

Title of Report:	Drinking in Public Bye-laws and Powers
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	8th November 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Healthy and Engaged Communities
Outcome	Provide a response
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	N/A
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

1.1 The purpose of this report is to seek Councils views and comments on Drinking in Public Byelaws and powers following a request from the Department for Communities (DfC).

2.0 Background

2.1 DfC has policy responsibility for Drinking in Public bye-laws which are made under Section 90 of the Local Government Act (Northern Ireland) 1972 (the Act).

2.2 DfC is a member of the Anti-Social Behaviour (ASB) Legislation Review Delivery Group.

2.3 As part of the ongoing ASB Legislation Review, the Department of Justice and DfC are planning a joint public consultation on ASB and Councils views are sought on the following:

- the effectiveness of the operation of the current bye-laws prohibiting the consumption of alcohol in public places;
- potential additional powers which the Council considers may assist Council officers and PSNI address the problems caused by drinking in public places. Councils may wish to consider having access to enforcement powers e.g. fixed penalty notices;
- the proposals contained in Articles 68-72 of the Criminal Justice (NI) Order 2008, which were to replace the current bye-laws, whether these proposal would address on-street drinking problems; or
- whether Articles 68-72 should be amended to include powers of seizure or disposal of open and/or closed containers of alcohol and to have joint enforcement powers as opposed to police-only as it currently stands

2.4 A copy of the letter from DfC is provided at Appendix 1. The date for return of responses has been extended to 10th November 2022.

2.5 A suggested Council response is attached at Appendix 2.

3.0 Recommendations

It is recommended that the Environmental Services Committee endorses and submits the response pending approval by Council due to submission time constraints.



From: Liam Quinn

**Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG**

Telephone: (028) 9082 3140
e-mail: liam.quinn1@communities-ni.gov.uk
Date: 14 September 2022

Dear Chief Executive

DRINKING IN PUBLIC BYE-LAWS AND POWERS

As you may be aware, the Department for Communities (DfC) is a member of the Anti-Social Behaviour (ASB) Legislation Review Delivery Group, alongside representatives from the Department of Justice (DoJ), the Department of Agriculture, Environment and Rural Affairs (DAERA), Police Service of Northern Ireland (PSNI), Northern Ireland Court and Tribunal Service (NICTS), Northern Ireland Housing Executive (NIHE), Northern Ireland Federation of Housing Associations (NIFHA) Belfast City Council (BCC) and Society of Local Authority Chief Executives (SOLACE).

DfC has policy responsibility for Drinking in Public bye-laws which are made under Section 90 of the Local Government Act (Northern Ireland) 1972 (the Act). By virtue of Section 91(1) of the Act, bye-laws do not have any legal effect until they are confirmed by the Department.

As part of the ongoing ASB Legislation Review, DoJ and DfC are planning a joint public consultation on ASB. I am seeking your views on the following:

- the effectiveness of the operation of the current bye-laws prohibiting the consumption of alcohol in public places;
- potential additional powers which the Council considers may assist Council officers and PSNI address the problems caused by drinking in public places. Councils may wish to consider having access to enforcement powers e.g. fixed penalty notices;
- the proposals contained in Articles 68-72 of the Criminal Justice (NI) Order 2008, which were to replace the current bye-laws, whether these proposal would address on-street drinking problems; or



- whether Articles 68-72 should be amended to include powers of seizure or disposal of open and/or closed containers of alcohol and to have joint enforcement powers as opposed to police-only as it currently stands.

Councils views on these issues, or any alternative options suggested, will be used to inform proposals within the consultation document which is expected to issue early next year.

I would be grateful if you could return your response by 14 October 2022.

Yours sincerely

Liam Quinn
Assistant Director of Local Government and Housing Regulation



Our Ref:

Date

Mr Liam Quinn
Assistant Director of Local Government and Housing Regulation
Department for Communities
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Dear Mr Quinn

Re: DRINKING IN PUBLIC BYE-LAWS AND POWERS

Further to correspondence received by Mr David Jackson, Chief Executive, Causeway Coast and Glens Borough Council on 14th September 2022, this matter was reported to the Council's Environmental Services Committee on 8th November 2022 and the following response is provided pending full Council approval.

The issue of drinking in public places is often associated with Anti Social Behaviour (ASB) and Council Officers are regularly at the forefront of trying to address complaints from members of the public where ASB arises, particularly on Council property.

The facility for Council to engage with the PSNI, on designating places prohibiting consumption of alcohol, is an important partnership approach in tackling ASB.

The current bye-law process is not however user friendly and does not permit statutory organisations to react quickly to urgent or emerging situations involving ASB associated with alcohol.

Any future legislative framework should capture the above joint approach to ASB between Councils and the PSNI, and have the facility for more rapid decision making. Having two legal processes, use of bye laws and the Criminal Justice Order, to address the issue of street drinking, is convoluted and can lead to a perceived disconnect between agencies.

It would be preferred if one legal instrument was used to facilitate this issue which also contains all the relevant enforcement powers to implement the legislation. Additional guidance or codes of practice should be developed by all agencies to ensure the efficient and effective implementation of any changes to the legislative framework.

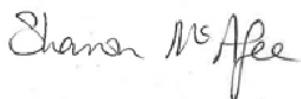
The Council would contend that the PSNI are the relevant organisation for enforcement of any legislation associated with drinking in public. The Council would not have the broader legal powers that would inevitably be required to tackle ASB and street drinking. The PSNI are best placed to have such powers conferred on them.

Any changes to legislative controls needs to be robust and fit for purpose, the detail of this should be explored through a consultative process which gives adequate time for all stakeholders to have the ability to make their responses. This will require local partnerships to meet and discuss all the elements around ASB and street drinking.

The Council would not be in a position to make comment on the specific issues surrounding the robustness of current enforcement powers, this would be better addressed with the PSNI.

Any amendment made to the above response following consideration by full Council will be communicated to you at the earliest opportunity.

Yours sincerely

A handwritten signature in black ink that reads "Sharon McAfee". The signature is written in a cursive style.

Sharon McAfee

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