

<b>Title of Report:</b>	<b>Drinking in Public Bye-laws and Powers</b>
<b>Committee Report Submitted To:</b>	<b>Environmental Services Committee</b>
<b>Date of Meeting:</b>	<b>9<sup>th</sup> September 2025</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee</b>	<b>No</b>

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

<b>Estimated Timescale for Completion</b>	
Date to be Completed	N/A

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

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

## **1.0 Purpose of Report**

- 1.1 The purpose of this report is to seek Council's views and comments on proposed changes to Drinking in Public Byelaws and powers following correspondence 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 Council has previously responded to correspondence from DfC on Drinking in Public Byelaws and Powers, as referenced in ES221108 and CM221206.
- 2.3 A copy of the letter from DfC is provided at Appendix 1 which requested Council's views by 29<sup>th</sup> August 2025.
- 2.4 A suggested Council response is attached at Appendix 2.
- 2.5 Due to submission time constraints, an Officer response was submitted on the Council's behalf by the deadline, subject to subsequent endorsement by the Environmental Services Committee and approval by the full Council.

## **3.0 Recommendation**

It is recommended that Council endorses the response.



**From: Carol Reid**

**Level 8  
Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG**

Telephone: (028) 9082 3140  
e-mail: [social.policy@communities-ni.gov.uk](mailto:social.policy@communities-ni.gov.uk)  
Date: 6 June 2025

Dear Chief Executive

## **DRINKING IN PUBLIC BYE-LAWS AND POWERS**

The Department for Communities ('DfC'), in collaboration with colleagues in the Department of Justice ('DoJ'), recently undertook a joint public consultation on potential amendments to the legislative framework and powers to deal with anti-social behaviour ('ASB'), including drinking-in-public.

The Consultation sought views on:

- the areas that should be designated in which drinking-in-public is prohibited, and the reasons for their designation;
- whether powers should be provided to police officers and/or authorised council officers to request a person to stop drinking and issue a fixed penalty notice ('FPN') if they fail to do so;
- whether the powers provided should include a power of seizure and/or disposal of alcoholic drinks and if that seizure and/or disposal power should apply to open and/or closed containers;
- the situation the powers may be used in; and
- which legislation should be in place to provide these powers.

Following the conclusion of the consultation a [response document](#) was published by DoJ on the 4 April 2025 outlining a summary of the views shared by respondents regarding drinking-in-public and the current legislation.

The responses to the consultation clearly indicated that the current legislative framework to tackle drinking-in-public and associated ASB needs to be updated to



Department for

**Communities**

[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

An Roinn

**Pobal**

Depairtment fur

**Commonities**

ensure it is fit for purpose, with an overwhelming majority of respondents agreeing that an explicit power to seize and dispose of alcohol should be available in certain circumstances.

Four councils submitted formal responses to the joint consultation. These responses were dominated by the following positions:

- there is a need for legislative change to streamline the current system, potentially by commencing the powers in the Criminal Justice (Northern Ireland) Order 2008 ('the 2008 Order');
- additional powers to seize and dispose of alcoholic drinks would be beneficial;
- areas where drinking-in-public is prohibited should be confined to an area designated by the council;
- that police officers should have sole responsibility for enforcement of the rules on drinking in public.

This reinforced conversations that DfC has had with strategic partners during the review of Anti-Social Behaviour legislation, including DoJ and PSNI, and our engagement with Councils throughout the delivery of the consultation.

In light of the responses to the consultation, and after undertaking further engagement with DoJ colleagues, it has been proposed that Articles 68-72 of the 2008 Order should be commenced with the following amendments:

- to provide a specific power to police officers allowing the **seizure** and disposal of open and closed containers of alcoholic drinks in designated areas and in certain public order situations. It is **not** proposed that council officers would be provided with this power.
- to extend the powers conferred on police officers requiring individuals to stop drinking alcohol in a designated area, and **surrender** any alcoholic drinks in their possession, to council officers. Anyone refusing will be committing an offence and may be issued with an FPN. However, it should be noted that this will be a power which councils **may** use, and each council district will be provided with the option to "opt in".



Department for

**Communities**

[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

An Roinn

**Pobal**

Depairtment fur

**Commonities**

Allowing councils to “opt-in” to using this power in the future is intended to enhance the effectiveness and sustainability of the proposed legislative change. Councils may decide that they require this power at some point in the future.

As noted, we have been working with colleagues in DoJ in developing and progressing these new proposals. In the event the proposals for legislative reform are approved, DoJ will be responsible for bringing forward primary legislation amending the 2008 Order.

At this stage I would be grateful if you could consider the proposals detailed above and provide the views of your organisation by 29 August 2025. Should you have any queries please feel free to contact Victoria Trimble [Victoria.Trimble@communities-ni.gov.uk](mailto:Victoria.Trimble@communities-ni.gov.uk)

Yours sincerely

**Carol Reid**

**Assistant Director of Local Government and Housing Regulation**



Our Ref: CD/af/158

28<sup>th</sup> August 2025

**By email**

Ms Carol Reid  
Assistant Director of Local Government and Housing Regulation  
Level 8  
Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG

Dear Miss Reid

**RE: Drinking in public places Bye-Laws and Powers**

Further to correspondence received by Mr David Jackson, Chief Executive, Causeway Coast and Glens Borough Council, on 6 June 2025 regarding proposed changes to the Drinking in Public Places Bye-Laws and Powers, this matter will be reported to the Council's Environmental Services Committee on 9<sup>th</sup> September 2025. The following Officer response is therefore provided pending full Council approval.

Causeway Coast and Glens Borough Council welcomes the proposed changes to the Criminal Justice (Northern Ireland) Order 2008 to:

- Provide PSNI with powers to seize and dispose of alcohol where appropriate and
- Introduce the power of PSNI to issue Fixed Penalty Notices to anyone who refuses to surrender alcohol

Council remains of the opinion that this matter should be solely regulated by Police Officers for the following reasons:

Councils are currently facing increasing demands on resources and such an additional burden will have an effect on already overstretched Departments. Councils will find it extremely difficult to absorb additional responsibilities that have traditionally been other organisations responsibility. The Council also notes an increasing trend towards calling on Councils to take on additional responsibilities without providing any form of resourcing.

The Council has grave concerns regarding officer safety while engaging in confrontational work involving intoxicated individuals and crowds. Council Officers do not have the training, have no powers of detention or experience to carry out such work whereas the Police are much better placed to do so.

Given the nature of public drinking enforcement, which may involve intoxicated crowds and the potential for anti-social behaviour or public disorder, the Council is firmly of the view that this matter falls inherently within the remit of the PSNI.

Councils have also raised legal, ethical, and operational concerns regarding the issuing of Fixed Penalty Notices to individuals who are intoxicated. Furthermore, the option for each Council to "opt in" to the use of Fixed Penalty Notice provisions will inevitably lead to inconsistencies across Northern Ireland.

Council is grateful for the opportunity to provide feedback and trusts that the concerns outlined above will be fully considered when finalising the detail of this proposed amendment.

Yours sincerely,

A black rectangular box redacting the signature of Sharon McAfee.

**Sharon McAfee**

Head of Health and Built Environment

Riada House, 14 Charles Street, Ballymoney BT53 6DZ

Tel. 028 2766 0257

[sharon.mcafee@causewaycoastandglens.gov.uk](mailto:sharon.mcafee@causewaycoastandglens.gov.uk)