



2021 CHAPTER 7

PART 1

LICENSING

*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.”.

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*Status: This is the original version (as it was originally enacted).*

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(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—

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| “4(6) | Failure to notify courts<br>and police of change of<br>directorships | 5-6” |
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#### **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),”.