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Liquor Review Team  
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Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

21 March 2007

Department of Social Development  
Liquor Review Team  
Level 1, James House  
2/4 Cromac Avenue  
BELFAST  
BT7 2JA

Dear *Sir/Madam*

**DRAFT LICENSING AND REGISTRATION OF CLUBS (AMENDMENT)  
(NORTHERN IRELAND) ORDER 2007**

The Police Service of Northern Ireland having sought comments from District Commanders and other senior officers who have an interest in matters concerning liquor licensing support the proposals as outlined in the draft Order.

As you are aware, we were fully involved in the extensive work undertaken as part of the review of liquor licensing which resulted in the launch of the initial consultation paper published on 1 December 2005. At the launch, the Deputy Chief Constable stated that the proposed measures in the view of the Police Service were responsible, proportionate and forward-looking.

Whilst we continue to give our full support to the proposals, there are a number of minor queries in relation to Closure Orders, which are particularly pertinent to the Service. These are as follows:-

**1. PARAGRAPH 69G(2)(a) ON PAGE 9 AND PARAGRAPH 41G(2)(a) ON PAGE 19**

Currently it states "Where an Order is made under Article.., the Order shall not take effect until the expiry of the time for bringing an appeal against the making of the Order". As you are allowed 21 days to appeal from the day the decision is made, this gives the impression that the Order only comes into effect 21 days after the Court has granted it.

It is suggested the wording needs amended to clarify this.

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**2. PARAGRAPH 69D(1)(b) ON PAGE 7 AND PARAGRAPH 41D(1) (b) ON PAGE 18**

Currently it states that “The responsible senior police officer may cancel a Closure Order and any extension of it, at any time, before a relevant court of summary jurisdiction has determined, whether to exercise its powers under Article... in respect of the Order and any extension of it”.

It is not clear, if this happens, does this still need to go to court? It is recommended that every Closure Order, including any that have been cancelled, should be referred to the court on the grounds, the owner of the premises, where the Closure Order has been issued and then subsequently cancelled may issue legal proceedings (against the police presumably) and if they do, the courts will not have any record of it.

**3. PARAGRAPH 69A(2) ON PAGE 5 AND PARAGRAPH 41A(2) ON PAGE 16**

Currently it states “A court of summary jurisdiction may make an Order under this Article only on the application of a police officer who is of the rank of Superintendent or above”.

Can an Acting or Temporary Promoted Superintendent carry out this function or do they have to be a substantive Superintendent?

**4. PARAGRAPH 69J (4)(b) ON PAGE 10 AND PARAGRAPH 41J(3)b ON PAGE 20**

Similar to the issue at point 3, it states “senior police officer” means a police officer, or above, the rank of Inspector”.

Can an Acting or Temporary Promoted Inspector carry out this function or do they have to be a substantive Inspector?

Currently on the mainland, if a Closure Order is issued, the responsible senior police officer must, as soon as reasonably practicable after a Closure Order comes into force, apply to a relevant magistrates court for it to consider the Order and any extension of it. The police officer must also notify the relevant licensing authority:-

- That a closure has come into force
- Of the contents of the Order and of any extension of it.

The relevant magistrates court may order the premises to remain, or to be closed until such time as the relevant licensing authority has made a determination in respect of the Order. While the relevant licensing authority considers the Closure Order and any extension of it, it can also take steps, as it considers necessary for the promotion of the licensing objectives. These steps are:-

- To modify the conditions of the premises licence
- To exclude a licensable activity from the scope of the licence
- To suspend the licence for a period not exceeding 3 months, or
- To revoke the licence.

It is suggested that Courts in Northern Ireland be provided with similar powers of licensing authorities in England and Wales.

On a general point, I am aware that staff from your office are currently working with staff from Operational Policy & Support on the finer details of the draft Order and in particular the proposal to amend the existing accounting regulations to introduce more flexible systems of control.

If you require any clarification on these issues or further assistance, please do not hesitate to contact this office.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Roy Toner', written in a cursive style.

Roy Toner  
Assistant Chief Constable