

<b>Report on</b>	The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021
<b>Date of Meeting</b>	9 <sup>th</sup> November 2021
<b>Reporting Officer</b>	William Wilkinson

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To advise Members on The Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021 which came into operation on 1 <sup>st</sup> October 2021.
<b>2.0</b>	<b>Background</b>
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 <sup>st</sup> October 2021. It is anticipated that there will be further amendments to the liquor licensing legislation in due course.
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.
<b>3.0</b>	<b>Main Report</b>
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><b>Section 1 - Removal of restrictions at Easter</b>  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><b>Section 2 - Removal of restrictions on late opening for on-sales on Sunday</b>  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>

**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.

**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.

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.

**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.

**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.

**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><b>Section 27 - Removal of exemption for angostura bitters</b>  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>
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.
3.3	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.
3.4	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.
3.5	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.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Within Current Resources
	Human: Within Current Resources
	Risk Management: None
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None
	Rural Needs Implications: None
<b>5.0</b>	<b>Recommendation(s)</b>
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.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Appendix 1 – The Licensing and Registration of Clubs(Amendment) Act (Northern Ireland) 2021 Guide