday or in the evening, or both;

- (b) an hotel;
- (c) a restaurant;
- (d) a conference centre;
- (e) a higher education institution;
- (f) an indoor arena;
- (g) an outdoor stadium.

Authorisations for underage functions

58B.—(1) A court of summary jurisdiction, or a clerk of petty sessions acting under paragraph (3), may, on an application made in compliance with the procedure set out in Schedule 10 by the holder of a licence for premises which are or include premises for which an order under Article 58A is in force, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the holder of the licence to hold an underage function—

- (a) in such part of the premises for which the order is in force as is specified in the authorisation, and
- (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) Subject to paragraph (4), where notice of an application for an authorisation under this Article has been served upon the clerk of petty sessions, the clerk may grant the authorisation as if the application had been made to the clerk and may do so in the absence of the applicant.

(4) Where—

- (a) a notice of objection has been served upon the clerk and has not been withdrawn, or
- (b) the clerk is of the opinion, for any other reason, that an application for an authorisation under this Article should be made to the court,

the clerk must require the application to be made to the court and must notify the applicant and the objector, if any, of the requirement and of the time and place of the hearing.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

- (a) each dispenser of intoxicating liquor in the part of the premises for which the authorisation is in force must be incapable of operation, and

(b) access to any other container of intoxicating liquor in that part must be prevented.

(6) A court of summary jurisdiction which grants an authorisation under this Article may attach to the authorisation such other conditions as the court thinks fit.

(7) In the case of an indoor arena, the references in paragraph (5) to the part of the premises for which the authorisation is in force are to be read as including a reference to any entrance to that part.

(8) If a condition attached to the authorisation is contravened, the holder of the licence is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) The holder of a licence, personally or by a servant or agent, or such a servant or agent, must not, during the period for which an authorisation under this Article is in force—

(a) sell intoxicating liquor to, or make it available for purchase by, a person aged 18 or over in the part of the premises for which the authorisation is in force;

(b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises for which the authorisation is in force.

(10) A person who contravenes paragraph (9) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(11) A person aged 18 or over who consumes intoxicating liquor in a part of premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 58 of the Licensing Order (prohibition of young persons from certain premises), in paragraph (13), after sub-paragraph (g) insert “; or

(h) in a part of the licensed premises for which an order under Article 58A is in force during a period for which an authorisation under Article 58B is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 1 to the Licensing Order (application for grant of licence), in paragraph 7, for “or 48” substitute “, 48 or 58A”.

(4) In Schedule 9 to the Licensing Order (applications to court)—

(a) in the title, after “52E” (inserted by section 11(9)(a)) insert “or 58A”,

(b) in paragraph 1, after “52E” (inserted by section 11(9)(b)) insert “or 58A”, and

(c) in paragraph 4, after paragraph (ca) (inserted by section 11(9)(c)) insert—

“(cb) in the case of an application under Article 58A, on any ground mentioned in Article 58A(3);”.

(5) In Schedule 10 to the Licensing Order (applications for extensions and authorisations), in paragraph 1A (inserted by section 11(10)(a)), after “52F” insert “or 58B”.

(6) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|-----------------|--|------|
| “58B(8) or (10) | Contravening conditions attached to authorisation for underage function; selling etc intoxicating liquor to, or permitting consumption of it by, person aged 18 or over during underage function | 3-4” |
|-----------------|--|------|

(7) In Article 108 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines on premises), after paragraph (4) insert—

“(4ZA) Gaming machines shall not be made available in any part of licensed premises within the meaning of the Licensing (Northern Ireland) Order 1996 in which an authorisation under Article 58B of that Order (underage functions) is in force during the period for which it is in force.”.

Private functions

15.—(1) In Article 58 of the Licensing Order (young persons prohibited from certain premises), after paragraph (4) insert—

“(4A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of licensed premises in the evening at any time after half past 9 if—

- (a) a private function is being held in that part of the premises (and, accordingly, the public do not have access to that part of the premises while the function is being held);
- (b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;
- (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.”.

(2) In Article 2 of the Licensing Order (interpretation), in paragraph (2), at the appropriate place insert—

““parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care of that person.”.

Delivery of intoxicating liquor to young persons

16.—(1) In Article 60 of the Licensing Order (sale, etc., of intoxicating liquor to young persons), in paragraph (1), for “Subject to paragraph (5), the” substitute “The”.

(2) In paragraph (5) of that Article—

- (a) for “Paragraphs (1) and (4)” substitute “Paragraph (4)”, and
- (b) omit sub-paragraph (a).

(3) In paragraph (7A) of that Article, in sub-paragraph (a)—

- (a) after “the holder of the licence or his servant or agent” insert “—
(i)”,
and
- (b) after “paragraph (7B);” insert “and
(ii) entered in the delivery book or invoice that the holder, servant or agent was carrying as mentioned in Article 66(1)(a)(ii) the description of the document that was shown;”.

(4) At the end of that Article insert—

“(9) Articles 67(9) and 68(5) do not apply to a delivery of intoxicating liquor to a person under the age of 18 in contravention of this Article.”.

Conduct of licensed premises

Restaurants and guest houses: notice displaying licence conditions

17.—(1) In Article 51 of the Licensing Order (conditions as to sale etc. in guest houses and restaurants), after paragraph (4) insert—

“(4A) Where a restaurant is licensed for the sale of intoxicating liquor, the holder of the licence must at all times display the notice specified in paragraph (4B)—

- (a) at each part of the restaurant mentioned in paragraph (4)(a)(ii); and
- (b) in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

- (4B) The notice referred to in paragraph (4A) must—
- (a) contain such information in relation to the conditions mentioned in paragraph (3) as is prescribed in regulations, and
 - (b) be in such form and of such dimensions as are so prescribed.”.
- (2) In paragraph (2) of that Article, at the end insert “; and paragraph (4A) shall apply in relation to the restaurant.”
- (3) After paragraph (5) of that Article insert—
- “(6) A holder of a licence acting in contravention of paragraph (4A) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.
- (4) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|--------|---|------|
| “51(6) | Failure to display notice relating to licence conditions. | 3-4” |
|--------|---|------|

Prohibition on self-service and sales by vending machines

- 18.—(1) After Article 54 of the Licensing Order insert—

“Self-service and vending machines

Prohibition on self-service and sales by vending machines

54A.—(1) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises in a form which would enable a person to whom it was sold (or a person that person is with) to operate the dispenser of the liquor.

(2) In any licensed premises, intoxicating liquor must not be sold or made available for purchase for consumption in or off the premises by means of a vending machine.

(3) The activities prohibited by this Article include making available in a public or common part of the premises concerned intoxicating liquor for consumption in or off the premises which, in the absence of the licence holder or a servant or agent, persons are trusted by the licence holder—

- (a) to pay for by placing money in a container, or by some other process, which the licence holder has provided for that purpose in a public or common part of the premises, or
- (b) to agree to pay for by recording by a process which the licence holder has provided for that purpose in a public or common part of the premises the intoxicating liquor appropriated.

(4) Regulations may provide that, where prescribed conditions are satisfied, paragraph (2) does not apply in the case of—

- (a) licensed premises within Article 5(1)(a) which provide accommodation for guests such as is mentioned in Article 46(3);
- (b) licensed premises within Article 5(1)(c);
- (c) licensed premises within Article 5(1)(d).

(5) A holder of a licence acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|---------|--|------|
| “54A(5) | Selling intoxicating liquor in a form which enables self-service or by means of vending machine | 3-4” |
|---------|--|------|

Restrictions on off-sales drinks promotions in supermarkets etc.

19.—(1) After Article 57 of the Licensing Order insert—

“Restrictions on off-sales drinks promotions in supermarkets etc.

57ZA.—(1) In the case of licensed premises of a kind mentioned in Article 5(1)(b) (other than premises the whole of which may be used for the sale of intoxicating liquor), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises on any part of the premises of which the licensed premises form part other than a part in which intoxicating liquor is made available for purchase.

(2) In the case of licensed premises of a kind mentioned in Article 5(1)(b), the holder of the licence, personally or by a servant or agent, or such a servant or agent, must not carry on an off-sales drinks promotion relating to those licensed premises—

- (a) anywhere in the vicinity of the premises of which the licensed premises form the whole or part, or
- (b) anywhere in the vicinity of any other premises of which licensed premises of a kind mentioned in Article 5(1)(b) form the whole or part.

(3) In paragraph (2), the reference to the vicinity of premises is to the area that extends 200 metres from the boundary of the premises.

(4) Regulations may modify paragraph (3) so as to substitute a different distance for the distance for the time being specified there.

(5) A person acting in contravention of paragraph (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) In this Article, “off-sales drinks promotion”, in relation to licensed premises, means an activity which promotes, or seeks to promote, in relation to those premises specifically the purchase on the premises of intoxicating liquor for consumption off the premises.

(7) A reference in this Article to carrying on an off-sales drinks promotion in relation to licensed premises—

- (a) includes a reference to displaying or making available a publication which relates wholly or mainly to promoting the purchase on those premises of intoxicating liquor for consumption off the premises;
- (b) does not include a reference to carrying on an activity which promotes, or seeks to promote, the purchase of intoxicating liquor as part of a combination of products designed to constitute a meal;
- (c) does not include a reference to the provision of a scheme of the kind referred to in Article 57ZB.

(8) Regulations may not be made under paragraph (4) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | | |
|----------|---------------------------|------|
| “57ZA(5) | Breaching restrictions on | 3-4” |
| | drinks promotions | |

Prohibition of loyalty schemes

20.—(1) After Article 57ZA of the Licensing Order (inserted by section 19(1)) insert—

“Prohibition of loyalty schemes

57ZB.—(1) The holder of a licence for premises of any kind mentioned in Article 5(1) must not operate a scheme which—

- (a) provides awards to a member of the scheme in consequence of the purchase by the member of intoxicating liquor in the premises, and
- (b) entitles the member to redeem the awards, in the amount specified in the scheme, in exchange for the opportunity to purchase intoxicating liquor at a reduced price or to receive it free of charge.

(2) A person acting in contravention of paragraph (1) is guilty of an offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine) insert at the appropriate place—

| | | |
|----------|----------------------------|------|
| “57ZB(2) | Operating a loyalty scheme | 5-6” |
|----------|----------------------------|------|

Minimum price for alcohol

21.—(1) The Department of Health must, before the third anniversary of the whole of this Act coming into operation—

- (a) bring forward to the Assembly legislation to set a minimum price for the sale or supply of intoxicating liquor in Northern Ireland and to prohibit its sale or supply in Northern Ireland below that price, or
- (b) if it is not reasonably practicable for the Department to comply with paragraph (a), make a statement to the Assembly on why it is not reasonably practicable to do so.

(2) In this section, “intoxicating liquor” has the same meaning as in the Licensing Order.

Occasional licences: conditions

22.—(1) In Schedule 7 to the Licensing Order (application for occasional licence), after paragraph 4 insert—

“**4A.** The district commander mentioned in paragraph 2(a) may appear at the hearing of the application to request that the licence be granted subject to the terms and conditions specified by the district commander.”.

(2) In Article 30 of the Licensing Order (occasional licence), in paragraph (1), after sub-paragraph (c) insert “, and

- (d) if a request has been made under paragraph 4A of Schedule 7, subject to such terms and conditions,”.

(3) In that Article, after paragraph (4) insert—

“(4A) In the case of an occasional licence which is subject to terms and conditions imposed under paragraph (1)(d), a court of summary jurisdiction may, if it is satisfied on an application by the holder of the licence that it is appropriate to do so, vary or remove any of those terms or conditions.

(4B) Schedule 7 applies in relation to an application under paragraph (4A) as it applies in relation to an application for the grant of an occasional licence.”.

(4) In that Article, after paragraph (8) insert—

“(8A) Where an occasional licence has been granted subject to terms and conditions under paragraph (1)(d) and any of those terms or conditions is not observed, the holder of the licence shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(5) In Part 1 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 3 fine) insert at the appropriate place—

| | | |
|---------|--|------|
| “30(8A) | Failure to observe term or condition of occasional licence | 3-4” |
|---------|--|------|

Miscellaneous

Independent review of licensing system including surrender principle

23.—(1) The Department for Communities must, before the first anniversary of this Act receiving Royal Assent, appoint an independent person (“the reviewer”) to conduct a review of the system in Northern Ireland for authorising the sale by retail of intoxicating liquor (“the licensing system”).

(2) The review must include the following—

- (a) an assessment of the operation of the surrender principle, an examination of options for reforming it and an assessment of the implications of those options for licence holders;
- (b) an analysis of the geographical distribution of licensed premises in Northern Ireland;
- (c) an analysis of the economic and social impact of the licensing system and the impact of the licensing system on personal and public health;
- (d) an assessment of the extent to which the licensing system meets consumer demand and local community needs, when set alongside the impact it has on personal and public health and on public order;
- (e) whatever recommendations for improving the licensing system that the reviewer considers appropriate.

(3) The reviewer must complete the review within two years of the appointment being made.

(4) The reviewer, having completed the review, must provide a report to the Department; and the Department, having received the report, must—

- (a) lay the report before the Assembly, and
- (b) arrange for it to be published.

(5) The Department must, within six months of the publication of the report, publish a plan setting out how it proposes to respond to the report.

(6) The Minister for Communities must, within six months of the publication of the report, make an oral statement to the Assembly about the plan published under subsection (5).

(7) The Department for Communities may by regulations modify subsection (3), or modify subsection (6), so as to substitute a different period for the period for the time being specified there.

(8) Regulations may not be made under subsection (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(9) In this section—

- (a) the reference to an independent person includes a reference to a group of independent persons, an independent organisation or a group of independent organisations,
- (b) the references to intoxicating liquor, licences and licensed premises are to be construed in accordance with the Licensing Order, and
- (c) the reference to the surrender principle is a reference to the part of the procedure for granting a licence that is provided for in Article 7(4)(e) of the Licensing Order.

Annual publication of the number of licences

24.—(1) The Department for Communities must, as soon as reasonably practicable after the beginning of each year, publish a statement of each of the following as at 31st December in the previous year—

- (a) the number of licences in force for premises of a kind mentioned in Article 5(1)(a) of the Licensing Order;
- (b) the number of licences in force for premises of a kind mentioned in Article 5(1)(b) of the Licensing Order;
- (c) the number of premises of a kind mentioned in Article 5(1)(a) of the Licensing Order in each district electoral area or, if the Department considers that it is feasible to reckon the number of such premises by reference to smaller areas, in each of those areas;
- (d) the trends which may be observed from the numbers referred to in paragraphs (a) to (c).

(2) In subsection (1), “licences” and “premises” each have the same meaning as in the Licensing Order.

Code of practice

25.—(1) At the beginning of Part 6 of the Licensing Order (miscellaneous) insert—

“Code of practice

Code of practice

76F.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

- (a) is representative of persons whose business involves the sale of intoxicating liquor under a licence, or
- (b) is representative of persons whose business involves the production of intoxicating liquor, or
- (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
- (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.

(3) A code of practice is relevant if it relates to—

- (a) the display or sale of intoxicating liquor in licensed premises, or
- (b) activities designed to promote the sale of intoxicating liquor in licensed premises whether for consumption in or off such premises.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

(6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

(7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 7(4) of the Licensing Order (grant of licence: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(3) In Article 14(4) of the Licensing Order (renewal of licence by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (f) (but before the following “or”) insert “or

(fa) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(4) In Article 15(2) of the Licensing Order (renewal of licence by court: matters of which court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

(5) In Article 22(6) of the Licensing Order (transfer of licences: matters of which the court must be satisfied), after sub-paragraph (b) (but before the following “and”) insert “and

(ba) that the applicant is aware of the responsibilities under any code of practice which the Department has approved under Article 76F (and from which it has not withdrawn its approval);”.

Body corporate: change of directors

26.—(1) In Article 4 of the Licensing Order (persons to whom licences may be granted), at the end insert—

“(5) Where a person becomes or ceases to be a director of a body corporate which is the holder of a licence, the body must, within the period of 28 days of that change taking effect, serve notice of the change upon—

(a) the chief clerk; and

(b) the district commander of the police district in which any premises to which the licence applies are situated.

(6) A person who contravenes paragraph (5) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.

(2) In Article 72 of the Licensing Order (suspension of licence), after paragraph (1) insert—

“(1A) The grounds specified in Article 15(2)(b) (fitness to hold licence) include the grounds that, following a person becoming or ceasing to be a director of a body corporate which is the holder of the licence in question, the body is no longer fit to hold the licence.”.

(3) In Part 3 of Schedule 10A to the Licensing Order (penalty points for offences punishable with level 5 fine), insert at the appropriate place—

| | | |
|-------|--|------|
| “4(6) | Failure to notify courts and police of change of directorships | 5-6” |
|-------|--|------|

Removal of exemption for angostura bitters

27. In Article 2(2) of the Licensing Order (interpretation), in the definition of “intoxicating liquor”—

- (a) omit sub-paragraph (a) (which excludes angostura bitters from that definition), and
- (b) in the full-out words beneath sub-paragraph (e), omit “(a),”.

PART 2

REGISTRATION OF CLUBS

Extension of premises

Sporting clubs

28.—(1) In Part 1 of the Registration of Clubs Order (registration of clubs), after Article 15 insert—

“Extension authorisations

Extension authorisations for sporting clubs

15A.—(1) On the application of the secretary of a sporting club, the district commander for the police district in which the premises of the club are situated may, in writing, authorise the extension of the area of the premises in respect of which the club is registered.

(2) An authorisation under this Article authorises the club to hold a function at which intoxicating liquor may be supplied in the area of the premises to which the authorisation applies to members of the club, and guests of members of the club, who are present at the function (with Article 30 applying in relation to the function accordingly).

(3) An authorisation under this Article authorises the supply of intoxicating liquor during the permitted hours on the day or days specified in the authorisation; but the number of days so specified—

- (a) may exceed one only if the district commander is satisfied that there are exceptional circumstances which justify granting an authorisation for more than one day; and
- (b) in a case where the district commander is so satisfied, must not exceed 5.

(4) A district commander may refuse an application for the grant of an authorisation under this Article only if the district commander is satisfied that the function is likely to attract people in such numbers that it would not be practicable to accommodate them in the premises in respect of which the club is registered.

(5) An application for an authorisation under this Article must be accompanied by a plan showing the area of the proposed extension.

(6) Not more than 6 authorisations may be granted under this Article to any club in any year.

(7) Regulations may modify paragraph (6) so as to substitute a different number of authorisations for the number for the time being specified there.

(8) In the case of a sporting club in respect of which an authorisation under this Article has effect, a reference in this Order to the premises of the club includes, in relation to any time at which the authorisation has effect, a reference to the area to which the authorisation applies.

(9) Regulations may not be made under paragraph (7) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “sporting club”, at the end insert “and, in the case of a sporting club in respect of which an authorisation under Article 15A has effect, a reference to the premises of the club is to be construed in accordance with paragraph (8) of that Article”.

(3) In Article 3 of the Registration of Clubs Order (restriction on supply etc. of intoxicating liquor on club premises), at the end of paragraph (1) insert “or unless the supply or consumption is authorised in accordance with Article 15A”.

Alterations to premises

Consent required for alterations to premises

29.—(1) After Article 12 of the Registration of Clubs Order insert—

“Alterations to club premises

Consent required for certain alterations to premises

12A.—(1) An alteration shall not, subject to paragraph (2), be made to the premises of a registered club if the alteration—

- (a) gives increased facilities for drinking in any part of the premises which contains a bar; or
- (b) adds to any part of the premises which contains a bar or substitutes one such part of the premises for another; or
- (c) conceals from observation a part of the premises in which intoxicating liquor is supplied; or
- (d) affects the means of passage between a part of the premises which contains a bar and the remainder of the premises or any road or other public place.

(2) An alteration such as is mentioned in paragraph (1) may be made if—

- (a) an application under this Article has been made by the secretary of the club to a county court and the court has made an order consenting to the alteration; or
- (b) the alteration is required by order of some lawful authority and, before the alteration is made, notice of the requirement is served by the secretary of the club on the clerk of petty sessions.

(3) The procedure for applications under paragraph (2)(a) is set out in Part 1 of Schedule 4A, and Part 2 of that Schedule has effect in relation to notices under paragraph (2)(b).

(4) If an alteration such as is mentioned in paragraph (1) is made to premises otherwise than in accordance with an order of the county court or an order of some lawful authority, a court of summary jurisdiction may order the registered club to restore, as far as is practicable, the premises to their original condition within a period fixed by the order.

(5) The period fixed by an order under paragraph (4) may be extended by order of a court of summary jurisdiction on the application of the secretary of the club.

(6) If paragraph (2)(b) is not complied with, the registered club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) If the registered club makes default in complying with an order under paragraph (4), the club and every official of the club are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

(8) This Article does not apply to an extension such as requires authorisation under Article 15A.”.

(2) After Schedule 4 to the Registration of Clubs Order insert—

“SCHEDULE 4A

APPLICATIONS AND NOTICES UNDER ARTICLE 12A

PART 1

APPLICATIONS FOR CONSENT TO ALTERATIONS

1. In this Part “application” means an application under Article 12A(2)(a).
2. The secretary of a club which intends to make an application must, not less than 3 weeks before the time of the opening of the court sitting at which the application is to be made, serve notice of the application upon the chief clerk and at the same time serve a copy of the notice upon—
 - (a) the district commander for the police district in which the premises of the club are situated; and
 - (b) the person whose name is recorded in the register of clubs as the owner of the premises of the club.
3. The notice mentioned in paragraph 2 must be in such form and, without prejudice to paragraph 4, must contain such other information as may be prescribed by county court rules.
4. The applicant must attach a plan of the premises showing the alteration to—
 - (a) the notice mentioned in paragraph 2, and
 - (b) the copy of that notice which is served upon the district commander.
5. The district commander upon whom notice is required by paragraph 2 to be served or the person whose name is recorded in the register of clubs as the owner of the premises of the club may appear at the hearing of the application and object to the court consenting to the alteration to which the application relates.
6. A person intending to object under paragraph 5 must, not less than 1 week before the time of the opening of the court sitting at which the application is to be made—
 - (a) serve upon the applicant notice of the intention to object, briefly stating the grounds for so doing;
 - (b) serve a copy of the notice upon the chief clerk.

PART 2

NOTICES OF ALTERATIONS REQUIRED BY AUTHORITIES

7. The notice must be in such form and, without prejudice to paragraph 8, must contain such other information as may be prescribed by magistrates' courts rules.

8.—(1) The secretary of the club must attach to the notice a plan of the premises showing the proposed alterations.

(2) The alterations shown in the plan mentioned in sub-paragraph (1) must be authenticated by or on behalf of the authority in question in the manner prescribed by magistrates' courts rules.”.

(3) In Article 16 of the Registration of Clubs Order (register of clubs), in paragraph (2), after paragraph (d) insert—

“(da) particulars of any order made under Article 12A(2)(a), (4) or (5) in respect of the premises of the club and of any requirement in respect of those premises notice of which is served under Article 12A(2)(b);”.

(4) In Part 3 of Schedule 6 to that Order (penalty points for offences punishable with level 5 fine) at the appropriate place insert—

| | |
|---------|---|
| “12A(7) | Failure to comply with court order to make alterations etc. |
|---------|---|

Permitted hours

Removal of additional restrictions at Easter

30.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

- (a) in sub-paragraph (a), omit “Good Friday or”, and
- (b) omit sub-paragraph (b) and the following “and”.

(2) In paragraph (2) of that Article—

- (a) in sub-paragraph (a)(i), omit “Good Friday or”,
- (b) omit sub-paragraph (a)(ii), and
- (c) omit sub-paragraph (b) and the following “and”.

(3) In Article 25 of the Registration of Clubs Order (consumption of liquor after permitted hours), omit sub-paragraph (b) and the preceding “or”.

(4) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (3), omit “, Easter Day or Good Friday”.

Removal of restrictions on late opening on Sunday

31.—(1) In Article 24 of the Registration of Clubs Order (general permitted hours), in paragraph (1)—

(a) after sub-paragraph (a) and the following “and” insert—

“(aa) on Sundays other than Christmas Day, from half past 12 in the afternoon to 11 in the evening; and”, and

(b) in sub-paragraph (c), omit “Sunday or”.

(2) In Article 26 of the Registration of Clubs Order (authorisations for special occasions), in paragraph (1)(a), for paragraphs (ii) and (iii) (but not the “or” following paragraph (iii)) substitute—

“(ii) on Sundays, from 11 in the evening to 1 in the morning of the day next following.”.

Extension of “drinking-up time”

32.—(1) In Article 25 of the Registration of Clubs Order (consumption after permitted hours of liquor supplied during those hours), the text of which becomes paragraph (1), in sub-paragraph (a), for “30 minutes” substitute “60 minutes”.

(2) After paragraph (1) of that Article insert—

“(2) Regulations may modify paragraph (1)(a) so as to substitute “30 minutes” for “60 minutes”.

(3) Regulations may not be made under paragraph (2) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Increase in number of authorisations for special occasions

33.—(1) In Article 26 of the Registration of Clubs Order (authorisation for special occasions), in paragraph (2), for “85” substitute “104”.

(2) After paragraph (2) of that Article insert—

“(2A) Regulations may modify paragraph (2) so as to substitute a different number of authorisations for the number for the time being specified there.

(2B) Regulations may not be made under paragraph (2A) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

(3) After paragraph (4) of that Article insert—

“(5) A person who intends to make an application under this Article shall—

- (a) during the 3 weeks before the first occasion to which the application relates, cause notice of the application to be displayed on or near the premises of the club;
 - (b) not less than 3 weeks before that time, serve a copy of the notice of the application on the district council for the district in which the premises of the club are situated.
- (6) The notice under paragraph (5) must contain such information as may be prescribed by magistrates' courts rules.
- (7) The following provisions of this Article apply where a complaint is made to a court of summary jurisdiction under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 on the grounds—
- (a) that the business carried on in the premises of the club is being conducted during the hours mentioned in paragraph (1) or any period immediately following their termination in such a manner as to cause undue inconvenience to persons residing in the vicinity of the premises; or
 - (b) that such hours are causing undue inconvenience to persons residing in the vicinity of the premises.
- (8) Where the court is satisfied that the grounds of the complaint are made out, it may—
- (a) revoke the authorisation; or
 - (b) modify the authorisation or, in relation to the authorisation, the hours mentioned in paragraph (1); or
 - (c) make the continuance of the authorisation subject to such terms and conditions as the court thinks fit.
- (9) The terms and conditions which may be imposed under paragraph (8) include those requested by the district commander of the police district in which the premises of the club are situated.”.

Major events

34.—(1) After Article 26 of the Registration of Clubs Order (but before the following cross-heading), insert—

“Major event orders

Extension of permitted hours for major events

26A.—(1) Where the Department considers that an event which is to take place in Northern Ireland will attract significant public interest (whether throughout Northern Ireland or in certain areas only), it may make an order (a “major event order”) which—

- (a) designates the event as a major event, and
- (b) provides that, during the period specified in the order, the permitted hours for registered clubs to which the order applies are the hours specified in the order.

(2) A major event order may apply to all registered clubs in Northern Ireland as a whole or in the area or areas specified.

(3) In specifying an area for the purposes of paragraph (2), a major event order may in particular do so by reference to the place or premises at which the event is to take place or the area in the vicinity of the place or premises.

(4) A major event order may impose conditions.

(5) The Department may vary or revoke a major event order; and the circumstances in which it may revoke an order include, in a case where the period specified under paragraph (1)(b) includes two or more days, circumstances in which it considers it necessary to do so because of disorder, or expected disorder, at or in the vicinity of the place or premises at which the event is taking place.

(6) The period specified in a major event order may not include Christmas Day.

(7) The hours specified in a major event order have effect in addition to the hours permitted by any authorisation under Article 26 which applies to a registered club to which the major event order applies.

(8) A major event order may make consequential, incidental or supplementary provision (including provision which modifies provisions of this Order for the purpose of giving effect to the major event order).

(9) Before making a major event order, the Department must consult such persons as it considers appropriate.

(10) Any person acting in contravention of a condition imposed by a major event order is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 2 of the Registration of Clubs Order (interpretation), in paragraph (2), in the definition of “permitted hours”, for “Article 26” substitute “Articles 26 and 26A”.

(3) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine) at the appropriate place insert—

| | | |
|----------|---|------|
| “26A(10) | Contravening condition of major event order | 3-4” |
|----------|---|------|

Young people in registered clubs

Removal of requirement for children’s certificate, etc.

35.—(1) Article 33 of, and Schedule 5 to, the Registration of Clubs Order (children’s certificates) are repealed.

(2) In Article 32 of that Order (young persons prohibited from bars), in paragraph (4)—

- (a) after “is in a part of club premises” insert “as mentioned in paragraph (1)”,
- (b) omit sub-paragraph (b) and the following “and”,
- (c) after sub-paragraph (c) (but before the following “and”) insert “and
 - (ca) the person under the age of 18 is in the premises at a time when meals, and beverages suitable for persons under that age (including drinking water), are also available for consumption on the premises;”, and
- (d) in sub-paragraph (d), for “the certificate is operational” substitute “the person under the age of 18 is not in the premises in the evening at any time after 9”.

(3) In paragraph (5) of that Article—

- (a) in sub-paragraph (a), for “before the certificate ceased to be operational” substitute “before 9 in the evening”, and
- (b) for sub-paragraph (b) substitute—
 - “(b) the person under the age of 18 is not in the premises in the evening at any time after half past 9.”.

(4) Omit paragraphs (6), (7) and (8) of that Article.

(5) In paragraph (9) of that Article—

- (a) for “, (3), (6) or (8)” substitute “or (3)”,
- (b) in sub-paragraph (a), omit “or (6)”, and
- (c) in sub-paragraph (b), omit “or (8)”.

(6) In each of paragraphs (10) and (11) of that Article, omit “or (7)”.

(7) In Article 34A of the Registration of Clubs Order (duty to display notice relating to age), in paragraph (3)(a), after “intoxicating liquor” insert “or in relation to offences concerning the presence of such persons in club premises”.

Underage functions

36.—(1) After Article 32 of the Registration of Clubs Order insert—

“Authorisation for underage functions

32A.—(1) On the application of the secretary of a registered club, the district commander for the police district in which the club is situated may, in writing, grant an authorisation under this Article.

(2) An authorisation under this Article may authorise the club to hold an underage function—

- (a) in such part of the club premises as is specified in the authorisation, and
- (b) on the day so specified during such hours as are so specified ending no later than 1 in the morning of the next day.

(3) In this Article, “underage function” means a function which is designed to appeal to persons under the age of 18 in particular.

(4) A district commander must not grant an authorisation under this Article unless the district commander is satisfied that suitable arrangements are in place for securing that persons under the age of 18 attending the function do not have access to any part of the premises which is used for the supply, consumption or storage of intoxicating liquor.

(5) It is a condition of an authorisation under this Article that, during the period for which the authorisation is in force—

- (a) each dispenser of intoxicating liquor at a bar in the part of the club premises for which the authorisation is in force must be incapable of operation, and
- (b) access to any other container of intoxicating liquor in that part must be prevented.

(6) If the condition in paragraph (5) is contravened, the registered club and every official of the club at the time of the contravention are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A registered club must not, during the period for which an authorisation under this Article is in force—

- (a) supply intoxicating liquor to a person aged 18 or over in the part of the premises in which the authorisation is in force; or
- (b) permit a person aged 18 or over to consume intoxicating liquor in the part of the premises in which the authorisation is in force.

(8) If paragraph (7) is contravened—

- (a) the registered club;
- (b) every official of the club at the time of the contravention; and
- (c) the person supplying the intoxicating liquor or, as the case may be, permitting the consumption of the intoxicating liquor,

are each guilty of an offence and each liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) A person aged 18 or over who consumes intoxicating liquor in a part of club premises for which an authorisation under this Article is in force is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Article 32 of the Registration of Clubs Order (prohibition on young persons from bars), in paragraph (13), after sub-paragraph (c) insert “; or

(d) in a part of club premises for which an authorisation under Article 32A is in force or during the first 30 minutes after the authorisation has ceased to be in force.”.

(3) In Part 1 of Schedule 6 to that Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | |
|----------------|--|
| “32A(6) or (8) | Contravening conditions on 3-4” access to intoxicating liquor; supplying intoxicating liquor to, or permitting consumption of it by, a person aged 18 or over during underage function |
|----------------|--|

(4) In Article 106 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (use of gaming machines in registered clubs), after paragraph (7) insert—

“(7A) No gaming machine shall be made available in any premises mentioned in paragraph (1) for which an authorisation under Article 32A of the Registration of Clubs (Northern Ireland) Order 1996 (underage functions) is in force during the period for which it is in force.”.

Private functions

37. In Article 32 of the Registration of Clubs Order (young persons prohibited from bars), after paragraph (3) insert—

“(3A) Paragraphs (1) and (2) shall not apply with respect to a person under the age of 18 who is in a part of club premises as mentioned in paragraph (1) in the evening at any time after 9 if—

(a) a private function is being held in that part of the club premises (and, accordingly, other members or guests of other members do not have access to that part of the premises while the function is being held);

- (b) the person under 18 is attending the function in the company either of a parent of that person or of a parent of another person who is under 18 and attending the function;
- (c) a meal consisting of at least a main course is being served at the function; and
- (d) the person under 18 does not consume any part of the meal at a counter or structure which is being used wholly or mainly as a bar.

(3B) In its application to a sporting club, paragraph (3A) has effect as if the reference to any time after 9 were a reference to any time after 10.

(3C) In paragraph (3A), “parent”, in relation to a person under the age of 18, includes any individual who—

- (a) has parental responsibility for that person (within the meaning of the Children (Northern Ireland) Order 1995), or
- (b) has care for that person.”.

Young people prohibited from bars

38.—(1) In Article 32(13) of the Registration of Clubs Order (young persons prohibited from bars), in sub-paragraph (a), for “during the part of the permitted hours before 10 in the evening” substitute “—

- (i) on a day in the period that begins on and includes 1 May and ends on and includes 30 September, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;
- (ii) on a day not in the period mentioned in paragraph (i) if solely for the purpose of attending a prize-giving ceremony, during the permitted hours or, if by virtue of Article 26 the permitted hours continue after 11 in the evening, during the part of the permitted hours before that time;
- (iii) on any other day to which neither paragraph (i) nor paragraph (ii) applies, during the part of the permitted hours before 10 in the evening;”.

(2) In Article 32 of that Order, in paragraph (13)(b), for “10 in the evening” substitute “the time in the evening provided for under sub-paragraph (a)”.

(3) In that Article, after paragraph (13) insert—

“(13A) In the case of a sporting club at which more than one prize-giving ceremony is held in a calendar year, paragraph (13)(a)(ii) has effect only for the purpose of allowing persons under the age of 18 to attend up to three such ceremonies in the club premises in that calendar year in reliance on that provision.”.

(4) In that Article, in paragraph (14), for “10 in the evening” substitute “the time in the evening provided for under paragraph (13)(a)”.

(5) In that Article, after paragraph (14) insert—

“(15) Regulations may modify paragraph (13)(a)(i) so as to substitute a different period for the period for the time being specified there.

(16) Regulations may modify paragraph (13A) so as to substitute a different number of prize-giving ceremonies for the number for the time being specified there.

(17) Regulations may not be made under paragraph (15) or (16) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

Conduct of registered clubs

Prohibition on self-service and supply by vending machines

39.—(1) Before Article 32 of the Registration of Clubs Order (and the preceding cross-heading) insert—

“Self-service and vending machines

Prohibition on self-service and supply by vending machines

31C.—(1) A registered club must not supply intoxicating liquor for consumption in the club premises in a form which would enable the member or guest to whom it is supplied (or a member or guest that person is with) to operate the dispenser of the liquor.

(2) A registered club must not supply by means of a vending machine in the club premises intoxicating liquor for consumption in the premises.

(3) The activities prohibited by this Article include making intoxicating liquor available for consumption in the premises of a registered club which, in the absence of an official, manager or servant employed in the club, members or guests are trusted by the committee of management or governing body of the club—

(a) to pay for by placing money in a container, or by some other process, which the club has provided for that purpose, or

(b) to agree to pay for by recording by a process which the club has provided for that purpose the intoxicating liquor appropriated.

(4) If paragraph (1) or (2) is contravened the registered club is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(2) In Part 1 of Schedule 6 to the Registration of Clubs Order (penalty points for offences punishable with level 3 fine), at the appropriate place insert—

| | |
|---------|---|
| “31C(4) | Supplying intoxicating liquor 3-4” in a form which enables self-service or by means of vending machine |
|---------|---|

Restrictions relating to advertisements

40.—(1) In Article 38 of the Registration of Clubs Order (restrictions on advertisements), in paragraph (1), for the words from “no person shall” to “the premises of a registered club” substitute “any advertisement drawing attention to any function to be held in the premises of a registered club must include a clear statement to the effect that the function may be attended only by members of the club and guests of members of the club;”.

(2) For paragraph (2) of that Article substitute—

“(2) Paragraph (1) does not apply to an advertisement in so far as it relates to a function the whole proceeds of which are, after deduction of the expenses of the function, to be devoted to charitable or benevolent purposes.”.

Miscellaneous

Code of practice

41.—(1) At the beginning of Part 5 of the Registration of Clubs Order (miscellaneous) insert—

“Code of practice

Code of practice

41K.—(1) Where a person or group of persons which the Department considers to have a relevant interest produces a relevant code of practice, the Department may approve the code.

(2) A person or group has a “relevant interest” if the person or group—

- (a) is representative of registered clubs, or
- (b) is representative of persons whose business involves the production of intoxicating liquor, or
- (c) is representative of persons whose business involves dealing wholesale in intoxicating liquor, or
- (d) is engaged in research into, or otherwise has an interest in, the effects of the consumption of intoxicating liquor on personal or public health or on public order.

(3) A code of practice is relevant if it relates to the display or supply, or activities designed to promote the supply or consumption, of intoxicating liquor in registered clubs.

(4) Where the Department approves a relevant code of practice, it must give notice of its approval in the Belfast Gazette.

(5) Before deciding whether to approve a relevant code of practice, the Department must consult the Police Service of Northern Ireland.

(6) Where a person or group of the kind referred to in paragraph (1) amends a relevant code of practice, the Department may approve the amendments; and paragraphs (4) and (5) apply in relation to approving an amendment as they apply in relation to approving a code, unless the Department does not consider the amendment significant enough for those paragraphs to apply.

(7) The Department may withdraw its approval of a relevant code or of an amendment to it; and paragraphs (4) and (5) apply in relation to withdrawing approval of a code or amendment as they apply in relation to approving it.”.

(2) In Article 5(5) of the Registration of Clubs Order (grant of registration: matters of which court must be satisfied), after sub-paragraph (i) insert “; and

(j) that each of the officials of the club is aware of the responsibilities under any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(3) In Article 7(4) of the Registration of Clubs Order (renewal of registration by clerk of petty sessions: grounds for clerk to refer to court), after sub-paragraph (b) (but before the following “or”) insert “or

(ba) the clerk is not satisfied that the applicant has been complying with any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

(4) In Article 8(3) of the Registration of Clubs Order (renewal of registration: matters of which court must be satisfied), after sub-paragraph (d) insert “; and

(e) that each of the officials of the club is aware of the responsibilities under, and has been complying with, any code of practice which the Department has approved under Article 41K (and from which it has not withdrawn its approval).”.

PART 3

GENERAL

Guidance

42.—(1) The Department for Communities must issue guidance about—

(a) the effect of the Licensing Order,

- (b) the effect of Part 1 of this Act on that Order and the practical implementation of Part 1 of this Act, and
 - (c) such other matters as the Department considers appropriate in connection with licensing premises for the sale of intoxicating liquor (within the meaning of the Licensing Order).
- (2) The Department for Communities must issue guidance about—
- (a) the effect of the Registration of Clubs Order,
 - (b) the effect of Part 2 of this Act on that Order, and
 - (c) such other matters as the Department considers appropriate in connection with the registration of clubs.
- (3) The Department for Communities must—
- (a) keep any guidance issued under this section under review, and
 - (b) revise any guidance issued under this section if the Department considers revision to be necessary in light of review.
- (4) The Department for Communities must publish any guidance issued or revised under this section.

Review

43.—(1) The Department for Communities must review and make a report on the implementation and effectiveness of each provision of Part 1 and of each provision of Part 2—

- (a) as soon as practicable after the third anniversary of the commencement of that provision, and
 - (b) at least once in every five years after the making of the previous report on the implementation and effectiveness of that provision.
- (2) The Department for Communities must—
- (a) lay a copy of each report under this section before the Assembly, and
 - (b) having done that, publish the report.

(3) The Department for Communities may by regulations provide that subsections (1) and (2) are to cease to have effect on the date specified; but the regulations may not specify a date which is earlier than the tenth anniversary of this Act receiving Royal Assent.

(4) Regulations under this section are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

Interpretation

44. In this Act—

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Minor and consequential amendments

45.—(1) Schedule 1, which contains minor amendments and amendments consequential on provision made by this Act, has effect.

(2) The Department for Communities may by regulations make provision in consequence of this Act.

(3) Regulations under this section may—

- (a) amend, repeal, revoke or otherwise modify a statutory provision;
- (b) include transitional, transitory or saving provision in connection with the coming into operation of provision made by the regulations.

(4) Regulations under this section are subject to negative resolution, except as mentioned in subsection (5).

(5) Regulations under this section which contain (whether alone or with other provision) provision that amends the text of Northern Ireland legislation or an Act of Parliament are not to be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The power conferred by this section is not restricted by any other provision of this Act.

Repeals

46. The statutory provisions specified in Schedule 2 are repealed to the extent specified.

Commencement and short title

47.—(1) The following provisions of this Act come into operation on the day after Royal Assent—

- (a) section 44,
- (b) section 45(2) to (6),
- (c) this section, and
- (d) in Schedule 1, paragraphs 1, 7(1) and (3), 11, 14 and 16 and section 45(1) so far as relating to those provisions.

(2) The other provisions of this Act come into operation on such day or days as the Department for Communities may by order appoint.

(3) An order under this section may make such transitional or saving provision, or such transitory modifications of this Act, as the Department considers appropriate in connection with the coming into operation of a provision of this Act.

(4) This Act may be cited as the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.

SCHEDULES

SCHEDULE 1

Section 45

Minor and consequential amendments

Licensing (Northern Ireland) Order 1996

1. The Licensing Order is amended as follows.
- 2.—(1) Article 2 (interpretation) is amended as follows.
 - (2) In paragraph (2)—
 - (a) omit the definition of “children’s certificate”,
 - (b) in the definition of “licensed premises”, in the full-out words at the end, after “Articles” insert “52C, 52D, 52E”,
 - (c) at the appropriate place insert—

““major event order” means an order under Article 48A;”,
 - (d) in the definition of “permitted hours”, after “44,” insert “44A”, and
 - (e) in that definition, for “and 47” substitute “, 47 and 48A”.
 - (3) In paragraph (4), for “(l)” substitute “(m)”.
 - (4) After paragraph (10) insert—

“(11) In this Order (other than Part 4A and Article 77A(3)) any reference to a district commander for a police district includes a reference to any other member of the Police Service of Northern Ireland nominated by the district commander.”.
3. In Article 5 (premises for which a licence may be granted), in paragraph (3)—
 - (a) for “Article 51(1)(b)” substitute “Articles 48B(2) to (6), 51(1)(b) and 52C(1)”,
 - (b) for “(l)” substitute “(m)”, and
 - (c) in sub-paragraph (b), at the beginning insert “except in the case of premises of a kind mentioned in Article 5(1)(m),”.
4. In Article 15(2)(e) (renewal of licence), for “(l)” substitute “(m)”.
5. In Article 17(3) (renewal of licence: certain provisions not to apply), after “44” insert “, 44A”.
6. In Article 22(6)(c)(ii) (transfer of licence), for “(l)” substitute “(m)”.

7.—(1) Article 34 (register of licences) is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (f), after “44”, insert “, 44A”, and

(b) omit sub-paragraph (g).

(3) In paragraph (4), for “Department” substitute “Department of Justice”.

8. In Article 58(1)(b) (prohibition on young persons in premises which sell intoxicating liquor for consumption off the premises), at the end insert “in which intoxicating liquor is made available for purchase”.

9. In Article 69F (consideration of closure order by court of summary jurisdiction), in paragraph (2)—

(a) in sub-paragraph (c), after “Article 44” insert “or 44A”, and

(b) in sub-paragraph (c)(ii), after “Article 44(2)” insert “or Article 44A(3) or (4) (as the case may be)”.

10. In Article 76D (young persons prohibited from certain pavement café areas), omit paragraphs (3) and (4).

11. In Article 77A (conditions and licences for indoor arenas and outdoor stadia), in paragraph (3), after “the indoor arena” insert “or outdoor stadium”.

12. In Schedule 1 (application for certain orders at same time as application for licence), in paragraph 7—

(a) after “44” insert “, 44A”,

(b) omit “or for a children’s certificate”, and

(c) omit “or, as the case may be, the children’s certificate”.

13. In Schedule 9 (certain applications to court)—

(a) in the title, omit “or 59”,

(b) in paragraph 1, omit “or 59”, and

(c) in paragraph 4, omit paragraph (d).

Registration of Clubs (Northern Ireland) Order 1996

14. The Registration of Clubs Order is amended as follows.

15.—(1) Article 2 (interpretation) is amended as follows.

(2) In paragraph (2), omit the definition of “children’s certificate”.

(3) After paragraph (4) insert—

“(5) In this Order (other than Part 4A) any reference to a district commander for a police district includes a reference to any other member

of the Police Service of Northern Ireland nominated by the district commander.”.

16. In Article 16(5) (alteration of register of clubs), for “Department” substitute “Department of Justice”.

17. In Article 32(5) (prohibition on young persons from bars: exception where meal being eaten), in sub-paragraph (a), after “a meal” insert “consisting of at least a main course and”.

18. In Article 52(1) (modifications of Schedules), for “, 4 and 5” substitute “and 4”.

19. In Schedule 1 (provisions to be included in club rules), after paragraph 13 (day membership at sporting clubs) insert—

“**13A.** But paragraph 13 entitles a person to use facilities of the club on the day in question only if the person also engages in sporting activities of the club on that day; and paragraph 14 applies subject to this paragraph.”.

20. In Schedule 2 (applications for grant of registration), omit paragraph 5.

SCHEDULE 2

Section 46

Repeals

| Short Title | Extent of Repeal |
|---|--|
| Licensing (Northern Ireland) Order 1996 | <p>In Article 2(2)—</p> <p>(a) the definition of “children’s certificate”, and</p> <p>(b) in the definition of “intoxicating liquor”, sub-paragraph (a) and, in the full-out words beneath sub-paragraph (e), “(a),”.</p> <p>In Article 30(7), the words “, Easter Day or Good Friday”.</p> <p>Article 34(1)(g).</p> <p>In Article 42(1)(a), the words “Good Friday or”.</p> <p>Article 42(1)(b) and the following “and”.</p> <p>In Article 42(2)(b), the words “or Easter Day”.</p> |

| Short Title | Extent of Repeal |
|---|--|
| | In Article 44(6)(a), the words “Easter Day or Good Friday,”. |
| | In Article 45(1), the words “other than premises to which an order under Article 44 applies”. |
| | In Article 45(3)(a), the words “, Easter Day or Good Friday”. |
| | In Article 47(6)(a), the words “Easter Day or Good Friday,”. |
| | In Article 50(1), the words “or Easter Day”. |
| | Article 58(5)(b) and the following “and”. |
| | Article 58(7), (8) and (9). |
| | In Article 58(10)(a), the words “or (7)”. |
| | In Article 58(11), the words “or (8)”. |
| | Article 59. |
| | Article 60(5)(a). |
| | Article 76D(3) and (4). |
| | In Schedule 1, in paragraph 7, the words “or for a children’s certificate” and “or, as the case may be, the children’s certificate”. |
| | In Schedule 9— |
| | (a) in the title, the words “or 59”, |
| | (b) in paragraph 1, the words “or 59”, and |
| | (c) paragraph 4(d). |
| Registration of Clubs (Northern Ireland) Order 1996 | In Article 2(2), the definition of “children’s certificate”. |
| | In Article 24(1)(a), the words “Good Friday or”. |
| | Article 24(1)(b) and the following “and”. |
| | In Article 24(1)(c), “Sunday or”. |

| Short Title | Extent of Repeal |
|-------------|--|
| | In Article 24(2)(a)(i), the words “Good Friday or”. |
| | Article 24(2)(a)(ii). |
| | Article 24(2)(b) and the following “and”. |
| | Article 25(b) and the preceding “or”. |
| | In Article 26(3), the words “, Easter Day or Good Friday”. |
| | Article 32(4)(b) and the following “and”. |
| | Article 32(6), (7) and (8). |
| | In Article 32(9)(a), the words “or (6)”. |
| | In Article 32(9)(b), the words “or (8)”. |
| | In Article 32(10), the words “or (7)”. |
| | In Article 32(11), the words “or (7)”. |
| | Article 33. |
| | In Schedule 2, paragraph 5. |
| | Schedule 5. |

**THE LICENSING AND REGISTRATION OF
CLUBS (AMENDMENT) ACT**

(NORTHERN IRELAND) 2021

GUIDE

Department for Communities April 2022

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INTRODUCTION

This guide outlines the provisions of the *Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021* (the Act) which received Royal Assent on 26 August 2021. **The Act is being brought into operation in phases:**

- the first phase of changes came into effect on 1 October 2021;
- phase 2 came into effect on 6 April 2022;
- phase 3 will come into effect on 1 June 2022;
- phase 4 will come into effect on 1 October 2022; and
- phase 5 will come into effect on 6 April 2023.

It will be of particular interest to the licensed trade, registered clubs, courts and police but should be a useful source of information for district councils, the legal profession and the general public.

The information contained in this guide should not be treated as a complete and authoritative statement of the law which is contained only in the Act and regulations made under it. This guide will be updated as and when outstanding provisions are due to come into effect.

As licensing law is a complex piece of legislation, licence holders may wish to engage the services of a solicitor in terms of bringing any applications through the courts. It is the responsibility of the licence holder to ensure that they, their servants and agents, are fully aware of their requirements under licensing law.

Copies of the Act and associated regulations may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting the TSO Customer Services on 0870 6005522. Alternatively, this legislation may be accessed at legislation.gov.uk.

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Background

The Department for Communities is responsible for the policy and legislation regulating the retail sale and supply of alcoholic drinks in Northern Ireland.

The current law dates back to 1996 and reform was an Executive priority under the New Decade New Approach Deal.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, and on the other hand, individual freedom of choice and the opportunity for local businesses to meet customer's expectations.

The Act amends the Licensing (Northern Ireland) Order 1996 (the Licensing Order) and the Registration of Clubs (Northern Ireland) Order 1996 (the Clubs Order).

The key changes include*:

- Pubs and Hotels can apply to open until 2am up to 104 nights per year;
- Smaller pubs will be able to open to 1am up to 104 nights per year;
- Drinking-up time will be increased to 1 hour;
- 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;
- 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;
- 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 1am 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.

*** The changes made by the Act will not come into operation at the same time. This guide will be updated as and when outstanding changes are due to come into effect.**

Timetable

| Phase 1 - Sections commenced 1 October 2021 | |
|---|--|
| Changes to the Licensing (Northern Ireland) Order 1996 | |
| 1 | Removal of additional restrictions at Easter |
| 2 | Removal of restrictions on late opening for on-sales on Sunday |
| 3 | Public houses and hotels; further additional hours |
| 4 | Alignment of closing time for liquor and entertainment |
| 5 | Police authorisations for additional hours |
| 6 | Extension of “drinking-up time” |
| 8 | Licensed race track: Sunday sales |
| 12 | Requirement for off-licence |
| 21 | Minimum price for alcohol |
| 23 | Independent review of licensing system including surrender |
| 24 | Annual publication of the number of licences |
| 27 | Removal of exemption for angostura bitters |
| Changes to the Registration of Clubs (Northern Ireland) Order 1996 | |
| 30 | Removal of additional restrictions at Easter |
| 31 | Removal of restrictions on late opening on Sunday |
| 32 | Extension of “drinking-up time” |
| 33 | Increase in number of authorisations for special occasions |
| Phase 2 - Sections commenced on 6 April 2022 | |
| Changes to the Licensing (Northern Ireland) Order 1996 | |
| 7 | Major events |
| 9 | Places of public entertainment: inclusion of cinemas |
| 10 | Licence for off-sales |
| 12 | Requirement for off-licence |
| 13 | Removal of requirement for children’s certificate etc |
| 14 | Underage functions |
| 15 | Private functions |
| 16 | Delivery of intoxicating liquor to young persons |
| 17 | Restaurants and guest houses: notice displaying licence conditions |
| 22 | Occasional licences: conditions |
| 26 | Body corporate: change of directors |
| Changes to the Registration of Clubs (Northern Ireland) Order 1996 | |
| 28 | Sporting clubs |
| 34 | Major Events |
| 35 | Removal of requirement for children’s certificate etc |
| 36 | Underage functions |
| 37 | Private functions |
| 38 | Young people prohibited from bars |
| 40 | Restrictions relating to advertisements |

| | |
|---|--|
| Phase 3 - Section commencing on 1 June 2022 | |
| Change to the Licensing (Northern Ireland) Order 1996 | |
| 11 | Local producer's premises: suitability for on-sales |
| Phase 4 - Sections commencing on 1 October 2022 | |
| Changes to the Licensing (Northern Ireland) Order 1996 | |
| 18 | Prohibition on self-service and sales by vending machines |
| 19 | Restrictions on off-sales drinks promotions in supermarkets etc. |
| 25 | Code of practice |
| Changes to the Registration of Clubs (Northern Ireland) Order 1996 | |
| 29 | Consent required for alterations to premises |
| 39 | Prohibition on self-service and supply by vending machines |
| 41 | Code of practice |
| Phase 5 - Section commencing on 6 April 2023 | |
| Change to the Licensing (Northern Ireland) Order 1996 | |
| 20 | Prohibition of loyalty schemes |

LIQUOR LICENCE RENEWAL REMINDER

Northern Ireland liquor licence holders are reminded that the current 5-year licensing period ends on 30 September 2022.

Further reminders will be published by the Department for Communities in the local press in July 2022.

The process for renewing licences is detailed in Schedule 4 to the Licensing Order (Applications for the renewal of licences), Part 1 (General procedure).

Renewal applications must be submitted to the court by 9 August and at the same time a copy of the notice of application must be served on:

- (a) the district commander for the police district in which the premises are situated;
- (b) where the applicant resides in some other police district, upon the district commander of that police district;
- (c) the district council for the district in which the premises are situated.

PART 1 – LICENSING

Section 1: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 1 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours), Article 47 (Extension licences) and Article 50 (Restrictions as to sales for consumption off premises) by removing all references to Good Friday and Easter Sunday.

The above Articles relate to the permitted hours for the sale of intoxicating liquor under the authority of an occasional licence or in licensed premises (both on and off-sales).

Section 2: Removal of restrictions on late opening for on-sales on Sunday - Commenced 1 October 2021

This section brings the **end** of general and additional permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, 1am the following morning with additional hours, or 2am the following morning in pubs and hotels with further additional permitted hours).

Opening times for on-sales on Sundays (12.30pm) and Christmas Day hours (12.30pm -10pm) remain the same.

Section 2 amends Article 30 of the Licensing Order (Occasional licences), Article 42 (General permitted hours), Article 44 (Additional permitted hours), Article 45 (Authorisations for additional permitted hours) and Article 47 (Extension licences) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm with general permitted hours or 12 midnight with additional hours) for premises licensed for the sale and consumption of intoxicating liquor on the premises.

Section 3: Public houses and hotels: further additional hours - Commenced 1 October 2021

This section allows certain pubs and hotels to apply for an additional hour up to 104 times per year.

Section 3 introduces new Articles 44A and 44B in the Licensing Order in relation to further later opening for public houses and hotels.

The new Article 44A (Order for further additional permitted hours) gives a court ¹or clerk of petty sessions a power, in certain circumstances, to extend later opening by one hour in public houses or hotels which are structurally adapted to provide entertainment and/or substantial refreshment and which hold a court order for later opening under Article 44.

This means that on a night that a pub or hotel has an Article 44 order in place (until 1am), an order under Article 44A permits later opening for an additional one hour (2am).

On a night that a pub or hotel, which has an Article 44 order but not for that night, an order under Article 44A also permits later opening for three hours in premises (11.00pm – 2.00am).

Musical or other entertainment and/or substantial refreshment must be provided throughout the later opening just as if an order under Article 44 applied that day.

A late licence granted under an Article 44A may be made for a maximum of 104 days in any year (twelve month period) but may not be made for Christmas Day.

The Department may, subject to the approval of the NI Assembly, make regulations in the future to change the number of days on which orders under Article 44A may be made.

The new Article 44B (Orders under Article 44A: revocation, modification etc.) provides powers for a magistrates' court to revoke or modify an order for further later opening or to place terms and conditions on an order.

These powers mirror the powers a court has for later opening made under Article 44. The reasons why it may be necessary to revoke or modify a late opening order are if the business was conducted in such a manner to cause undue inconvenience to local residents, or that the hours caused undue inconvenience to local residents, or that the part of the premises mentioned in the order wasn't being used for the purposes of providing entertainment and/or substantial refreshment.

¹ an application can be made to the county court at the grant of a licence application or a magistrates' court at any point in the future

It is important to note that a licence holder applying to a court of summary jurisdiction for an order under Article 44A is required to follow the process set out in Schedule 9 to the Licensing Order (procedure for certain applications), including placing a notice of the application in local newspapers* and display the notice on or near the premises.

The administrative court forms to apply to the county and magistrates' courts for an order under Article 44A which will allow pubs and hotels to apply for further additional permitted hours can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

*Newspaper notice - There is no legislative requirement to include the full list of dates for which the application relates, however the notice should include details of where any interested person may find those dates.

Section 4: Alignment of closing time for liquor and entertainment - Commenced 1 October 2021

This section ensures that entertainment stops at the end of drinking-up time.²

Section 4 adds a new Article 44C in the Licensing Order (Alignment of closing time for liquor and entertainment) to ensure that the entertainment provided during later opening under Article 44, or further later opening under Article 44A, is not allowed to continue after the end of "drinking-up time". This ensures that entertainment must end at the latest at 2.00am when an Article 44 order applies and 3.00am when an Article 44A order applies.

Section 5: Police authorisations for additional hours - Commenced 1 October 2021

This section does two things;

- allows pubs which have an Article 44 order in place to apply to the police for ad-hoc late opening, up to 20 times per year; and

² If a licence holder wishes to continue entertainment beyond drinking-up time, any order for additional (or further) additional permitted hours is invalidated, and the sale of intoxicating liquor must cease at 11pm.

- increases the number of times smaller pubs, (which are not structurally adapted and therefore can't apply for an Article 44 order), can apply to the police for late opening from 20 to 104.

Article 45(1) of the Licensing Order (authorisations for additional permitted hours) is amended to allow police to authorise later opening (11.00pm- 1.00am), in pubs which have a court order for later opening under Article 44, on a day that is not covered in the Article 44 order.

These pubs can apply for the ad-hoc late nights up to 20 times in any year, and must continue to provide entertainment and or substantial refreshment on the ad-hoc nights granted by the police.

A new Article 45(2A) increases the number of authorisations to pubs not holding an order for later opening under Article 44 from 20 days to 104 days in any year. Multiple dates may be included in one application to the police.

It is important to note that subsection (4) inserts new paragraphs (4) to (8) to Article 45 to require a licence holder applying for an authorisation under this Article, to display a notice of the application on or near the relevant premises during the three weeks before the first occasion to which the application relates.

A new Article 45(2B) provides the Department with a power to make regulations [subject to the approval of the NI Assembly] to change the number of days in which orders under Article 45(2) or (2A) may be made.

A copy of the notice must also be served on the district council.

An administrative form of notice that pubs can use to comply with the requirement to display under Article 45 can be can be downloaded from the Department's website at:

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints from the police, council or any person owning or residing in premises within the vicinity, to be made to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions at it thinks fit, including those requested by the district commander of the police of the district in which the premises are situated.

Section 6: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 6 amends Article 46 of the Licensing Order (Exceptions from prohibition of sale etc., of intoxicating liquor outside permitted hours).

Subsection (1) amends Article 46(1) which provides for the duration of the “drinking-up time” at the end of normal opening hours or later opening in licensed premises, substituting the current “30 minutes” with “60 minutes”.

Subsection (2) provides the Department with a power to make regulations to allow “drinking-up time” to revert to 30 minutes, subject to the approval of the NI Assembly

Section 7: Major Events - Commenced 6 April 2022

This section adds a new Article 48A to the Licensing Order which gives the Department the power to make a “major event order”.

A major event order will:

- designate an event taking place in Northern Ireland, which the Department considers will attract significant public interest, as a major event; and
- specify the permitted hours for the sale of intoxicating liquor for any place or premises to which the order applies.

A major event order may apply to:

- all licensed premises in Northern Ireland as a whole or a specific area(s)
- all licensed premises of a specified kind in Northern Ireland as a whole or a specific area(s)
- any place or premises for which an occasional licence has been granted, situated on the site where the major event is taking place.

Before making a major event order, the Department must consult such persons it considers appropriate. These persons may vary depending on the event, however examples would be the police and council local to where the event is taking place.

It is important to note:

- any event which is being considered for a major event order must be being held at a place or premises which is already licensed, either under Article 5(1) or Article 30 of the Licensing Order
- the Department may impose conditions for on or off-sales in any major event order (under a new Article 48B). Failure to comply with any conditions imposed by an order may result in a fine of up to £1,000

- that off-sales may be permitted only from the place or premises at which the event is taking place (but not where an occasional licence has been granted to the holder of a restaurant licence for that place or premises)
- the Department may vary or revoke a major event order
- the period specified in a major event order may not include Christmas Day
- drinking-up time and removal of off-sales in a sealed container (where off-sales are permitted) are permitted during the first 60 minutes after the conclusion of the hours specified in the major event order

The Department has developed a framework for the processing of major event orders which is available on the attached link.

[Licensing \(Northern Ireland\) Order 1996 - Registration of Clubs \(Northern Ireland\) Order 1996 - major event orders framework | Department for Communities \(communities-ni.gov.uk\)](#)

Section 8: Licensed race tracks: Sunday sales - Commenced 1 October 2021

This section allows the sale of intoxicating liquor at licensed race tracks on a Sunday.

Section 8 amends Article 42 of the Licensing Order (General permitted hours) to permit “licensed race tracks”³, within the “place of public entertainment” category of premises which may be granted a liquor licence, to sell intoxicating liquor on Sundays (not including Christmas Day) from 30 minutes before the entertainment and 30 minutes after, between the hours of 12.30pm and 11.00pm.

Section 9: Places of public entertainment – Commenced 6 April 2022

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.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

³ As defined in Article 2 of the Licensing Order place of public entertainment (c) premises on a licensed track within the meaning of the [1985 NI 11.] Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985

Cinemas will be allowed to sell intoxicating liquor

- from 30 minutes before the entertainment and up to 30 minutes after,
- between 11.30am to 11pm on weekdays,
- 12.30pm to 11pm on Sundays and
- 12.30pm to 10pm on Christmas day.

Section 10: Licence for off-sales – Commenced 6 April 2022

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.

The process for applying for a liquor licence is the same as for any other premises and is set out in Article 7 of and Schedule 1 to the Licensing Order.

As the process for applying for a liquor licence is through the County Courts it is recommended that any potential applicant engages the services of a specialist solicitor.

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.

Selling other intoxicating liquor or selling for consumption on the premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

A sample may be provided for consumption on the premises as part of a tour of the premises, provided no charge is made for the sample separate to the charge for the tour.

Providing samples without a tour carries a fine of up to £1,000.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or
- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

These are maximum amounts and are intended to allow local producers who have a larger product range to offer smaller samples of more products.

The Department of Health encourages that such samples are taken over an appropriate period of time; that drink-driving is completely discouraged and that water and soft drinks are also available.

The regulations relating to the sample amounts can be found on the attached link.

[The Licensing \(Sample\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

It should be noted that the holder of the licence must display at all times a notice, detailing the conditions of the licence held. This notice is important as it is an offence for a person, having purchased intoxicating liquor from the holder of the licence, to consume it in the production premises or in premises which adjoin or are near the production premises and which belong to the holder of the licence or are under his control or used by his permission. The licence holder, if the consumption is with the holder's or a servant's or agent's knowledge or consent, will also be guilty of the offence.

The regulations relating to the notice, and the notice itself, can be found on the attached link.

[The Licensing \(Notice Relating to Local Producer's Licence\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

Failure to display this notice carries a fine of up to £1,000.

Licence holders are reminded of their responsibilities under the Disability Discrimination Act 1995 and to ensure that access to all information contained in the notice is available to all patrons.

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.

These licensed premises are:

- an hotel;
- a conference centre;
- an indoor arena;
- an outdoor stadium;
- a place or premises 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.

Sales for consumption on the premises or in any other category of licensed premises carries a fine of up to £2,500 or up to 3 months in prison, or both.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. This notice is important as it is an offence for the local producer to sell products they did not produce themselves; or for consumption on the premises, and the products can only be sold ancillary to an event being held on other licensed premises being used wholly or mainly to promote food, drink or craftwork produced in Northern Ireland, or relating to agriculture in Northern Ireland. The regulations relating to the notice, and the notice itself, can be found on the attached link.

[The Licensing \(Notice Relating to Local Producer's Licence\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

Failure to display this notice carries a fine of up to £1,000.

Licence holders are reminded of their responsibilities under the Disability Discrimination Act 1995 and to ensure that access to all information contained in the notice is available to all patrons.

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

There are three approvals which must be obtained prior to the event taking place. It is advisable that the approvals are obtained at the earliest opportunity.

The **person organising the event** must make a request to the Department asking it to publish a statement (and this statement must be published) that the event:

- is being held to promote food, drink or craftwork produced in Northern Ireland or relates to agriculture in Northern Ireland; and
- is of importance to the area of Northern Ireland in which it is being held.

The **person organising the event** must make a request to the local police and have obtained written approval from a senior local police officer for intoxicating liquor to be sold at the event for consumption away from the place where the event is being held.

The **holder of the local producer's licence** must make a request to the local police and have obtained written approval from a senior local police officer that the holder of the licence, or a servant or agent, is permitted to sell intoxicating liquor at the event. Similarly, the intoxicating liquor being sold must have been produced on the licence holder's production premises and sold for consumption away from the place the event is being held.

Local producers may provide samples at the event.

The following samples, allowed per person per day, must not be exceeded –

- 1.5 pints (852mls) Beer or Cider up to and including 6% ABV; or
- 1 pint (568mls) Beer or Cider above 6% ABV; or
- 3 measures (35mls) of any spirit; or
- 3 measures (70mls) of any liqueur

The regulations relating to the sample amounts can be found here.

[The Licensing \(Sample\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

These are maximum amounts and are intended to allow local producers who have a larger product range to offer smaller samples of more products.

The Department of Health encourages that such samples are taken over an appropriate period of time; that drink-driving is completely discouraged and that water and soft drinks are also available.

It should also be noted that the holder of the licence must display at all times a notice detailing the conditions of the licence held at the point of sale. This notice is important as it is an offence for a local producer to sell products they have not produced themselves or for consumption on the premises. Any person who consumes products bought at the event, at the event, also commits an offence. It is also an offence to sell products at the event unless the relevant approvals have been provided to the event organiser and the licence holder. The regulations relating to the notice, and the notice itself, can be found on the attached link.

[The Licensing \(Notice Relating to Local Producer's Licence\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

Failure to display this notice carries a fine of up to £1,000.

Licence holders are reminded of their responsibilities under the Disability Discrimination Act 1995 and to ensure that access to all information contained in the notice is available to all patrons.

It is important to note that the current licensing period ends on 30 September 2022 and any licence granted up to and including 30 June 2022 will need to be renewed by 30 September 2022.

Renewal applications must be submitted to the court by 9 August 2022. Any licence granted in July, August and September 2022 will be carried forward into the next licensing period.

Industrial de-Rating information

It should be noted that any Industrial de-Rating currently granted to a local producer's premises may be impacted by any licence granted for the sale of intoxicating liquor from those premises.

The primary function of the premises will dictate whether Industrial de-Rating is retained or not however each premises needs to be individually assessed in accordance with the rating legislation.

Where the premises are used for other purposes such as a part of the premises set aside for the retail sale of intoxicating liquor for consumption off the premises (off-sales), this part will be subject to rates payable at the full rate and a rates reassessment will need to be carried out by Land & Property Services (LPS). Licence holders should apply for a rates reassessment once licensing or physical changes have been made to premises.

LPS is unable to provide estimates of the potential impact on rateable value or Industrial de-Rating in advance of changes having been undertaken, however prospective licence holders who wish to contact LPS for further information may do so by emailing valuation@lpsni.gov.uk.

Section 11: Sales and consumption of intoxicating liquor in local producer's premises – Commencing 1 June 2022

This section introduces a new Article 52E (Local producer's premises: suitability for on sales) to the Licensing Order, allowing local producers to apply to the court for a suitability order for a specific part of their premises for the sale and consumption of intoxicating liquor in the premises.

This application can be made to the county court at the time of the grant of a local producer's licence or to a magistrate's court at any time.

Once a suitability order has been granted, a new Article 52F (Local producer's premises: authorisations for on sales) allows for the application for an authorisation for the sale and consumption of the intoxicating liquor in the premises on specific dates. The permitted hours on these dates are between 4pm and 10pm. No more than 104 authorisations may be granted during a 12-month period and an authorisation may not include Christmas day.

Drinking-up time of 60 minutes is permitted under Article 46 of the Licensing Order.

It is important to note that an occasional licence under Article 30 of the Licensing Order may not be granted for any part of a local producer's premises to which an order under Article 52E applies.

It should also be noted that the holder of the licence must display a notice in the part of the premises to which an order under Article 52E applies, at all times when an authorisation under Article 52F is in force, detailing the conditions under which intoxicating liquor may be sold and consumed. The notice is important as it is an offence to sell intoxicating liquor unless a suitability order has been granted and an authorisation order is in place; to sell outside of the permitted hours of between 4pm and 10pm on authorised dates; or to consume or allow consumption after the permitted 60 minutes drinking up time.

The regulations relating to the notice, and the notice itself, can be found on the attached link.

[The Licensing \(Notice Relating to Local Producer's Premises – Authorisation for On-Sales\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](#)

Failure to display this notice carries a fine of up to £1,000.

Licence holders are reminded of their responsibilities under the Disability Discrimination Act 1995 and to ensure that access to all information contained in the notice is available to all patrons.

Industrial de-Rating information

It should be noted that any Industrial de-Rating currently granted to a local producer's premises may be impacted by any licence granted for the sale of intoxicating liquor from those premises.

The primary function of the premises will dictate whether Industrial de-Rating is retained or not however each premises needs to be individually assessed in accordance with the rating legislation.

Where the premises are used for other purposes such as a part of the premises set aside for the retail sale of intoxicating liquor for consumption on the premises (on-sales), this part will be subject to rates payable at the full rate and a rates reassessment will need to be carried out by Land & Property Services (LPS). Licence holders should apply for a rates reassessment once licensing or physical changes have been made to premises.

LPS is unable to provide estimates of the potential impact on rateable value or Industrial de-Rating in advance of changes having been undertaken, however prospective licence holders who wish to contact LPS for further information may do so by emailing valuation@lpsni.gov.uk.

Section 12: Requirement for off licence – Commenced 6 April 2022

This section relates to remote sales of intoxicating liquor.

A new Article 5A in the Licensing Order requires that where a sale 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.

Failure to make the delivery without unreasonable delay or to carry the relevant receipt carries a fine of up to £1000.

Section 13: Removal of requirements for children's certificates, etc. – Commenced 6 April 2022

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.

These safeguards include:

- meals must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 14: Underage functions – Commenced 6 April 2022

This section relates to the suitability of certain premises and authorisation for those premises to hold functions which are designed to appeal to under 18s in particular (underage functions).

The licensed premises in question are:

- pub;
- an hotel;
- a restaurant;
- a conference centre;
- a higher education institution;
- an indoor arena;
- an outdoor stadium.

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.

These conditions include:

- that the part of the premises specified in the order is structurally adapted for the purpose of having functions held in it;

- that appropriate steps have been taken for securing the safety of under 18s while attending an underage function in that part of the premises and that is it otherwise suitable for underage functions;
- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the sale of intoxicating liquor.

A new Article 58B in the Licensing Order provides for authorisations for specific functions.

The holder of a licence must apply to the relevant magistrates' courts for an authorisation for each underage function. The procedure which must be followed is set out in Schedule 10 to the Licensing Order.

An authorisation permits under 18s to be in the part of the premises which has been granted a suitability order up to 1.00am to attend the function, and up to 1.30am following the function.

A condition of the authorisation is that during the period for which the authorisation is in force:

- each dispenser of intoxicating liquor in the part of the premises where the function is taking place must be **incapable of operation**; and
- access to any other container of intoxicating liquor in that part must be prevented.

A court may place other conditions as it thinks fit. Failure to comply with any condition carries a fine of up to £1,000.

Sales of intoxicating liquor to anyone aged 18 or over in the part of the premises where the function is taking place is an offence.

The licence holder, servant or agent, is also not permitted to allow anyone aged 18 or over to consume intoxicating liquor in that part.

Furthermore, a person aged 18 or over is not permitted to consume intoxicating liquor in the area authorised for the underage function whilst the function takes place.

Sales, permission to consume, and consumption, all carry a fine of up to £1,000.

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 – Commenced 6 April 2022

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, to attend a private function, provided certain conditions are met.

The conditions are:

- the function is held in a part of the premises where the public do not have access to for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 16: Delivery of intoxicating liquor to young persons – Commenced 6 April 2022

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 – Commenced 6 April 2022

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.

This notice must be displayed in any part of the restaurant set apart for the service of meals, or for the service of intoxicating liquor and other beverages to diners before or after such meals. The notice must be displayed at all times and also be in a position where it is readily visible to any person seeking to purchase intoxicating liquor.

The notice is important as it details the licence conditions under which intoxicating liquor is sold and consumed in the premises. It is an offence to sell or consume intoxicating liquor in a licenced restaurant unless it is ancillary to a main table meal, it's served in a part of the restaurant set apart for the service of meals, or for the service of intoxicating liquor and other beverages to diners before or after such meals. It must be paid for and on the same bill as the meal, there must be other beverages available including drinking water, and no entrance fee can be charged for entry to the restaurant premises.

The regulations relating to the notice, and the notice itself, can be found on the attached link.

[The Licensing \(Notice Relating to Restaurants and Guest Houses\) Regulations \(Northern Ireland\) 2022 \(legislation.gov.uk\)](https://legislation.gov.uk)

Failure to display the notice carries a fine of up to £1,000.

Licence holders are reminded of their responsibilities under the Disability Discrimination Act 1995 and to ensure that access to all information contained in the notice is available to all patrons.

Section 21: Minimum price for alcohol - Commenced 1 October 2021

This section places a duty on the Department of Health to, within 3 years of whole of this Act coming into operation, bring forward to the Assembly, legislation introducing minimum pricing for the sale and supply of intoxicating liquor and to prohibit its sale or supply below that price.

Section 22: Occasional licences: conditions – Commenced 6 April 2022

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.

Failure to comply with terms and conditions placed on an occasional licence carries a fine up to £1,000.

Section 23: Independent review of licensing system including surrender principle - Commenced 1 October 2021

This section places a duty on the Department for Communities to appoint an independent person, within one year of this Act receiving Royal Assent, to undertake a review of the licensing system.

Subsections (2) and (3) set out the areas to be covered by the review and stipulate that the appointed person must report and make recommendations within two years of their appointment.

Subsections (4), (5) and (6) require the Department to lay the report of the review before the Assembly, publish the report, and, within six months of publication, produce and publish an action plan to address the recommendations of the review report.

Subsections (7) and (8) give the Department the power to modify by regulation the time periods by which the review and the Department's response must be completed, subject to the approval of the Assembly.

Section 24: Annual publication of the number of licences - Commenced 1 October 2021

This section requires the Department for Communities to publish an annual statement of the number of liquor licences in force for public houses and off-licences and any trends which may be observed from these numbers.

Licensed public houses are to be listed by district electoral area or, where feasible, by reference to smaller areas within each of those areas.

Section 26: Body Corporate: change of directors – Commenced 6 April 2022

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.

Failure to comply with this requirement carries a fine up to £5,000, or up to 6 months imprisonment, or both.

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.

Section 27: Removal of exemption for angostura bitters - Commenced 1 October 2021

This section effectively includes angostura bitters, a product of high alcohol content which is used to flavour a wide variety of drinks and food, in the definition of intoxicating liquor. This means that they may only be sold in licensed premises, or in the licensed part of premises.

PART 2 - REGISTRATION OF CLUBS

Section 28: Sporting Clubs – Commenced 6 April 2022

This section deals with extending an area of a sporting club authorised to supply intoxicating liquor.

New Article 15A in the Clubs Order (Extension authorisations for sporting clubs) allows police to authorise, in writing, a sporting club to extend the area of its premises which is registered to supply intoxicating liquor for the purpose of holding a function.

The function must be likely to attract more people than could be accommodated in the registered club premises, and the application to the police must include a plan showing the area of the proposed extension.

The extended area will be treated as part of the registered club premises for the duration of the authorisation and therefore the function will be subject to the conditions set out in Article 30 (Functions in registered clubs) of the Licensing Order.

No more than 6 authorisations may be granted in any year. An authorisation may exceed 1 day only in exceptional circumstances, determined by the police, and must not exceed 5 days.

Section 30: Removal of additional restrictions at Easter - Commenced 1 October 2021

Easter weekend permitted hours now mirror what is available for any other weekend throughout the year.

Section 30 amends Article 24 (general permitted hours), Article 25 (consumption of liquor after permitted hours) and Article 26 (authorisations for special occasions) of the Clubs Order to remove all Easter restrictions.

This corresponds with changes made for licensed premises in Section 1 of the Act.

Section 31: Removal of restrictions on late opening on Sunday - Commenced 1 October 2021

This section brings the **end** of general and extended permitted hours on any Sunday into line with those permitted on any other day (11pm with general permitted hours, and 1am the following morning for special occasions).

Opening times on Sundays (12.30pm) and Christmas Day hours (12.30pm - 10pm) remain the same.

Section 31 amends Article 24 of the Clubs Order (general permitted hours) and Article 26 (authorisations for special occasions) and removes the restrictions on late night permitted hours on a Sunday (currently restricted to 10pm and 12pm respectively) for registered clubs.

Section 32: Extension of “drinking-up time” - Commenced 1 October 2021

This section increases drinking-up time from 30 minutes to 1 hour.

Section 32 amends Article 25 of the Clubs Order (consumption after permitted hours of liquor supplied during those hours) to create similar provisions for the duration of the “drinking-up time” in private members’ clubs to those set out in Section 6 of the Act in relation to licensed premises⁴.

Section 33: Increase in number of authorisations for special occasions - Commenced 1 October 2021

This section increases the number of late nights a club can apply to the police for.

Section 33 amends Article 26 of the Clubs Order (authorisation for special occasions) to increase the number of authorisations which can be granted by the police to any club in any year from 85 to 104.

Subsection (2) inserts new paragraphs (2A) and (2B) to Article 25 to give the Department the power to modify by regulation, subject to Assembly approval, the number of authorisations which can be granted for the time specified.

It is important to note that subsection (3) inserts new paragraphs (5) to (9) to Article 26 to require a person applying for an authorisation under this Article, to display a notice of the application on or near the club premises for which the authorisation is sought during the three weeks before the first occasion to which the application relates.

A copy of the notice must also be served on the district council.

An administrative form of notice that registered clubs can use to comply with the requirement to display under Article 26 can be downloaded from the Department’s website at

<https://www.communities-ni.gov.uk/publications/licensing-and-registration-clubs-amendment-act-ni-2021-guide>

⁴ See page 7 of this guide for Section 6

Applications should be addressed to the district licensing officer, or the duty inspector, of the local police district in which the premises is situated.

Furthermore, there is provision for complaints to be made from the police, council or any person owning or residing in premises within the vicinity, to the courts where undue inconvenience is caused to local residents as a result of a late night authorisation. Courts are given the power to revoke an authorisation, modify the hours of an authorisation, or make an authorisation subject to such terms and conditions as it thinks fit, including any which may be requested by the district commander of the police of the district in which the club premises are situated.

Section 34: Major Events – Commenced 6 April 2022

This section adds a new Article 26A to the Clubs Order which gives the Department the power to make a “major event order” which will:

- designate an event, held in NI, as a major event; and
- specify the permitted hours for the sale supply of intoxicating liquor, outside of what is currently available under the Clubs Order.

The period specified in a major event order may not include Christmas Day.

The Department must consult with appropriate persons. These persons may vary depending on the event however examples would be the police and council local to where the event is taking place.

The Department may also impose conditions for the supply of intoxicating liquor in any major event order. Failure to comply may result in a fine of up to £1,000 on summary conviction.

The Department has developed a framework for the processing of major event orders which is available on the attached link.

[Licensing \(Northern Ireland\) Order 1996 - Registration of Clubs \(Northern Ireland\) Order 1996 - major event orders framework | Department for Communities \(communities-ni.gov.uk\)](#)

Section 35: Removal of requirement for children’s certificate, etc. – Commenced 6 April 2022

This section repeals Article 33 of and Schedule 5 to the Clubs Order (children’s certificates) which required a registered club to hold a children’s certificate if they wished young people under 18 years of age to be allowed in areas of club 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.

These safeguards include:

- meals, and beverages suitable for young people under 18 years of age, must be available,
- a young person must be accompanied by an adult and sit away from the bar,
- a young must leave the premises by 9.00pm (9.30pm if consuming a meal purchased before 9.00pm).

Section 36: Underage functions – Commenced 6 April 2022

This section relates to the suitability of a registered club to hold a function which is designed to appeal to under 18s in particular (underage functions).

A district commander, for the police district in which the club is situated, will need to be satisfied of the following conditions before authorising a function:

- that suitable arrangements are in place for securing under 18s attending the function do not have access to any other part of the premises which is used for the supply, consumption or storage of intoxicating liquor;
- each dispenser of intoxicating liquor at a bar in the part of the club premises where the function is being held are **incapable of operation**;
- access to any other container of intoxicating liquor is prevented.

The authorisation will specify the area in the registered club to hold the function and the duration of the function, up to 1.00am.

A registered club must not supply or permit consumption of intoxicating liquor to anyone aged 18 or over in the area of the club authorised to hold the function.

Failure to comply with these conditions means:

- the club,
- every official in the club at the time the conditions were contravened and
- the person supplying or permitting the consumption of the intoxicating liquor, are each guilty of an offence and each liable to a fine of up to £1,000.

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 37: Private functions – Commenced 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars) which relates to under 18s in part of club premises which contain a bar or is used exclusively or mainly for the supply, consumption or storage of intoxicating liquor. Under 18s will be able to remain on club premises after 9pm (or 10pm if in sporting club premises), to attend a private function, provided certain conditions are met.

The conditions are:

- the private function is held in a part of the club premises where other members, or guests of other members, do not have access to that part of the club for the duration of the function;
- the person under 18 is in the company either of a parent or of a parent of another person who is under 18 and attending the function;
- at least a main meal is being served at the function; and
- the person under 18 does not consume any part of that meal at a counter or structure that is being used wholly or mainly as a bar.

NB: “parent” includes any individual who has parental responsibility for that person or has care of that person.

Section 38: Young people prohibited from bars – Commenced 6 April 2022

This section amends Article 32 of the Clubs Order (young persons prohibited from bars). It extends the last time that young people under 18 years of age may be in the bar area of sporting club premises from 10.00pm to 11.00pm during the summer months (1 May to 30 September).

New Article 32(13A) further allows a young person to remain in the bar area of a sporting club premises until 11.00pm at any time of the year, up to 3 times per calendar year, to attend a prize-giving ceremony.

Section 40: Restrictions relating to advertisements – Commenced 6 April 2022

This section amends Article 38 of the Clubs Order (restrictions on advertisements relating to functions in clubs) which restricts advertising to solely within club premises unless the function was for sport, game or other physical recreation.

Clubs are now permitted to advertise any function outside of club premises provided, where appropriate, the advertisement clearly states that **only** members of the club and their guests may attend the function.

It is important to note that the statement must be clearly visible on the advertisement.

Advertisements relating to functions where the proceeds are devoted to charitable or benevolent purposes will not be required to include such a statement.

PART 3 - GENERAL

Section 42: Guidance - Commenced 1 October 2021

This section places a duty on the Department for Communities to produce and publish guidance on the effects of the licensing legislation and the registration of clubs legislation, the effects of the provisions of this Act and the practical implementation of Part 1, and any other matters it considers appropriate in relation to those issues.

Section 43: Review - Commenced 1 October 2021

This section requires the Department for Communities to review and report on each of the provisions in Parts 1 and 2 of this legislation as soon as is practicable after the third anniversary of the commencement of that provision and thereafter, at least once in every five years. The Department is required to lay each of these reports before the Assembly, and must then publish the reports.

The Department has a power to make regulations to discontinue these requirements, but not from any date earlier than the tenth anniversary of the Act receiving Royal Assent. The regulations cannot come into operation unless and until approved by the Assembly.

Section 44: Interpretation

In this Act:

“the Licensing Order” means the Licensing (Northern Ireland) Order 1996,

“the Registration of Clubs Order” means the Registration of Clubs (Northern Ireland) Order 1996, and

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954.



From: Carol Reid

**Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Telephone: (028) 90823140
e-mail: social.policy@communities-ni.gov.uk

Date 8 April 2022

THE LICENSING AND REGISTRATION OF CLUBS (AMENDMENT) ACT (NORTHERN IRELAND) 2021

You will be aware that the [Licensing and Registration of Clubs \(Amendment\) Act \(Northern Ireland\) 2021](#) ('the Act') became law on 26 August 2021. The Act amends both the Licensing (Northern Ireland) Order 1996 ('the Licensing Order') and the Registration of Clubs (Northern Ireland) Order 1996 (the Clubs Order).

The changes made by the Act are coming into effect in phases, with phase 1 having commenced on 1 October last year and phase 2 having commenced on 6 April.

A single provision will come into effect on 1 June which relates to licensed local producers being able to apply to the courts to allow sales for consumption in the premises in certain circumstances.

I can now advise that a date has been set for the last remaining provisions of the Act to come into effect later in 2022 and early 2023.

Licensed Premises

In terms of changes to the Licensing Order, which will affect licensed premises, the following sections of the Act will come into operation on **1 October 2022**:

Section 18 – Prohibition on self-service and sales by vending machines

Section 18 of the Act introduces a new Article 54A in the Licensing Order, which prohibits the sale of intoxicating liquor not made under the direct supervision of a licensee or a member of staff.

Section 19 – Restrictions on off-sales drinks promotions in supermarkets etc.

Section 19 of the Act introduces new Article 57ZA in the Licensing Order, which restricts the advertising of drinks promotions in supermarkets to the area in which intoxicating liquor may be displayed in such premises. Supermarkets and other licensed premises which sell intoxicating liquor for consumption at home will also not



be permitted to advertise drinks promotions available in the premises within the vicinity of the premises, or any other premises licensed to sell for consumption off the premises.

Section 25 – Code of practice

Section 25 of the Act introduces a new Article 76F in the Licensing Order which allows the Department for Communities to approve a relevant code of practice produced by a person or group of persons who have a relevant interest in matters surrounding intoxicating liquor.

A court must be satisfied that for grant or transfer of a licence, any prospective licence holder is aware of any approved code, and for renewal of a licence that licence holders are aware and have been complying with such code.

The following section of the Act will come into operation on **6 April 2023**.

Section 20 – Prohibition of loyalty schemes

Section 20 of the Act introduces new Article 57ZB in the Licensing Order, which prohibits the award or redemption of loyalty or bonus points for the purchase of intoxicating liquor in all licensed premises.

Registered Clubs

In terms of changes to the Clubs Order, which will impact registered clubs, the remaining provisions will come into effect on **1 October 2022**

Section 29 – Consent required for alterations to premises

Section 29 of the Act introduces a new Article 12A to the Clubs Order, which requires a registered club to obtain the consent of a court before making certain alterations to its premises, as is already the case for licensed premises under the provisions of the Licensing Order.

Section 39 – Prohibition on self-service and supply by vending machines

Section 39 of the Act introduces new Article 31C in the Clubs Order, which mirrors that as set out in section 18 for licensed premises and prevents the supply of intoxicating liquor not made under direct supervision.

Section 41 – Code of practice



Section 41 introduces new Article 41K in the Clubs Order to create similar provisions to section 25 for licensed premises, which allows the Department for Communities to approve a code of practice.

A [guide to the Act](#) is available on the Department's website which details each provision. Updates to this guide are currently being made to include these final provisions and will be available on the website shortly.

It is important that all licence holders, governing bodies and industry representatives are familiar with the changes summarised above.

I would also recommend the services of a solicitor are engaged where necessary.

Yours Sincerely

Carol Reid

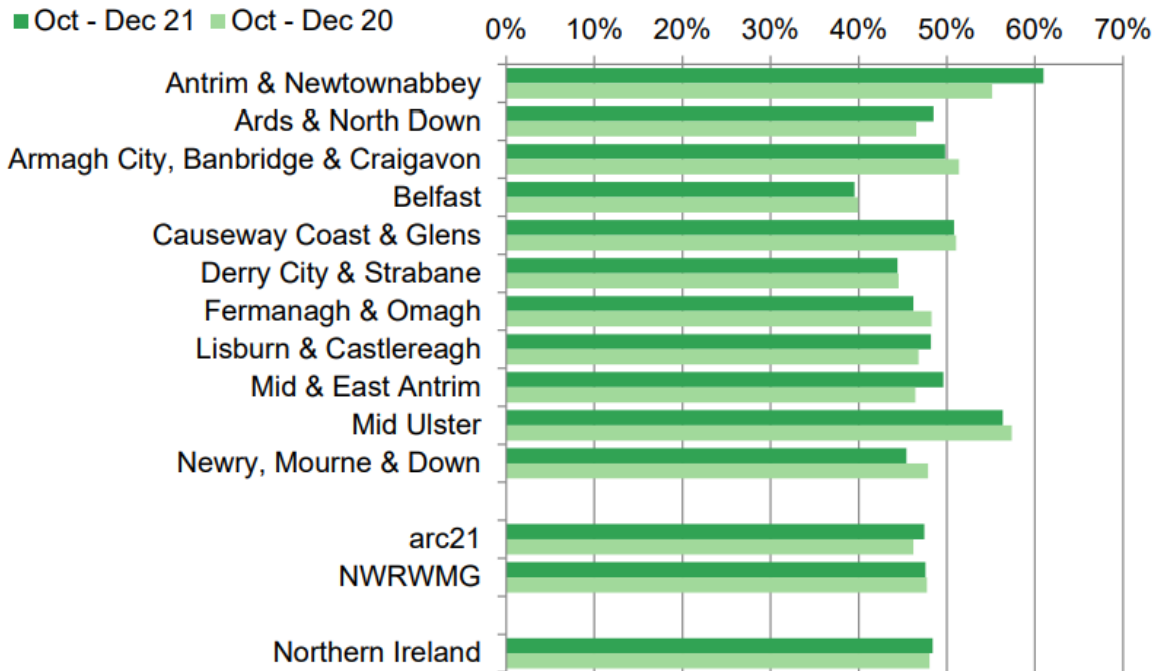
Social Policy Unit

| | |
|--------------------------|---|
| Report on | Northern Ireland Local Authority Collected Municipal Waste Management (LACMW) Report for October to December 2021 |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Mark McAdoo, Assistant Director of Environmental Services |
| Contact Officer | Mark McAdoo, Assistant Director of Environmental Services |

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

| | |
|------------|--|
| 1.0 | Purpose of Report |
| 1.1 | To update members on the Council's performance in relation to recycling and landfill diversion targets as outlined in the NIEA Northern Ireland Local Authority Waste Management Statistics Report for Quarter 3 of 2021/22 from October to December. |
| 2.0 | Background |
| 2.1 | <p>The above (provisional) report was published on 28th April 2022 by the Department of Agriculture, Environment and Rural Affairs (DAERA). The data in the report is based on quarterly returns made to WasteDataFlow, a web-based system, used by all local authorities throughout the UK to report on local authority collected municipal waste (LACMW). This publication provides information on local authority collected municipal waste from household and non-household sources and recycling and landfill rates in Northern Ireland.</p> <p>Headline figures are shown in the attached infographic with the full report available via the below link:</p> <p>https://www.daera-ni.gov.uk/publications/northern-ireland-local-authority-collected-municipal-waste-management-statistics-october-december-2021</p> |

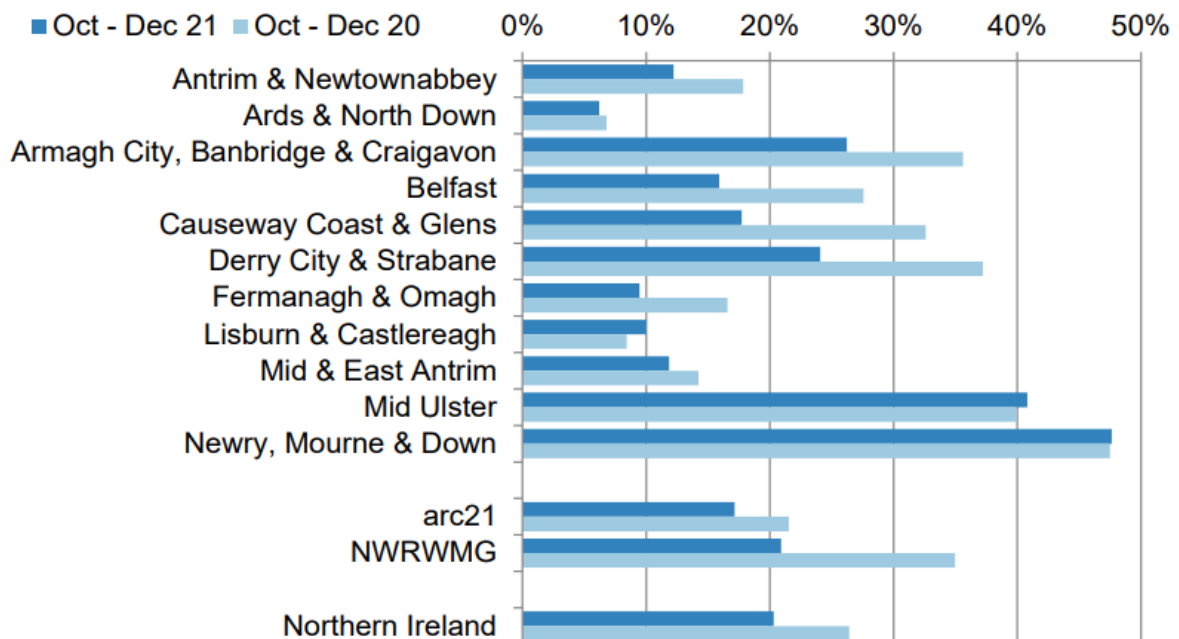
| | |
|------------|--|
| 3.0 | Main Report |
| 3.1 | <p>Key Points:</p> <ul style="list-style-type: none"> • Northern Ireland’s councils collected 244,715 tonnes of waste during October to December 2021, a 4.4 per cent decrease compared to October to December 2020. • During October to December 2021, 47.7 per cent of waste collected by councils was sent for recycling, similar to the recycling rate for October to December 2020. • The landfill rate for waste collected by councils was 30.0 per cent in October to December 2021, a fall from 75.4 per cent in October to December 2006, but higher than the 23.3 per cent recorded during October to December 2020. • Just over a fifth (20.3 per cent) of waste arisings were sent for energy recovery in October to December 2021, lower than the 26.4 per cent reported in October to December 2020, but an increase from the 0.5 per cent rate during the same quarter in 2009. • Household waste accounted for 88.3 per cent of all waste collected during this period. • The recycling rate for household waste was 48.4 per cent, similar to 48.0 per cent in October to December 2020. The landfill rate for household waste was 29.2 per cent in October to December 2021, an increase from 23.0 per cent recorded during the same quarter of 2020 |
| 3.2 | <p>Waste to Recycling:</p> <p>There were 116,633 tonnes of waste sent for preparing for reuse, dry recycling and composting (referred to as ‘recycling’ for the rest of this section) between October and December 2021. The waste recycling rate was 47.7 per cent. This was similar to the 47.3 per cent of waste sent for recycling between October and December 2020.</p> <p>The household recycling rate for Mid Ulster for the quarter was 56.3 per cent (a decrease of 1.1 per cent compared to October to December 2020). This was the second highest rate achieved by any of the eleven Councils for the quarter (as illustrated in the graph overleaf):</p> |



3.3 Waste to Energy Recovery

Between October and December 2021, 49,665 tonnes of waste arisings were sent for energy recovery. This produced a waste energy recovery rate of 20.3 per cent, lower than the 26.4 per cent rate reported for the same period in 2020. For each period, the majority of energy recovery was from mixed residual waste, with a smaller proportion from specific streams, e.g. wood.

The energy recovery rate for Mid Ulster for the quarter was 40.8 per cent (an increase of 0.8 per cent compared to October to December 2020). This was the second highest rate achieved by any of the eleven Councils (as illustrated in the graph below):

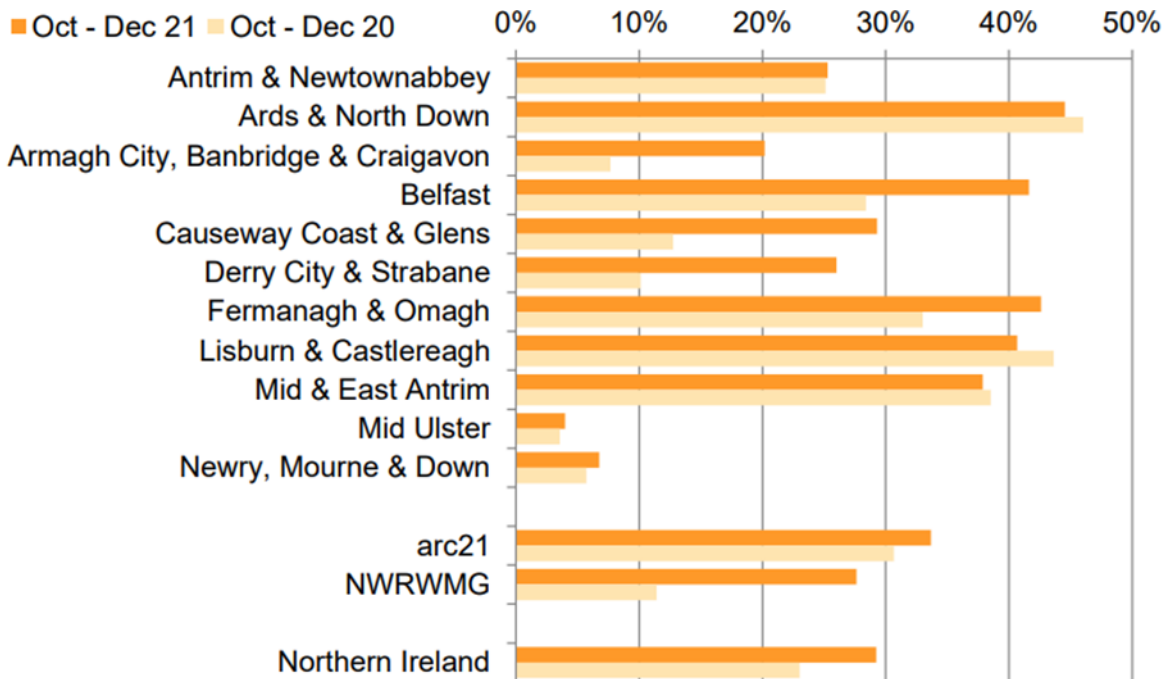


3.4 Waste to Landfill:

The quantity of municipal waste sent to landfill increased by 22.9 per cent, from 59,733 tonnes during October to December 2020 to 73,438 tonnes between October and December 2021. This gave a quarterly landfill rate of 30.0 per cent, higher than the 23.3 per cent recorded during the same quarter of 2020. The latest quarterly landfill rate for household waste only is 29.2 per cent, an increase of 6.2 percentage points on the same three months of 2020.

The long-term trend has seen the October to December household waste landfill rate fall from 73.5 per cent in 2006 to a low of 23.0 per cent in 2020. The 6.2 percentage point increase in October to December 2021 is the first time the household waste landfill rate has increased for this quarter during this time series. Note that the landfill rate exhibits seasonality and the April to June and July to September quarters tend to have lower rates than October to December and January to March. The seasonality stems from the higher level of compostable garden waste arising during spring and summer.

The landfill rate for Mid Ulster for the quarter was 4.0 per cent of household waste (an increase of 0.4 per cent compared to October to December 2020). This was the lowest rate achieved by any of the eleven Councils (as illustrated in the graph below):



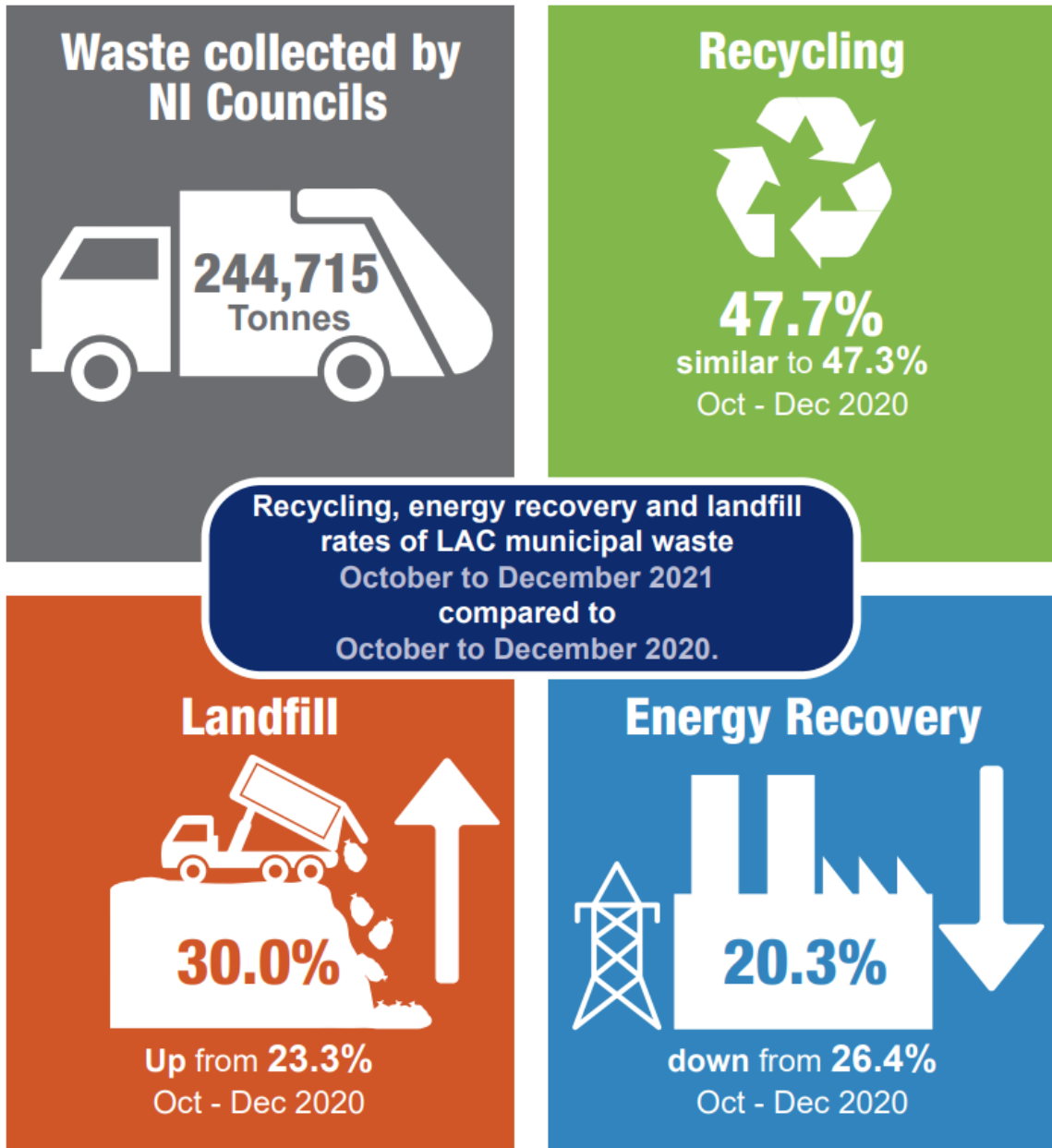
4.0 Other Considerations

4.1 Financial, Human Resources & Risk Implications

Financial:
Failure to meet waste targets could result in penalties.

| | |
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| | Human: A significant amount of time is spent by the Recycling Officers in gathering, collating and submitting the necessary data for quarterly WasteDataFlow returns. |
| | Risk Management: Failure to meet waste targets would result in reputational damage. |
| 4.2 | Screening & Impact Assessments |
| | Equality & Good Relations Implications: None |
| | Rural Needs Implications: None |
| 5.0 | Recommendation(s) |
| 5.1 | Members are asked to note the performance of the Council as outlined in this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Local Authority Collected Municipal Waste Infographic Q3 2021-22. |

Waste Collections by NI Councils October to December 2021



Sustainability at the heart of a living, working, active landscape valued by everyone.

| | |
|--------------------------|--|
| Report on | Biodiversity – All-Ireland Pollinator Plan |
| Date of Meeting | 10 th May 2022 |
| Reporting Officer | Raymond Lowry (Head of Technical Services) |
| Contact Officer | Mark Edgar – Biodiversity Officer |

| | | |
|---|--|-------------------------------------|
| Is this report restricted for confidential business? | Yes | <input type="checkbox"/> |
| | No | <input checked="" type="checkbox"/> |
| If 'Yes', confirm below the exempt information category relied upon | | |
| | Information relates to financial or business affairs of a person (including the council) | |

| | |
|------------|---|
| 1.0 | Purpose of Report |
| 1.1 | To inform the members that Mid Ulster District Council has been accepted as a partner of the All-Ireland Pollinator Plan. This report outlines the necessity for, and provides what actions will be undertaken for our pollinators. |
| 2.0 | Background |
| 2.1 | Members will recall that a previous paper was presented to Council 5 th July 2021 to register as a supporter of the All-Ireland Pollinator Plan. |
| 2.2 | We all depend on pollinators and the important service they provide. Unfortunately, our pollinators are in decline. Of the 99 different types of bees on the island of Ireland, nearly one third are threatened with extinction. The All-Ireland Pollinator Plan is a strategy that addresses this problem. It is a shared plan of action supported by more than 90 governmental and non-governmental organisations. By helping our pollinators, we are improving biodiversity across the island. |
| 2.2 | Pollinators are important to farmers that grow pollinator dependent crops, to gardeners that want to grow their own fruits and vegetables and for the health of our environment. The annual value of pollinators is at least €53 million in the Republic of Ireland and £603 million in the UK. <i>(Information from All-Ireland Pollinator Plan)</i> |
| 2.3 | To help pollinators we need to ensure that they have food, shelter and somewhere to breed. Many pollinator friendly actions simply require land to be managed in a slightly different way than what we have become used to. It is not about letting the landscape go wild, but about managing it in a way that is sustainable for pollinators so that they can survive and continue to provide us with their vital service. |
| 2.4 | Mid Ulster District Council are already taking actions to support pollinators. Through biodiversity initiatives both on council's own properties, and working with local community groups, local residents and schools, steps are already being undertaken to make Mid Ulster more 'pollinator friendly'. |

| | |
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| 2.5 | In being a partner of the All-Ireland Pollinator Plan, the work Mid Ulster District Council is undertaking for pollinators will be acknowledged at a national level. |
| 3.0 | Main Report |
| 3.1 | Mid Ulster District Council already undertakes actions to enhance the council's own properties for the benefit of pollinators. |
| 3.2 | Wildflower areas have been created through sowing wildflower seeds or by changing the management of existing grass areas to follow the "Don't Mow, Let it Grow" principles. The reduction and appropriate timing of mowing encourages wildflowers to become established enhancing the area for pollinators, and also has a resultant knock on benefit to other invertebrates, birds, mammals, etc. Mid Ulster council already have a number of selected "Don't Mow, Let it Grow" sites, and it is hoped to develop this to further suitable sites over the next few years. |
| 3.3 | In addition to initiatives on council properties, the council are working with local community groups, local residents and schools, encouraging and assisting in projects to make Mid Ulster more 'pollinator friendly'. |
| 3.4 | All of these actions undertaken by the council to improve the natural environment will help fulfil legal obligations under the Biodiversity Duty to "...further the conservation of biodiversity..." (Wildlife and Natural Environment Act (NI) 2011). |
| 3.5 | These actions also contribute to the delivery of the Northern Ireland Biodiversity Strategy, the blueprint for conserving and improving biodiversity in Northern Ireland. |
| 3.6 | These actions also feed into Mid Ulster District Council Corporate Improvement Objective 1 – to seek to reduce the environmental impacts of our own activities and contribute to the improvement of the wider environment through local action. |
| 3.7 | In addition to contributing to the fulfilment of legal obligations and feeding into various strategies and plans, these actions provide a demonstration of biodiversity credentials to local residents who are increasingly concerned with supporting environmentally friendly initiatives. |
| 3.8 | In becoming an All-Ireland Pollinator Plan Partner, Mid Ulster District Council will be formalising the actions already being undertaken and appropriate future initiatives. |
| 3.9 | <p>In being an All-Ireland Pollinator Plan Partner, Mid Ulster District Council has agreed:</p> <ol style="list-style-type: none"> 1. To support the ethos of the All-Ireland Pollinator Plan and will consider the Plan in policies, plans, and management decisions where possible. 2. To consider the evidence-based actions in the guideline document "Councils: Actions to help Pollinators", and to carry out one pollinator-friendly action in the first year of signing up and to carry out at least three more within the following five years. The guideline document lists 30 possible actions, many of which are low cost or cost-neutral. |

| | |
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| 4.0 | <p>3. To update the All-Ireland Pollinator Plan Team (within the National Biodiversity Data Centre) on the positive pollinator actions Mid Ulster District Council have planned, implemented or maintained at the end of each year.</p> <p>Members to note that the All-Ireland Pollinator Team have acknowledged MUDC support see link council partners</p> <p>Appendix 2 indicates MUDC now indicated as supporter of the AIPP.</p> |
| 4.0 | Other Considerations |
| 4.1 | <p>Financial, Human Resources & Risk Implications</p> <p>Financial: Minimal financial resources over and above that already committed to biodiversity related projects/activities.</p> <p>Human: Biodiversity Officer time reporting implementation of activities to All-Ireland Pollinator Plan. Biodiversity Officer, Parks, Property Services and Capital Projects time in assessing sites and implementation and management of actions. However, this would be required in fulfilling obligations under the Biodiversity Duty and Corporate Improvement Objective 1.</p> <p>Risk Management: Non-delivery of the actions will result in negative press for the Council.</p> |
| 4.2 | <p>Screening & Impact Assessments</p> <p>Equality & Good Relations Implications: N/A</p> <p>Rural Needs Implications: N/A</p> |
| 5.0 | Recommendation(s) |
| 5.1 | Members to note the content of this report. |
| 6.0 | Documents Attached & References |
| 6.1 | Appendix 1 - Mid Ulster Action Plan for the All-Ireland Pollinator Plan |
| 6.2 | Appendix 2 – AIPP acknowledgement of MUDC as now being registered |
| 6.3 | Appendix 3 – Signed AIPP framework from MUDC CEO |

Mid Ulster District Council All Ireland Pollinator Plan Action Plan

All-Ireland Pollinator Plan

In becoming a partner of the All-Ireland Pollinator Plan, Mid Ulster District Council agrees to:

- Support the ethos of the AIPP and consider the plan in policies and management decisions where possible.
- Carry out one pollinator friendly action in the first year of signing up, and carry out at least three more within the following 5 years.
- Update the Pollinator Plan team on actions planned, implemented or maintained.

The AIPP document “Councils: Actions to help Pollinators” lists 30 possible actions. The Action Plan below identifies a number of these actions that can be undertaken within existing council functions/activities. Additional actions may be included within this plan should appropriate opportunities arise.

Year 1 (2022) – AIPP asks for one pollinator friendly action.

| AP No. | AIPP recommended action | Mid Ulster Action | Lead |
|--------|---|--|------------------------|
| 1 | Create at least 5 meadows (one cut & lift per year) | 13 sites to be managed this way in 2022. Further sites may be added if assessed to be suitable. | Environmental Services |
| 2 | Facilitate or deliver training on pollinators and how to take action to protect them | 2 workshops already delivered in 2022 (to end March), with discussions on several further workshops in coming months. | Biodiversity Officer |
| 3 | Log your ‘Actions for Pollinators’ on the mapping system to ensure your efforts are recognised. | Actions taken on the restoration and creation of pollinator resources on council property will be logged on the AIPP system. | Biodiversity Officer |

Years 2-5 (2023-2026) – AIPP asks for at least 3 more actions within the following 5 years.

Year 2 (2023) -

| AP No. | AIPP recommended action | Mid Ulster Action | Lead |
|--------|--|---|---|
| 4 | Install a bee hotel – or several smaller bee homes | Bee homes will be installed in at least 5 council managed sites | Biodiversity Officer & Environmental Services |
| 5 | Incorporate holes in wood or concrete for wild pollinator nesting. | Where wooden or concrete fencing posts exist, assessment made and where appropriate small holes created for cavity nesting solitary bees. | Biodiversity Officer & Environmental Services |
| 6 | Put up signage to identify pollinator friendly habitats on council land. | Appropriate signage installed at all 13 ‘pollinator meadow’ sites. | Environmental Services |
| 2 | <i>Facilitate or deliver training on pollinators and how to take action to protect them</i> | <i>Continue to deliver pollinator workshops with local community</i> | <i>Biodiversity Officer</i> |
| 3 | <i>Log your ‘Actions for Pollinators’ on the mapping system to ensure your efforts are recognised.</i> | <i>Continue to log actions taken on the restoration and creation of pollinator resources on council property on the AIPP system.</i> | <i>Biodiversity Officer</i> |

Year 3 (2024)

| AP No. | AIPP recommended action | Mid Ulster Action | Lead |
|---------------|--|---|--|
| 7 | Plant a native hedgerow. | At least one native hedgerow to be planted on council managed site | Capital Projects |
| 8 | Make some urban planters pollinator friendly. | A selection of urban planters will have standard annual bedding mix partially/fully replaced by perennial pollinator friendly plants. | Environmental Services |
| 9 | For new works, ensure 75% of ornamental planting is pollinator friendly | Council will adopt the pollinator friendly planting code and try to ensure that 75% of ornamental planting is of pollinator friendly species. | Capital Projects |
| 2 | <i>Facilitate or deliver training on pollinators and how to take action to protect them</i> | <i>Continue to deliver pollinator workshops with local community</i> | <i>Biodiversity Officer</i> |
| 3 | <i>Log your 'Actions for Pollinators' on the mapping system to ensure your efforts are recognised.</i> | <i>Continue to log actions taken on the restoration and creation of pollinator resources on council property on the AIPP system.</i> | <i>Biodiversity Officer</i> |
| 4 | <i>Install a bee hotel – or several smaller bee homes</i> | <i>Continue to install bee homes in council managed sites</i> | <i>Biodiversity Officer & Environmental Services</i> |

Years 4 and 5 (2025-2026)

Mid Ulster Council will continue to deliver many of the above listed actions, and where suitable, incorporate further actions to benefit our local pollinator species.

Appendix 2



Council Partnership with the All-Ireland Pollinator Plan



Partnership with the All-Ireland Pollinator Plan: Framework for Councils/Local Authorities

We all depend on pollinators and the important service they provide. Unfortunately, our pollinators are in decline. Of the 99 different types of bees on the island of Ireland, nearly one third are threatened with extinction. The All-Ireland Pollinator Plan is a strategy that addresses this problem. It is a shared plan of action supported by more than 90 governmental and non-governmental organisations. By helping our pollinators, we are improving biodiversity across the island.

Most Councils/ Local Authorities are already taking actions to support pollinators on public land. Many are also working with local community groups, residents' associations and schools to help raise awareness of the All-Ireland Pollinator Plan. To better support these efforts and to better promote the work being undertaken, we have developed this framework to recognise Councils as *partners* of the All-Ireland Pollinator Plan.

Support of the All-Ireland Pollinator Plan offers Councils/Local Authorities a suite of benefits in addition to biodiversity enhancement, including:

- ✓ Partnership with an internationally renowned strategy to reverse declines in biodiversity.
- ✓ A framework outlining options with the flexibility to choose from a variety of low/cost-neutral evidence-based actions that will have a positive impact.
- ✓ Access to training, guidance documents, support materials, case studies, etc. to help staff decide on appropriate actions. For more information, see: <http://pollinators.ie/councils>
- ✓ Helps demonstrate compliance with statutory requirements such as the Council's Biodiversity statutory responsibilities.
- ✓ Enhancing the local landscape for pollinators supports local food producers
- ✓ A framework to help support the delivery of key plans:
 - National Biodiversity Action Plan 2017-2021 (Action 4.1.8. Implement All-Ireland Pollinator Plan)
 - Biodiversity Strategy for Northern Ireland to 2020
 - County Development Plan (protecting natural habitats and plants objectives)
 - Green Infrastructure Plan (protecting and managing natural wildlife corridors and habitats)
 - Climate Change Adaptation Measures (resilience to climate change)
 - Local Biodiversity Action Plan
 - County Biodiversity Plan (pollinator actions)
 - EU Habitats Directive (ecological networks and buffer areas)
- ✓ A demonstration of your biodiversity credentials to local residents who are increasingly concerned with supporting environmentally friendly initiatives.
- ✓ Actions to support community engagement and strengthen relationships with local groups who are also working to protect our pollinators, e.g. Tidy Towns groups, Ulster in Bloom.
- ✓ Actions to support Local Agenda 21
- ✓ Actions to support the Green Schools Programme (Biodiversity Theme) (ROI) and Eco-Schools (NI)

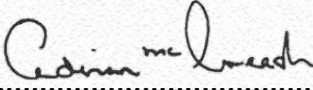
To sign up as a **Partner** to the All-Ireland Pollinator Plan, please present this Framework, along with a copy of the '*Councils: Actions for Pollinators*' guidelines, to your Council for adoption. **Once agreed, simply return (by email or post) a signed copy of this page.**

In becoming an All-Ireland Pollinator Plan Partner, your Council/Local Authority agrees:

- 1. That your Council/Local Authority supports the ethos of the All-Ireland Pollinator Plan and will consider the Plan in their policies, plans, and management decisions where possible.
- 2. To consider the evidence-based actions in the guideline document *Councils: Actions to help Pollinators*, and to carry out one pollinator-friendly action in the first year of signing up and plan to carry out at least three more within the following five years. The guideline document lists 30 possible actions, many of which are low cost or cost-neutral.
- 3. To update the All-Ireland Pollinator Plan Team (within the National Biodiversity Data Centre) on the positive pollinator actions you have planned, implemented or maintained at the end of each year, when contacted, to help us promote your work.

We look forward to working with you to ensure that our pollinators and the critical service of pollination are available for generations to come.

Council/Local Authority: Mid Ulster District Council

Signature(s): 

Print name: Adrian McCreesh

Role: Chief Executive

Point of contact (if different to above) email:

Email to: ufitzpatrick@biodiversityireland.ie;

Postal address: Dr Una Fitzpatrick, The National Biodiversity Data Centre, Beechfield House, WIT West Campus, Carriganore, Waterford

What will happen next:

Once you have signed up, please send us a copy of your logo.

We will only use your logo to promote your support of the Pollinator Plan in the following two ways: on the 'Partners' page of our website and in our annual report.

In return, you will receive a copy of the Pollinator Plan's Council/Local Authority Partner logo, for use in Council documents/reports.



Along with the benefits that come from partnership with the All-Ireland Pollinator Plan, Councils/Local Authorities that sign up will receive a Certificate of Partnership, which can be displayed at your offices. You may also choose to use our artwork to erect a permanent sign.

Implementation of the All-Ireland Pollinator Plan is coordinated by the National Biodiversity Data Centre.

For more information on the **All-Ireland Pollinator Plan**, please see www.pollinators.ie

To download a copy of the **Councils: Actions to help pollinators** guidelines, see www.pollinators.ie/councils

