

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

8th December, 2023

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in Hybrid format, both in the Lavery Room - City Hall and via Teams, on Wednesday, 13th December, 2023 at 5.15 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. Routine Matters

- (a) Apologies
- (b) Minutes
- (c) Declarations of Interest

2. Delegated Matters

- (a) Licences Issued Under Delegated Authority (Pages 1 - 6)
- (b) HMO Licences Issued Under Delegated Authority (Pages 7 - 10)
- (c) Application for a New Licence to operate a House of Multiple Occupation for 179 Dunluce Avenue, BT9 7AX (Pages 11 - 32)

3. Non-Delegated Matters

- (a) Pavement Café Licensing (Pages 33 - 80)
- (b) Consideration of Standard Conditions to be attached to Pavement Cafe Licences (Pages 81 - 88)



Subject:	Licences Issued Under Delegated Authority
Date:	13 December 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext. 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of Planning and Building Control is responsible for exercising all powers in relation to the issue, but not refusal, of Permits and Licences, excluding provisions relating to the issue of Licences where adverse representations have been made.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation.

3.0 Main report**Key Issues**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 the following Entertainments Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
AC Hotel by Marriott Belfast, 90 Donegall Quay, Belfast, BT1 3FE.	Renewal	Mr Ruairi McLaughlin, City Quays Hotel Ltd
Alexandra Social Club, 170b Alexandra Park Avenue, Belfast, BT15 3GJ.	Renewal	Mr Samuel Crozier
Aras Mhic Reachtain, 283-289 Antrim Road, Belfast, BT15	Renewal	Mr Ferdia Niall Carson
Balmoral Golf Club, 518 Lisburn Road, Belfast, BT9 6GX.	Renewal	Miss Kim Axon
BBC Blackstaff House, 62-64 Great Victoria Street, BT2 7BB.	Renewal	Mr Mervyn Middleby
Becketts Bar, 241 Stewartstown Road, Dunmurry, Belfast, BT17 0LA.	Renewal	Mr Gerard Donnelly, Becketts Bar Ltd
Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
Brantwood Football & Recreation Club, Jellicoe Avenue, Belfast, BT15 3FZ.	Renewal	Mr Noel Holmes
Brennans Bar, 48-50 Great Victoria Street, Belfast, BT2 7BB.	Renewal	Mr Padraic Brennan, Pacon Inns Ltd
Chelsea Wine Bar, 344-346 Lisburn Road, Belfast, BT9 6GH.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd
Church of God Glenmachan, 13 Glenmachan Road, Belfast, BT4	Renewal	Pastor Alan Stephens
City Hall, Donegall Square, Belfast, BT1 5GS.	Grant (Marquee)	Mr Bernard Lavery
Cliftonville Bowling & Social Club, 13-23 Knutsford Drive, Belfast, BT14	Renewal	Mr Thomas Joseph Boyle
Cresta Golf and Social Club, 156-158 Castlereagh Road, BT5 5FS.	Renewal	Mr Mervyn H. Hamilton
Crusaders Football Club, Seaview Stadium, 16 St Vincent Street, Belfast, BT15 3QG.	Renewal	Mr Bernard Thompson
Culturlann McAdam O Fiach, 216 Falls Road, Belfast, BT12 6AH.	Renewal	Ms Fionnghuala Nic Ainmhire
Dockworkers Social Club, 5 Pilot Place, Belfast, BT1 3AH.	Renewal	Mr Terry Ward

Premises and Location	Type of Application	Applicant
Duke of York, 7-15 Commercial Court, Belfast, BT1 2NB.	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
Filthy McNastys, 41-45 Dublin Road, Belfast, BT2 7HD.	Renewal	Ms Catherine McCrory, Bachus Inns Ltd
Flame Restaurant, 3 Bedford Square, Belfast, BT2 7ES.	Grant	Mr Gaurav Kher
Harland & Wolff Staff Sports & Recreation Club, 8-10 Dundela Avenue, Belfast, BT4 3BQ.	Renewal	Mr Douglas Murray
Harp Bar, 35-39 Hill Street, Belfast, BT1 2LB.	Renewal	Mr Willie Jack, Commercial Court Inns Ltd
Highfield Rangers Supporters Club, 9-15 Highgate Terrace, Belfast, BT13 3RQ.	Renewal	Mr William John McQuiston
Irish National Foresters, 14-18 Albert Street, Belfast, BT12	Renewal	Mr Gerry Lappin
Kitchen Bar, Unit 42 UG, 1 Victoria Square, Belfast, BT1 4QG.	Renewal	Mr Henry Downey, Eagle-Glen Ltd
Lansdowne Hotel, 657 Antrim Road, Belfast, BT15 4EF.	Renewal	Mr Andrew Simpson, JPE Hotels Ltd
Linfield Supporters Club, Crimea Street, Belfast, BT13 1LT.	Renewal	Mr Charles Butler
Lyric Theatre NI, 55 Ridgeway Street, Belfast, BT9 5FB.	Renewal	Mr Jimmy Fay
Methodist College, Whitla Hall, 1 Malone Road, Belfast, BT9 6BY.	Renewal	Ms Diana Boyd
Michael Davitt GAC, 75-79 Falls Road, Belfast, BT12 4PE.	Renewal	Mr Kieran Rowntree
Northwood Linear Park, Shore Road, Belfast, BT15 3LZ.	Renewal	Mr David Sales, Belfast City Council
Pavilion Bar, 296-298 Ormeau Road, Belfast, BT7 2GB.	Renewal	Mr Bernard Lavery
Rock Bar, 491-493 Falls Road, Belfast, BT12 6DE.	Renewal	Mr Gerard McIlhone, G&M Rock Ltd
Royal Naval Association, 79-81 Great Victoria Street, BT2 7AF.	Renewal	Mr Robert White
Sandy Row Rangers Club, 37-41 Donegall Road, Belfast, BT12	Grant	Mr Daniel Bloomer
Templemore Baths, 96 Templemore Avenue, Belfast, BT5 4FW.	Grant	Mr Paul McFarland, Greenwich Leisure Ltd
Ten Square, 10 Donegall Square South, Belfast, BT1 5JD.	Renewal	Mr Christopher Kearney, Loughview Leisure Group

Premises and Location	Type of Application	Applicant
The Great Eastern Bar, 273 Newtownards Road, Belfast, BT4	Renewal	Mr Stephen Townsley
The Rusty Saddle and Shake Or Stir, 21 Howard Street, Belfast, BT1 6NB.	Renewal	Mr Eamon Diamond, Braidview Trading Ltd
The Skainos Centre, 239 Newtownards Road, Belfast, BT4	Renewal	Mr John Nicholson, Skainos Ltd
Ulster Hall, 30 Bedford Street, Belfast, BT2 7FF.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
Voodoo, 9-11 Fountain Street, Belfast, BT1 5EA.	Renewal	Mr Ciaran Smyth, Phoenix Wine and Spirit Stores Ltd
West Belfast HPS Club, 19 Bootle Street, Belfast, BT13 3GQ.	Renewal	Mr Hugh Stockman
Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Marquee)	Mr David Sales, Belfast City Council
Woodvale Park, Woodvale Road, Belfast, BT13 3BW.	Renewal (Outdoor)	Mr David Sales, Belfast City Council

3.2 Under the terms of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 no Amusement Permits were issued since your last meeting.

3.3 Under the terms of the Cinemas (Northern Ireland) Order 1991 the following Cinema Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Belfast Waterfront Hall, 2 Lanyon Place, Belfast, BT1 3WH.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd
Movie House Cinemas Yorkgate, Cityside Mall, 100-150 York Street, Belfast, BT15 1WA.	Renewal	Ms Laura Dysart
The Black Box, 18-22 Hill Street, Belfast, BT1 2LA.	Renewal	Mr Neil Jacques, The Black Box Trust
Ulster Hall, 30 Bedford Street, Belfast, BT2 7FF.	Renewal	Mr John Griffin, Belfast Waterfront & Ulster Hall Ltd

3.4 Under the terms of the Petroleum Consolidation Act 1929 no Petroleum Licences were issued since your last meeting.

3.5 Under the terms of the Street Trading Act (Northern Ireland) 2001 no Street Trading Licences were issued since your last meeting.

3.6 Under the terms of the Road Traffic Regulation (Northern Ireland) Order 1997 the following Road Closure Orders were made since your last meeting.

	Location	Type of Activity	Date and Hours permitted	Applicant
	Alexander Road, Dill Road	Filming	Fri 10 Nov 2023 10:00 – 13:00	Mr Robert Huffam
	Ormeau Embankment	Seeley Cup 10K Run	Sat 02 Dec 2023 14:00 – 16:00	Ms Shauna Bratten
	Donegall Square North, Donegall Place, Castle Lane, Callender Street, Castle Place, Royal Avenue, Wellington Place, Donegall Square West	Christmas Lights Switch-on	03:00 Sat 18 Nov 2023 to 05:00 19 Nov 2023	Ms Sarah Kelly Belfast City Council
	Tates Avenue, Linenhall Street, Franklin Street, Clarence Street, Donegall Square Mews, James Street South, May Street, Albert Street	Filming	Wed 15, Thus 16, Fri 17, Sat 18, Sun 19 and Wed 22 Nov 2023 06:00 – 18:00	Ms Naomi Liston
	Kitchener Street, Kitchener Drive, Pembroke Street, Tate Avenue	Filming	Wed 15, Thus 16, Fri 17, Sat 18, Sun and 19 Nov 2023 06:00 – 18:00	Ms Naomi Liston
	Fort Street, Conway Street, Third Street, Ardmoulin Avenue, Forest Street, Ardmoulin Street, Servia Street, Milford Street, Jude Street, Milford Street, Cupar Way, Beechmount Parade	Filming	Wed 15, Thus 16, Fri 17, Tues 21 and Wed 22 Nov 2023 06:00 – 18:00	Ms Naomi Liston
3.7	Under the terms of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 no Pavement Café Licences were issued since your last meeting.			
	<u>Financial & Resource Implications</u>			
3.8	None			
	<u>Equality or Good Relations Implications/Rural Needs Assessment</u>			
3.9	There are no issues associated with this report.			

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Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	13 December 2023
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officers:	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Under the Scheme of Delegation, the Director of City & Neighbourhood Services Department is responsible for exercising all powers in relation to the issue and variation, but not refusal, of HMO Licences, excluding provisions relating to the issue of HMO Licences where adverse representations have been made. Those applications which were dealt with under the Scheme are listed below.
2.0	Recommendations
2.1	The Committee is requested to note the applications that have been issued under the Scheme of Delegation during November 2023.

3.0	Main report																																																																																																												
3.1	<p><u>Key Issues</u></p> <p>Under the terms of the Houses in Multiple Occupation Act (Northern Ireland) 2016 the following HMO Licences were issued during November 2023.</p> <table border="1"> <thead> <tr> <th>Premise Name</th> <th>Licensee</th> <th>Ward</th> <th>Housing Management Areas (HMAs)</th> </tr> </thead> <tbody> <tr> <td>Flat 2, 54 University Avenue</td> <td>Mr Andrew John Lawson</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>166 Woodstock Road</td> <td>Mr Adrian Dalton</td> <td>BEERSBRIDGE</td> <td>NONE</td> </tr> <tr> <td>12 Pakenham Mews</td> <td>Mrs Maria McAllister</td> <td>CENTRAL</td> <td>NONE</td> </tr> <tr> <td>61b Rugby Avenue</td> <td>DGC Homes Ltd</td> <td>CENTRAL</td> <td>HOLYLAND HMO 2/22</td> </tr> <tr> <td>9 Stranmillis Gardens</td> <td>Mr Edward Joseph Mallon</td> <td>CENTRAL</td> <td>STRANMILLIS HMO 2/19</td> </tr> <tr> <td>101 Edinburgh Street</td> <td>Mr Michael Collins</td> <td>WINDSOR</td> <td>EDINBURGH ST HMO 2/08</td> </tr> <tr> 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Shaun McGuigan	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 97 University Avenue	P&S Property Rentals Limited	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 95 University Avenue	P&S Property Rentals Limited	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 37 Wellesley Avenue	Mr Peter Quinn	WINDSOR	EGLANTINE HMO 2/09	13 Egeria Street	Mr David Rutherford	BLACKSTAFF	DONEGALL ROAD HMO 2/07	Flat 3, 12 India Street	PKS Property Rentals Ltd	CENTRAL	HOLYLAND HMO 2/22	Flat 1, 12 India Street	PKS Property Rentals Ltd	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 12 India Street	PKS Property Rentals Ltd	CENTRAL	HOLYLAND HMO 2/22	Flat 3 6 Wolseley Street	P&S Property Rentals Limited	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 6 Wolseley Street	P&S Property Rentals Limited	CENTRAL	HOLYLAND HMO 2/22	Apartment 2 83 University Avenue	Frass Ltd	CENTRAL	HOLYLAND HMO 2/22	Flat 2, 9 Eglantine Gardens	Ms Joan Carberry	WINDSOR	EGLANTINE HMO 2/09	Flat 2, 9 Wolseley Street	Kendale Limited	CENTRAL	HOLYLAND HMO 2/22	208 Donegall Road	Mr Desmond Patterson	BLACKSTAFF	DONEGALL ROAD HMO 2/07	5 Meadowbank Street	Mr Alan Wood	WINDSOR	MEADOWBANK HMO 2/15	17 Carmel Street	Mr John Henry	CENTRAL	HOLYLAND HMO 2/22	9 Lisburn Avenue	Mr Martin Mullan	WINDSOR	ADELAIDE HMO 2/01
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21 Ava Avenue	Ms Laura Golden	ORMEAU	BALLYNAFEIGH HMO 2/03
18 Rugby Avenue	Mr Martin Conway	CENTRAL	HOLYLAND HMO 2/22
41 Ligoniel Road	Mr Gary Chambers	LEGONIEL	NONE
24 St Ives Gardens	Mrs Sarah McLean	STRANMILLIS	SANDYMOUNT HMO 2/17
1 Iris Street	Mr Ryan O'Gara	CLONARD	NONE
106 Melrose Street	Mrs Judith Dunlop	WINDSOR	EDINBURGH ST HMO 2/08
143 Ebor Street	Mr Desmond Patterson	BLACKSTAFF	NONE
Flat 3, 40 University Avenue	Mrs Anna Teresa Woods	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 2 Eglantine Gardens	Croob Properties Ltd	WINDSOR	EGLANTINE HMO 2/09
Flat 2, 2 Eglantine Gardens	Croob Properties Ltd	WINDSOR	EGLANTINE HMO 2/09
Flat 1, 2 Eglantine Gardens	Croob Properties Ltd	WINDSOR	EGLANTINE HMO 2/09
46 Edinburgh Street	Mr Eugene Leneghan	WINDSOR	EDINBURGH ST HMO 2/08
55 Damascus Street	Mrs Clare Fay	CENTRAL	HOLYLAND HMO 2/22
71 Rugby Avenue	Mr Brian McManus	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 4 Lisburn Avenue	Mr Fergus Mulholland	WINDSOR	ADELAIDE HMO 2/01
42 Lomond Avenue	Mr Paul Magill	CONNSWATER	NONE
3 Collingwood Avenue	Ms Clare Gallagher	CENTRAL	HOLYLAND HMO 2/22
23 Castlereagh Place	Mr John O'Callaghan	BEERSBRIDGE	NONE
Apartment 68 St Johns Wharf, 1 to 3 Laganbank Road	Mr Gary Burns	CENTRAL	NONE
Flat 2, 60 University Avenue	Mr Walter McKeague	CENTRAL	HOLYLAND HMO 2/22
Flat 1, 60 University Avenue	Mr Walter McKeague	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 77 Dunluce Avenue	Mr Robert Paul	WINDSOR	ULSTERVILLE HMO 2/21
7 Eglantine Gardens	Mr John McClean	WINDSOR	EGLANTINE HMO 2/09
19 Meadowbank Street	Mr Andrew Harte	WINDSOR	MEADOWBANK HMO 2/15
773 Lisburn Road	Mr Eamonn Corrigan T/A E & A Properties	MALONE	NONE
60 Damascus Street	Mr Joseph McCusker	CENTRAL	HOLYLAND HMO 2/22
48 Fitzroy Avenue	Ms Catherine Feeney	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 85 university avenue	G.C.R.J Investments Limited	CENTRAL	HOLYLAND HMO 2/22
Flat 3, 40 Fitzroy Avenue Belfast BT7 1HW	Mr Eugene McCann	CENTRAL	HOLYLAND HMO 2/22
Flat 2, 40 Fitzroy Avenue Belfast Antrim BT7 1HW	Mr Eugene McCann	CENTRAL	HOLYLAND HMO 2/22

Flat 1, 40 Fitzroy Avenue Belfast Antrim BT7 1HW	Mr Eugene McCann	CENTRAL	HOLYLAND HMO 2/22
84 Cromwell Road	Mr David Bacon	CENTRAL	HOLYLAND HMO 2/22
64 Chadwick Street	Mr Eamonn Corrigan T/A E & A Properties	WINDSOR	MEADOWBANK HMO 2/15
5 Ridgeway Street	Ms Emma Trainor	STRANMILLIS	STRANMILLIS HMO 2/19
5 Curzon Street	Mr Mark Heaney	CENTRAL	HOLYLAND HMO 2/22
142 My Ladys Road	Mr Brian McGibbon	WOODSTOCK	WOODSTOCK
52 Broadway	Mr Eugene Carragher	FALLS	NONE
18 Ethel Street	Mrs Hazel Price	WINDSOR	MEADOWBANK HMO 2/15
Apartment 2, 39a Little Donegall Street	Mrs Lynne Mary Elizabeth Doherty	NEW LODGE	NONE
52 Chadwick Street	Mr Neal McCone	WINDSOR	MEADOWBANK HMO 2/15
12 Raby Street	Mr Colm McAleer	ORMEAU	JAMESON HMO 2/12
Flat 1, 49-51 Ravenhill Road	Mr Paul MacLeod	WOODSTOCK	NONE

Financial & Resource Implications

3.2 None

Equality or Good Relations Implications/Rural Needs Assessment

3.3 There are no issues associated with this report.



Subject:	Applications for a New Licence to operate a House of Multiple Occupation for 179 Dunluce Avenue, Belfast, BT9 7AX
Date:	13 December 2023
Reporting Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910
Contact Officer:	Kevin Bloomfield, HMO Unit Manager, Ext. 5910 Nora Largey, City Solicitor, Ext. 6049

Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues								
1.1	To consider an application for a Licence permitting the use of premises as a House in Multiple Occupation (HMO). <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Premises</th> <th style="width: 20%;">Application No.</th> <th style="width: 30%;">Applicant(s)</th> <th style="width: 20%;">Managing Agents</th> </tr> </thead> <tbody> <tr> <td>179 Dunluce Avenue, Belfast, BT9 7AX</td> <td>10382</td> <td>Mr Eanna O'Hara</td> <td>None</td> </tr> </tbody> </table>	Premises	Application No.	Applicant(s)	Managing Agents	179 Dunluce Avenue, Belfast, BT9 7AX	10382	Mr Eanna O'Hara	None
Premises	Application No.	Applicant(s)	Managing Agents						
179 Dunluce Avenue, Belfast, BT9 7AX	10382	Mr Eanna O'Hara	None						
1.2	Members are reminded that licences are issued for a 5-year period with standard conditions. Where it is considered necessary to do so, the Committee can also impose special conditions.								
2.0	Recommendations								
2.1	Taking into account the information presented Committee is asked to hear from the Applicants and make a decision to either: <ul style="list-style-type: none"> (i) Grant the application, with or without any special conditions; or (ii) Refuse the application. <p><u>Notice of proposed decision</u></p>								
2.2	On the 17 November 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016 ("the 2016 Act"), Officers issued a Notice of Proposed Decision. Appendix 2								

2.3	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision . A statement of reasons for the proposal was included in the Notice of Proposed Decision.
2.4	If the application is refused, the Applicants have a right of appeal to the County Court. An appeal must be lodged within 28 days of formal notification of the Council’s decision.
3.0	Main report
	<p data-bbox="256 495 435 524"><u>Background</u></p> <p data-bbox="164 562 1473 622">3.1 The property had the benefit of an HMO licence issued by the Housing Executive in the name of the previous owner and was scheduled to expire on 23 March 2021.</p> <p data-bbox="164 663 1473 757">3.2 From the 14 February 2020 the owner of the accommodation is recorded to land registry as being Mr Eanna O’Hara and in accordance with section 28(2) of the Houses in Multiple Occupation Act the existing licence ceased to have effect on the date ownership transferred.</p> <p data-bbox="164 797 1473 958">3.3 On the 04 August 2023 an HMO licence application was received from the owner of the accommodation. If the new owner had of applied for a licence before the change of ownership took place, the licence which was already in effect in respect of the HMO would have been treated as being held by the new owner until such time as their application had of been determined.</p> <p data-bbox="256 999 416 1028"><u>Key Issues</u></p> <p data-bbox="164 1068 1473 1397">3.4 Pursuant to the 2016 Act, the Council may only grant a licence if it is satisfied that:</p> <ul style="list-style-type: none"> <li data-bbox="308 1099 1473 1160">a) the occupation of the living accommodation as an HMO would not constitute a breach of planning control; <li data-bbox="308 1167 1246 1196">b) the owner, and any managing agent of it, are fit and proper persons; <li data-bbox="308 1202 1126 1232">c) the proposed management arrangements are satisfactory); <li data-bbox="308 1238 1398 1267">d) the granting of the licence will not result in overprovision of HMOs in the locality; <li data-bbox="308 1274 1473 1397">e) the living accommodation is fit for human habitation and— <ul style="list-style-type: none"> <li data-bbox="355 1305 1473 1361">(i) is suitable for occupation as an HMO by the number of persons to be specified in the licence, or <li data-bbox="355 1368 1267 1397">(ii) can be made so suitable by including conditions in the licence. <p data-bbox="256 1438 384 1467"><u>Planning</u></p> <p data-bbox="164 1507 1473 1601">3.5 As this is a new application the Council’s Planning Service was consulted. It confirmed that a Certificate of Lawful Existing Use or Development (“CLEUD”) was granted on 16 May 2023 with the planning reference LA04/2023/2509/LDE</p> <p data-bbox="256 1641 363 1671"><u>Fitness</u></p> <p data-bbox="164 1711 1473 1872">3.6 When considering the fitness of an applicant the Council must have regard to any offences concerning fraud/ dishonesty, violence, drugs, human trafficking, firearms, sexual offences, unlawful discrimination in, or in connection with, the carrying on of any business; or any provision of the law relating to housing or of landlord and tenant law. It also permits the Council to take into account any other matter which the council considers to be relevant.</p> <p data-bbox="164 1912 1473 1973">3.7 The NIHMO Unit has consulted with the following units within the Council’s City and Neighbourhood Services Department –</p>

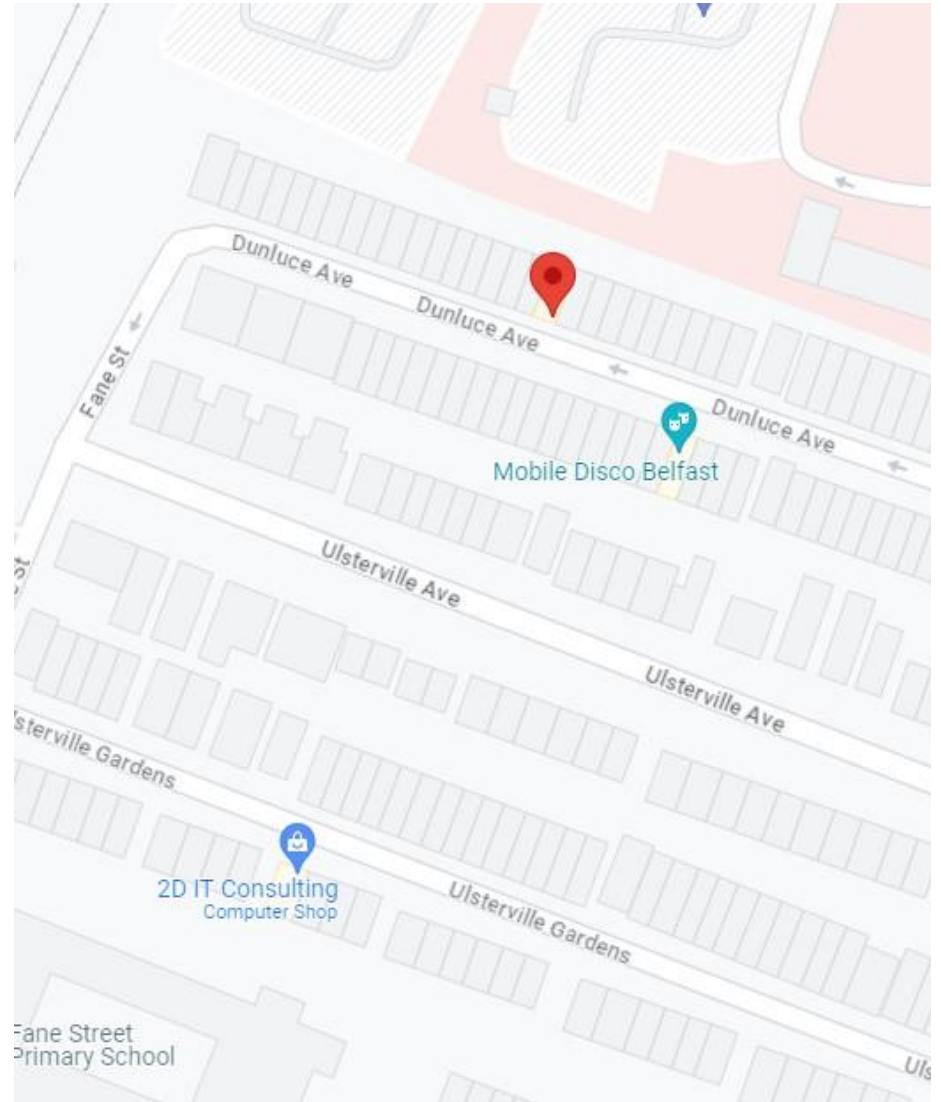
	<p>(a) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to night-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(b) Environmental Protection Unit (“EPU”) - who have confirmed that in relation to day-time noise there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(c) Public Health and Housing Unit (“PHHU”) - who have confirmed that in relation to rubbish accumulation/filthy premises, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p> <p>(d) Enforcement Unit (“EU”) - who have confirmed that in relation to litter and waste, there has been no relevant enforcement action required in respect of the HMO in the last 5 years,</p>
3.8	The applicants have confirmed that they have not been convicted of any relevant offences as set out at paragraph 3.3 of this report.
3.9	The Applicant has not been convicted of any HMO related offences by the Council. The EPU, PHHU and EU, solely in respect of their statutory functions, have confirmed that there are no relevant, previous convictions in respect of the Applicant, Managing Agent or occupants.
3.10	Details of other enforcement action is included at Appendix 3 .
	<u>Overprovision</u>
3.11	For the purpose of Section 12(2) of the 2016 Act. The Council has determined the locality of the accommodation, 179 Dunluce Avenue, Belfast, BT9 7AX as being Housing Management Areas (HMA) “HMA 2/21 Ulsterville” as defined in the document Belfast City Council’s Local Development Plan Strategy “2023 Strategy” which was formally adopted on the 2 May 2023.
3.12	Legal Services has advised that there is a clear requirement in section 8 of the 2016 Act upon the Council to be satisfied that the granting of a licence will not result in overprovision.
3.13	In making this decision the Council has had regard to: <p>(a) the number and capacity of licensed HMOs in the locality</p> <p>(b) the need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>
3.14	To inform the Council in its consideration of the above provisions, the Council has taken account of the 2023 Strategy given that <i>“Nurturing sustainable and balanced communities is a fundamental aim of the LDP’s housing policies.”</i>
3.15	In particular, the Council has considered Policy HOU10:-
3.16	HOU10 states – <i>“Within designated HMAs, planning permission will only be granted for Houses in Multiple Occupation (HMOs) and/or flats/apartments where the total number of HMOs and flats/apartments combined would not as a result exceed 20% of all dwelling units within an HMA.”</i>

	<p>(a) The number and capacity of licensed HMOs in the locality</p>
3.17	On the date of assessment, 17 November 2023, 68% of all dwelling units in policy area “HMA 2/21 Ulsterville” were made up of HMOs and flats/apartments, which in turn exceeds the 20% development limit as set out at Policy HOU10.
3.18	There are 247 (20.5%) licensed HMOs with a capacity of 1078 persons in “HMA 2/21 Ulsterville”.
	<p>(b) The need for housing accommodation in the locality and the extent to which HMO accommodation is required to meet that need.</p>
3.19	The total number of dwelling units in a HMA is measured by Ordnance Survey’s Pointer database. There are a total of 1210 dwelling units “HMA 2/21 Ulsterville”.
3.20	The fact that the use of the property as an HMO is permitted for planning purposes is a relevant consideration in determining whether the grant of this licence will result in overprovision.
3.21	The Council recognises that there is a need for intensive forms of housing and to meet this demand, HMOs are an important component of this housing provision. HMOs, alongside other accommodation options within the private rented sector, play an important role in meeting the housing needs of people who are single, who have temporary employment, students, low-income households and, more recently, migrant workers.
3.22	In September 2017 the Housing Executive published the document “Housing Market Analysis Update – Belfast City Council Area” which states “HMOs form an important element of the PRS, particularly for younger people on low incomes and for single people, under the age of 35, affected by the limitation of housing benefit to the shared room rate. Anecdotal evidence also indicates that this has been a popular sector with migrant workers.”
3.23	On the 17 November 2023 out of 64 premises available for rent within the BT9 area on the website PropertyNews.com there was 3 licensed HMOs which from the information presented on the website represented 9 bed spaces. The HMO accommodation was available immediately.
3.24	Anecdotal evidence from previous conversations with HMO managing agents suggest that that there is currently a lack of HMO accommodation available in this locality.
	<p>Students moving out of HMO accommodation.</p>
3.25	On the 7 December 2022 Ulster University Director of Campus Life told members of the Council’s City Growth and Regeneration Committee that there was an “increase in competition for HMO’s particularly from NIHE, Immigration Services and statutory agencies and there were increasing accommodation issues across the housing sector which required a holistic view and should include the consideration of international students, families and graduates looking for professional accommodation.”
3.26	However, QUB Director of Student Plus confirmed to members that the current trend indicated a significant move of students to purpose-built student accommodation blocks. She told members that there were 7,000 purpose built managed student accommodation (PBMSA) rooms in the city – the majority built since 2018 and approximately 5,000 in the city centre.

3.27	November 2022 monitoring information produced by the Council's Planning Services for PBMSA indicates that 2154 bedspaces are currently under construction with 646 bedspaces becoming operational in September 2023.
3.29	With the continued expansion of the PBMSA sector and students transitioning from private rentals to PBMSAs, it is too early to tell whether the increased competition from non-students for HMOs is a temporary problem (which can be managed by the contraction in students residing in existing HMO accommodation within the locality) or evidence of an emerging long-term supply issue.
Section 8(2)(d) of the 2016 Act	
3.30	In assessing the number and capacity of licensed HMOs as well as the need for HMO accommodation in the locality, officers cannot be satisfied that the granting of the HMO licence will not result in overprovision of HMO accommodation in the locality of the accommodation for the purpose of section 8(2)(d) of the 2016 Act.
<u>Objections</u>	
3.31	No objections were received in relation to this application.
<u>Attendance</u>	
3.32	The applicant and/or their representatives will be available to discuss any matters relating to the licence application should they arise during your meeting.
<u>Suitability of the premises</u>	
3.33	The accommodation was certified as complying with the physical standards for an HMO for 3 persons by a technical officer from the NIHMO service, on the 11 October 2023.
<u>Notice of proposed decision</u>	
3.34	On the 17 November 2023, pursuant to Paragraph 9 of Schedule 2 of the Houses in Multiple Occupation Act (Northern Ireland) 2016, Officers issued a Notice of Proposed Decision to the Applicant setting out the terms of the proposed licence. Appendix 2
3.35	The Notice of Proposed Decision stated that the council proposed to refuse the licence on the grounds of overprovision. A statement of reasons for the proposal was included in the Notice of Proposed Decision.
<u>Applicant's response to the notice of proposed decision</u>	
3.36	A response was not received following the issue of the notice of proposed decision.
<u>Financial and Resource Implications</u>	
3.37	None. The cost of assessing the application and officer inspections are provided for within existing budgets.
<u>Equality and Good Relations Implications</u>	
3.38	There are no equality or good relations issues associated with this report.

	Appendices – Documents Attached
	Appendix 1 – Location Map Appendix 2 – Notice of Proposed Decision. Appendix 3 – Enforcement Action

Appendix 1 – External Photograph and Location Map – 179 Dunluce Avenue, Belfast, BT9 7AX



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By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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Subject:	Pavement Café Licensing
Date:	13 December 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext 3375

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	At your meeting in September 2023 Members, in principle, agreed to the introduction of a permanent Pavement Café licensing scheme from 1 January 2024 with a transition and implementation period of 3 months.
1.2	Members had asked that Officers engage with various stakeholders regarding the prospect of implementing a permanent pavement café licensing scheme and that persons operating unlicensed pavement cafes would be surveyed to ascertain why they had not applied for a temporary licence.
1.3	This report provides a summary of the responses received from the consultation exercise and seeks your direction upon the implementation of a permanent licensing scheme.

2.0	Recommendations
2.1	<p>Based on the information provided in this report about the consultation work that has been undertaken Members are asked to agree to:</p> <ol style="list-style-type: none"> 1. Proceeding with the implementation of a permanent Pavement café Licensing scheme from 1 January 2024; 2. A 3-month transition period to enable existing licensees to move to the permanent scheme by 31 March 2024; 3. Introducing the application fees agreed at your meeting in December 2016; 4. A review of the current fees being undertaken and presented to Committee for consideration in due course; 5. The 5-year licence term remaining as agreed at your meeting in December 2016; 6. The standard hours of operation for Pavement Cafes being set as 7.00 am to 11.00 pm and, where individual circumstances dictate that these hours are deemed unsuitable, that authority is delegated to the Director of Planning and Building Control to either extend or restrict the standard times of 7.00 am to 11.00 pm as appropriate.
2.2	<p>Members are advised that the Licensing Committee does not have delegated powers in relation to policy decisions concerning licensing matters and as such your recommendation will be subject to ratification by Council.</p>
3.0	Background
3.1	<p>Members are reminded that the Council, in June 2020, introduced a temporary process for considering pavement café applications to assist the hospitality sector during recovery following the Covid-19 pandemic lockdown.</p>
3.2	<p>On 5 September 2023 a workshop was held for Members to discuss pavement café licensing and the future of the temporary scheme. Some key outcomes of that workshop were that:</p> <ul style="list-style-type: none"> • Members were generally of the view that Pavement Cafes were a positive addition to the City. • Proper regulation and proportionate enforcement would be an important aspect of any permanent scheme to ensure a fair approach for all those wishing to benefit from a Pavement Café licence. • Consultation on progressing with a permanent scheme should be undertaken with key stakeholders. • There should be clear and straightforward procedures for applicants. • Clarity on how we can progress to a permanent scheme should be provided for Members before a decision can be made on any future scheme.
3.3	<p>At your meeting in September 2023 the Committee agreed, in principle, to the introduction of a permanent Pavement Café licensing scheme from 1 January 2024 with a transition and implementation period of 3 months to allow existing licensed businesses to continue to operate until the grant of their permanent licence is determined and after which temporary licences will no longer be valid.</p>
3.4	<p>In addition, the temporary scheme was extended until the 31 December 2023 to enable consultation work with all stakeholders to be completed and for the findings of that</p>

	consultation to be reported to Committee for consideration before making a final decision in relation to the future of Pavement Café licensing.
4.0	Key Issues
	<p><u>Pavement Café Consultation</u></p> <p>4.1 Members are advised that we have engaged with a wide range of stakeholders regarding the Temporary Pavement Café Licensing scheme and the proposal to implement a permanent licensing scheme.</p> <p>4.2 This has been done through a variety of mediums including a YourSay Belfast on-line public consultation, email correspondence, an in-person survey with businesses that had not applied for a licence, workshops with representatives of people with disabilities (a number of Members attended one of these workshops) as well as workshops with the business and hospitality community, DfI Roads and DfC.</p> <p>4.3 A full synopsis of the consultation feedback is included as appendix 1 to this report. A summary of the key findings is outlined below:</p> <p>YourSay consultation</p> <p>4.4 A YourSay consultation to obtain views on the merits of Pavement Café Licensing was carried out. The consultation ran for 8 weeks from 29th September to 30th November 2023.</p> <p>4.5 The YourSay public consultation received a total of 256 responses and a further 27 current temporary licence holders responded to the Licensee consultation.</p> <p>1. YourSay public consultation</p> <p>4.6 The majority of respondents indicated that they have been recent customers of a pavement café in the city, with almost 59% visiting one in the last month. The most popular locations for visiting pavement cafes are in the city centre (66%) followed by South Belfast (23.8%).</p> <p>4.7 There is general agreement that pavement cafes are of benefit to customers and are a positive addition to Belfast.</p> <p>4.8 In terms of negative experiences of pavement cafes, respondents identified that some pavement café areas are too large and obstructed access or footfall to an adjacent business. They also identified that pavement café furniture is not being removed from the street at night or when the business is closed causing obstruction to vehicles.</p> <p>4.9 There was also strong support (85.4%) for proper regulation to reduce any negative impacts.</p> <p>4.10 Most importantly 88% of the public consultees were in support of a permanent pavement café licensing scheme for Belfast.</p> <p>2. YourSay licensee consultation</p> <p>4.11 The YourSay targeted consultation with temporary Pavement café licence holders received a total of 27 responses.</p> <p>4.12 The majority (72%) of those with a temporary licence found the application process to be straightforward.</p>

4.13	The majority of respondents (51.9%) said the fees previously agreed by Committee wouldn't stop them applying.
4.14	<p>Going forward, the consultees were overwhelmingly in support of a permanent pavement café licensing scheme for Belfast (88.5%). Comments from consultees indicate that a permanent scheme would enhance their businesses, encourage them to invest more, provide clear operating parameters, increase vibrancy and give Belfast a European feel with a café culture.</p> <p>Feedback from Section 75 and disability umbrella group meetings</p>
4.15	<ul style="list-style-type: none"> • Generally, people were supportive of pavement cafes and they are seen as a positive addition to the city. • For people that still feel vulnerable to covid, etc. they feel more comfortable in outdoor spaces. • Some cafes create a tripping hazard and some businesses have taken over pedestrian areas to the extent that sometimes people are being forced onto the road. • Pavement Cafes should not take over car parking spaces – accessible car parking needs retained. • Barriers surrounding pavement cafés can sometimes confine the space making it more difficult for some people using a rollator or wheelchair. • Conversely, it is recognised that barriers around cafes are important for those with sight issues. • Good regulation/monitoring and enforcement is required. • Voices of disabled people must be heard – the disabled (purple) £ is worth as much as anyone else's. • City needs to be safe for disabled people to go the places they want to.
4.16	Following the workshop Guide Dogs Northern Ireland provided their views on the proposed scheme. Guide dogs provides services that support the independence of people with sight loss as well as campaigning and giving advice to government on creating an inclusive and accessible built environment. A copy of their letter is included as appendix 2.
4.17	Guide Dogs Northern Ireland expressed how reducing obstacles on pavements and street clutter is important to improving the quality of life of people with sight loss and raised concern at a possible rapid expansion of licences for pavement furniture, with streets becoming inaccessible if large areas of pavements are occupied by new furniture.
4.18	<p>They asked specifically that:</p> <ol style="list-style-type: none"> 1) the application consultation process be made accessible. 2) it be a requirement for all pavement café furniture to be separated from the pavement by a barrier. 3) a minimum pavement width of 2m (reducing to 1.5 m when not feasible) be required. 4) the Council would investigate concerns around accessibility and that a licence should be revoked if the pavement is not sufficiently accessible.
4.19	To reassure Members our guidance document for temporary pavement cafes contains a minimum pavement width of 2 metres clearance with a reduction of 1.5m in constrained environments. It further states that the licensed area should ideally be enclosed by way of adequate screening, to demarcate the area, to make it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians. The guidance is being reviewed and updated for the permanent scheme.

4.20	<p>Members will be aware that there is a separate agenda item on pavement café licence conditions. In that report we have suggested a condition to deal with keeping routes along pavements clear and taking into account the needs of disabled people.</p> <p>Hospitality / business umbrella group workshop</p>
4.21	<ul style="list-style-type: none"> • Very supportive of a permanent scheme for Pavement Cafes and also very supportive of Parklets (and more pedestrianisation in City) with regulation/enforcement. • Requirement to be able to remove furniture in 20 minutes is seen as a problem which makes aspiring to a good quality enclosure and furniture difficult. • Better quality plans were not seen as an issue. • The fees set previously were not viewed as unreasonable and it was suggested that this could increase if you were getting more space. Although size should not be related to available indoor space. • It was accepted that some existing Pavement Cafes are too large and will need to reduce in size for a permanent scheme. • Cleansing issues – agreed that should be condition of licence that they need to keep it clean. • There was concern that a minimum requirement of 2m clear footpath should be set for accessibility in all cases, as lesser width may be acceptable depending on location.
4.22	<p>Following the workshop the Federation of Small Businesses (FSB) provided their views on the proposed implementation of the scheme in January 2024. A copy of their letter is included as appendix 3.</p>
4.23	<p>Whilst they fully understand the need for updated, permanent arrangements the FSB have expressed concerns that the process appears to be rushed and incomplete. They have asked that the Council consider:</p> <ol style="list-style-type: none"> 1) Extending the current temporary scheme to allow for adequate stakeholder engagement with the consultation. 2) Re-consult stakeholders on the full draft pavement licensing scheme once the recommendations from stakeholders have been taken into account and/or the draft has been brought to the Licensing Committee for discussion. 3) Ensure all licensed and unlicensed pavement café operators have been contacted, and allow at least a 6 month transition period from the date a new scheme is properly consulted upon, agreed and has been fully communicated with respective premises.
4.24	<p>Officers believe that the Council has undertaken extensive consultation as outlined in this report. Two of the responding organisations welcomed the level and range of stakeholder engagement undertaken as part of this consultation process. We have visited over 60 unlicensed operators to discuss the licensing scheme as part of our consultation and this engagement will continue with both licensed and unlicensed operators. Officers are also looking at further ways to engage with businesses following the introduction of a permanent scheme to assist and support them.</p> <p>Dfl Roads engagement workshop</p>
4.25	<ul style="list-style-type: none"> • Pavement café culture and making spaces people-centric is something Dfl support but public safety/road safety/pedestrian safety is paramount. • Pedestrian numbers in city centre are likely to increase over time. Proposals in the Eastern Transport Plan will give space back to active travel, less parking spaces, more space for pedestrians.

	<ul style="list-style-type: none"> • Each application needs be assessed individually on its own merits – need to consider levels of footfall on footway etc. • The existing BCC guidance has been working satisfactorily for temporary scheme but Dfl would hope to get agreed NI wide guidance screened and published. • Dfl favoured shorter licence period than 5 years, to help deal with changing road/footpath landscape, but realised this may mean licensees would make less investment etc. • Council processes needed to revoke or vary PC Licences to cater for changing streetscape • Street furniture (benches/cycle stands) need to be standalone and outside of pavement café areas. • Dfl keen that pavement café furniture is removed outside operation hours, and that these hours should reflect the need to have furniture removed to facilitate unloading/loading hours for those in pedestrianised areas with restricted access for vehicles e.g. removed at night until 11am the next morning – if loading/unloading allowed until 11am. <p>Survey of business who did not apply for a Licence</p>
4.26	At your meeting in September Members had expressed concern about the number of unlicensed pavement cafes and asked that we consult with those businesses which had not applied for licences under the temporary scheme, to determine if there were specific reasons or barriers which they had encountered.
4.27	A Licensing Officer conducted an in-person survey around the city, visiting 61 businesses that currently operate an unlicensed pavement café to follow up on this request.
4.28	The overwhelming reason (69%) given for not applying was that they were unaware of the licensing scheme.
4.29	However, feed-back provided was generally positive and the majority of businesses welcomed the permanent scheme and confirmed they would apply.
4.30	Most felt that the original fee agreed by the Council was reasonable and others commented that the introduction of the permanent scheme would give them assurance, by obtaining a licence that would be valid for a number of years, to invest in their pavement cafe.
4.31	The results of the consultation exercises demonstrate there is clear agreement that there should be a permanent Pavement Café licensing scheme.
4.32	Taking into consideration the range of feedback that has been received as a result of the consultation Committee is now asked to consider if a permanent Pavement Café licensing scheme should now be implemented on 1 January 2024 and, if so, that this will be subject to the transitional arrangements as outlined below.
	<u>Proposed Transitional Arrangements</u>
4.33	It is considered necessary to have a transition and implementation period of 3 months for the introduction of a Permanent Pavement Café Licensing scheme. During the implementation period those with an existing temporary licence will be required to apply for a licence under the permanent scheme but may continue to operate their pavement café until their new application is determined.
4.34	The implementation period will also allow the Council time to process grant applications for permanent applications and for relevant statutory and public consultations to be undertaken.

4.35	A cut-off date for transitional arrangements to enable a move to a permanent Pavement Café Licence scheme is 31 March 2024. Thereafter any temporary licences will no longer be valid and any that have not made an application for a Licence will be subject to routine enforcement procedures.
4.36	Bearing in mind the comments of the FSB, if Members are minded to introduce a permanent scheme, you may wish to consider a longer transition period than 3 months.
<u>Fees</u>	
4.37	At your meeting in December 2016 the Committee, after considering a number of options, agreed the fees that should be charged for a Pavement Café Licence and determined a grant application fee of £225.00 with an annual licence fee of £55.00 for the ensuing 4 years. (No annual licence fee is charged in the first year). In addition, it was agreed that the fee for an application for the variation of a licence and also for the renewal of a licence would be £112.50.
4.38	Whilst the legislation allows the Council to set fees at full cost recovery levels Members decided to set a significantly reduced fee, equating to around 25p per day for a 5-year licence.
4.39	Given the circumstances under which the temporary scheme was introduced, the Council waived any fees associated with a Pavement Café application.
4.40	As a result of the YourSay public consultation the majority of consultees felt that the cost of administering the pavement café licence process should be met by Café owners or operators (74.4%) rather than coming from within existing council budgets (25.6%).
4.41	Also, through our stakeholder engagement it is apparent that businesses were not opposed to paying a fee. At the business workshop, the Federation of Small Businesses commented that paying a fee or bigger fee shouldn't be a problem for businesses, as they will carry out a cost benefit analysis to ascertain if its financially viable for their business.
4.42	Committee is asked to agree that the fees set in 2016 be implemented for the permanent scheme as there is scope within the Pavement Cafes Act for councils to ensure the cost of administering pavement cafes is not a rate borne activity. As these fees were set 7 years ago it is suggested that a review of fees be undertaken so that inflationary uplift and the costs of the operation of the scheme and associated enforcement activity can be assessed.
<u>Duration of Licences</u>	
4.43	It was previously determined by Council in 2017 that Pavement Café licences will be granted for a period of 5 years.
4.44	When asked about a licence period of 5 years, 52.2% of the public felt that was about right; 26.3% felt it was too long; and 6.7% thought it was too short. 77.8% of current licensees felt that a 5-year licence was about right whilst 11.1% felt it was too short a period.
4.45	Comments received on the licence duration indicate that business would be happy to invest in quality furniture knowing the licence was for 5 years. Other comments felt that the nature of the industry and the need to capture changes mean a shorter licence period would be more appropriate.
4.46	DfI Roads are concerned about the Council issuing a 5-year licence favouring a shorter licence period to help deal with changes to the road/footpath landscape.

4.47	Officers believe there are sufficient powers contained within the Licensing of Pavement Cafés Act (Northern Ireland) 2014 that should any part of the public area become, or is going to become, unsuitable for that purpose to revoke a licence.
4.48	Members are asked to determine if the 5-year licence term should be retained.
<u>Licence Conditions</u>	
4.49	At your meeting in December 2016, the Committee, agreed Standard Licence Conditions which would be applied to pavement cafés.
4.50	The majority of those conditions have proven appropriate, however there is scope to clarify and augment some of those Conditions, particularly in relation to street cleanliness issues and issues around removing and storing pavement café furniture.
4.51	A separate report will follow at this meeting to discuss this matter.
<u>Licence hours of operation</u>	
4.52	At your meeting in December 2020, the Committee, agreed that the standard hours for which a Temporary Pavement Café Licence may be permitted to operate would be set as 7.00 am to 11.00 pm, and authority was delegated to the Director of Planning and Building Control to grant any application for a pavement café licence to trade earlier or later than the standard times of 7.00 am to 11.00 pm.
4.53	The consultation exercise has highlighted issues around loading and unloading of vehicles making deliveries and that the times of operation of a pavement café should be set to minimise disruption of deliveries to business premises.
4.54	For clarity for any applicant for a permanent Pavement Café Licence Members are asked to agree that the standard hours of operation are set as 7.00 am to 11.00 pm. Where individual circumstances dictate that these hours are deemed unsuitable it is suggested that authority is delegated to the Director of Planning and Building Control to either extend or restrict the standard times of 7.00 am to 11.00 pm as appropriate.
<u>Guidance documentation</u>	
4.55	The Council produced a guidance document to help business owners to prepare an application for a Temporary Pavement Café Licence during the Covid 19 pandemic. That guidance document was based on guidelines prepared by the Department for Communities when they brought in the Licensing of Pavement Cafés Act (NI) 2014.
4.56	In addition, the Licensing Forum Northern Ireland produced a 'Guidance for Applicants' document to assist those intending to make an application for a pavement café licence.
4.57	Our guidance was equality screened with reviews in 2020 and 2021 for the temporary scheme.
4.58	Arising from the consultation exercise some suggested amendments to our guidance have been made by the Inclusive Mobility and Transport Advisory Committee (Imtac). Imtac is a committee of disabled people and older people. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of Deaf people, disabled people and older people.

4.59	A copy of the lmtac letter is included as appendix 4 to this report.
4.60	Officers understand that DfI Roads are to finalise the technical guidance which the Council was seeking to base our own guidance upon at the time that the legislation was introduced in 2016. Any technical changes highlighted in this regional guidance will be reflected in our guidance.
4.61	As previously stated, our guidance document for pavement cafes is being reviewed and updated for the permanent scheme. Suggested changes from lmtac and others will be considered and incorporated where possible. In doing so we must strike a balance in addressing concerns raised through the consultation exercise as it highlighted differing and competing needs, not just from applicants but also in feedback from disability groups.
4.62	Officers will undertake additional engagement with interested parties to consider their views further and to develop our guidance. In addition, we will monitor the rollout and implementation of the scheme and, where necessary, guidance can be amended further if necessary.
5.0	Financial and Resource Implications
5.1	The grant application fee for a 5-year pavement café licence is £225.00 with an annual licence fee of £55.00 for the subsequent 4 years. If the fees are waived there will be a total lost income over 5 years of at least £41,830 on the basis of applications granted at present. Given that this only represents about 40% of the total number of pavement cafes in the City should a scheme be implemented the loss in income to the Council would be considerably higher.
6.0	Equality or Good Relations Implications/Rural Needs Assessment
6.1	The Building Control Service has consulted with a range of stakeholders on various aspects of pavement café licensing over the last number of years. This included a formal consultation with potential pavement café operators on the proposed fees for a pavement café licence application in 2016. In June 2020 the Council introduced the temporary process for pavement café licence applications, with no associated fee, to help businesses recover during Covid-19. The temporary scheme underwent a screening process in 2020 and it was reviewed in 2021.
6.2	Prior to the current public consultation, an equality screening process and rural needs assessment were undertaken. Views were sought on the information contained in these draft documents and these will be updated accordingly based on the feedback obtained through the consultation and engagement process prior to progressing to a permanent scheme.
7.0	Appendices
	Appendix 1: Full synopsis of the consultation feedback Appendix 2: Letter from Guide Dogs Northern Ireland Appendix 3: Letter from the Federation of Small Businesses Appendix 4: Comments from lmtac about the BCC public consultation on The Pavement Cafes Licensing Scheme

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Belfast
City Council

Pavement Café Licensing Consultation: Analysis of responses

Business Research and Development Unit



Introduction

This report provides a summary of the consultation undertaken by Belfast City Council on a proposal to make the current temporary pavement café licensing scheme permanent.

The consultation aimed to understand people's views towards the proposal and to ascertain what impact the introduction of a permanent scheme would have on residents, businesses and other key stakeholders.

Background to the consultation

- Council officers undertook a four-week period of pre-consultation with key stakeholders across a number of sectors including Members, DfC, DfI, PSNI and Belfast City Council Disability Advisory Panel.
- Considered the feedback received from the consultation on Fees in 2016 to shape consultation questions; and
- Held a workshop with Members of the Licensing Committee to discuss the pavement café licensing scheme and its future going forward.

These conversations were used to inform and shape the contents of a public online survey and a separate online survey of temporary pavement café licensees. The surveys were set up through the Council's online consultation portal Your Say Belfast where responses could be submitted online. It was promoted widely via the Council's website and on social media. As a result, the story was picked up and circulated by a number of media outlets and organisations e.g., News Letter, Hospitality Ulster, 4NI, and Irish News.

Summary of feedback

Public:

- There was strong support for a permanent pavement café licensing scheme for Belfast, 89% of the public consultees were in support.
- There was also strong support (85.5%) for proper regulation to reduce any negative impacts.
- Individuals experiences of pavement cafés have been generally positive.
- The majority of consultees felt that the cost of administering the pavement café licence process should met by Café owners or operators.
- Over half of respondents thought a licence period of 5 years was about right.

Licensees:

- Licensees consultees were overwhelmingly in support of a permanent pavement café licensing scheme for Belfast (88.5%).
- Most of the pavement café operators felt that the pavement café benefitted their business (92.3%).
- The majority of consultees felt that businesses should not be asked to pay a fee for a permanent pavement café licence (55.6%)

- There was also strong support (70.4%) for proper regulation, monitoring and proportionate enforcement of pavement cafés (licensed and unlicensed) to reduce any negative impacts.

Unlicensed:

- The majority of unlicensed businesses surveyed commented they didn't know about the scheme.
- However, the feedback provided was generally positive and the majority of businesses welcomed the permanent scheme and confirmed they would apply.

Responses received

In total, 256 people and organisations responded to the public consultation. A further 27 current temporary licence holders responded to the Licensee consultation. The responses comprised as follows:

Method of response	Responses received
Public Consultation (YSB online consultation portal)	256
Licensee Consultation (YSB online consultation portal)	27
Total	283
Additional: Engagement sessions	5
Additional: Correspondence	3

The public consultation respondents were split into three categories, members of the public (94.1%, 241 responses); those who own, operate or were responding on behalf of a business (4.7%, 12 responses) and those responding on behalf of a group or organisation (1.2%, 3 responses). The organisations were Cathedral Quarter Business Improvement District, Linen Quarter Business Improvement District and RNIB NI. [Q9-10 permission given to publish organisation names]

In addition, council received three written responses from representative organisations (IMTAC, FSB and Guide Dogs UK) providing comments on the consultation.

Public Consultation - Summary Analysis

The introduction of a permanent Pavement Café Licensing Scheme

Belfast City Council has reviewed the feedback received to the public consultation and a summary of the Council’s analysis is provided below. In all, 256 responses were received to the public consultation which was open from 29th September to 30th November 2023 on the Your Say Belfast platform.

Pavement Café Culture

The majority of respondents indicate that they have been recent customers of a pavement café in the city, with almost 59% (150 responses) visiting one in the last month (daily/weekly/monthly visits) [Q15]. The most popular locations for visiting pavement cafés is in the city centre (66%) followed by South Belfast (23.8%) [Q16]. This is reflective of the geographic spread of businesses with a temporary pavement café licence, the majority of which are in the city centre.

Individuals experiences of pavement cafés have been generally positive, in particular as customers (Customers = 85%; Pedestrians = 70%; Business Owners = 67% and Road Users = 55%) [Q19]. This positivity continues when considering the impact that pavement cafés have on the city. Almost 86% of respondents felt that pavement cafés were a positive addition to Belfast. There was also general agreement that pavement cafés are of benefit to customers of businesses supplying food and drink (86%); benefit to food and drink businesses (90%); and benefit to other businesses in the area (80%) [Q17].

Respondents were able to comment further on their experiences, and there was a total of 110 comments. [Q18]. Some comments made more than one point. The most frequently cited thematic areas are listed in the table below:

Comment thematic area	Tone	Frequency
Pavement café scheme increase vibrancy / add life	Positive	30
Pavement café scheme obstructs footfall / pavements	Negative	29
Pavement café scheme reduce the risk of covid-19 / airborne infections / allows vulnerable people to safely socialise	Positive	17
Pavement café scheme show NI / Belfast can modernise and give a European feel	Positive	14
Pavement café scheme helps support the hospitality sector (particularly post covid)	Positive	13
Pavement café scheme is good for customers	Positive	13
Pavement cafés are too big in size	Negative	12
Pavement café scheme has a negative impact on some Section 75 groups	Negative	12

In terms of negative experiences of pavement cafés, respondents indicated they had been impacted by the following: [Q21]

Option	Yes	No	No response
Not enough clear footpath width left or pavement café causing an obstruction on the footway for people passing by	84 (33%)	170	2
Pavement café too close to edge of road - causing an obstruction to the use of on-street parking spaces	57 (23%)	195	4
Pavement café area too large - obstructing access or footfall to an adjacent business	62 (25%)	188	6
Not enough space within a pavement café itself or furniture obstructing the building's entrance/exits	65 (26%)	187	4
Pavement cafés not being enclosed by barriers causing a problem for people with a visual disability	71 (28%)	182	3
Pavement café furniture not being removed from the street at night or when the business is closed causing obstruction to vehicles (for example impacting early morning deliveries to other businesses or access for street cleaning)	56 (22%)	196	4
Gathering of rubbish and cleansing issues around pavement café	74 (29%)	177	5

A further 43 (16.8%) consultees responded that either they or a person in your company had encountered accessibility issues e.g., wheelchair access or pram access [Q22]. Of these, 63% (27) have dependents; 26% (11) have a physical disability and 16% (7) have a sight impairment.

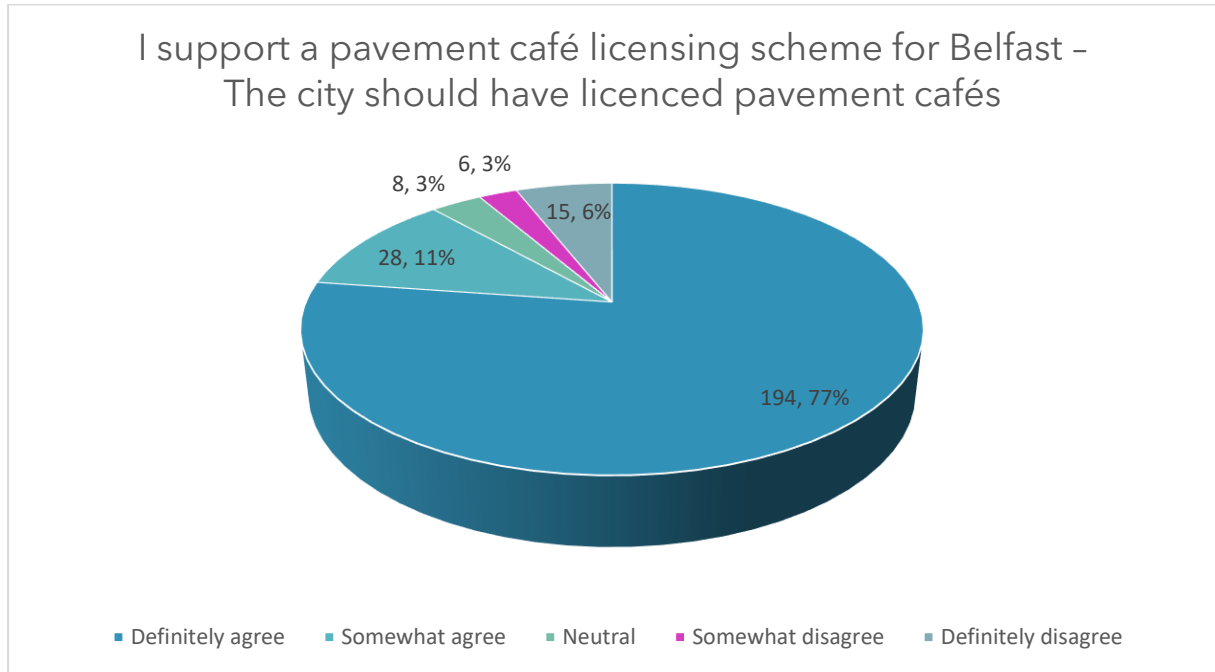
Of the 43 consultees who indicated they have encountered accessibility issue, 34 provided further comments on this [Q23]. Some comments made more than one point. The most frequently cited thematic areas are listed in the table below:

Comment thematic area	Frequency
There were obstructions on the pavement	14
The pavement area was reduced	9

Had to walk on the road to pass	7
Difficulties for those who are blind or partially sighted (i.e., no barrier)	5
Not accessible for wheelchairs (or prams)	5
Hard to manoeuvre (though space and around obstacles)	4

A permanent Pavement Café Licensing Scheme

Going forward, the consultees were overwhelmingly in support of a permanent pavement café licensing scheme for Belfast (88%) [Q25].



Monitoring

There was also strong support (85.4%) for proper regulation, monitoring and proportionate enforcement of pavement cafés (licensed and unlicensed) to reduce any negative impacts [Q26].

Fees

The majority of consultees felt that the cost of administering the pavement café licence process should be met by Café owners or operators (74.4%, 189 responses) rather than coming from within existing council budgets (25.6%, 65 responses) [Q31].

The level of fee previously agreed by the Council was considered to be about right by 30.6% (78 responses), too low by 16.1% (41 responses); too high by 15.7% (40 responses) and 37.6% (96 responses) either didn't know or had no opinion [Q32].

Respondents who felt the level of fees previously agreed by council were either too high or too low were able to provide further comments on their opinion.

Fees - too low comments

Of those who felt the fees were too low, 27 offered further comments which were categorised as follows: [Q33]

- Nine proposed that council's administration costs should be covered by the fees levied. Two of the 9 also suggested that in addition to the admin costs, further costs should be covered e.g. partner agency costs (DfI) or impact on environment.

- Four suggested the fees increase from those set in 2016 as 25p per day was too low and to account for general increases over the intervening years.
- Four suggested fees of between £1000 pa and £5000 pa, with one proposing the fees increase over the 5-year term of the licence (yr 1 would be reduced to allow for the businesses initial investment).
- Three suggested a commercial rate based on either rates paid or rent per areas.
- Three suggested a rate based on the space used by the café or number of tables, meaning bigger pavement café areas would pay more than small ones.
- Two suggested fees should be based on increase in profits.

Fees - too high comments

Of those who felt the fees were too high, 22 offered further comments which were categorised as follows: [Q34]

- Eleven suggested there should be no fees.
- Eight commented that the initial application rate (£225) should be reduced, with 3 of the seven adding the annual rate should be reduced or set at a fixed rate.
- Two proposed the fees are shared by both council and the applicant.

Licence duration

When asked about a licence period of 5 years, 52.2% (133 responses) felt that was about right; 26.3% felt it was too long (67 responses); 6.7% too short (17); and 14.9% either didn't know or had no opinion (37 responses) [Q35].

Demography

Respondents interest in the public consultation

Respondents described their interest in the consultation as follows: [Q1]

Which of the following best describes your interest as a respondent?	Number
Member of the public	241
Business representative organisation/ trade body	3
Own / Manage a business in Belfast	12
Grand Total	256

Additional information:

- Of the 241 members of the public who responded, 196 live in Belfast; 78 work or study in Belfast and 24 are visitors to Belfast. [Q2 note: respondents could pick multiple responses to this question]

Gender [Q3]

Male	Female	Use another term	Prefer not to say	Not answered
119/256	109/256	<5/256	7/256	17/256
49.8%	45.6%	<2%	2.9%	

Age [Q4]

Under 18	18-24 yrs	25-34 yrs	35-44 yrs	45-54 yrs	55-64 yrs	65 yrs +	Not answered
3/256	9/256	47/256	49/256	74/256	37/256	21/256	16/256
1.3%	3.8%	19.8%	20.4%	30.8%	15.4%	8.8%	

Day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? [Q5]

Yes	No	Prefer not to say	Not answered
36/256	191/256	12/256	17/256
15.1%	79.9%	5.0%	

How does the disability affect you? [Q6]

Option	Number
Physical disability	20
Hearing impairment	4
Sight impairment	8
Mental health condition	14
Learning disability	4
Long standing illness	13
Prefer not to say	1
Other	2

Dependants / Caring responsibilities [Q7]

Yes	No	Not answered
87/256	152/256	17/256
36.4%	63.6%	

Type of caring responsibilities [Q8]

Option	Number
A child or children	56
A person with a disability	22
An elderly person	30
Other	1

Equality or Rural Needs Assessment issues that should be taken into consideration in relation to the proposed permanent scheme:

There was a total of 13 responses to this question. Some responses made more than one point. The most frequently cited thematic areas were in relation to areas of concern about the pavement café scheme for those who are blind and partially sighted (6); who have mobility issues (5); who have dependents (2) and the elderly (1). In contrast there were a number of comments in favour of the scheme from those who are clinically extremely vulnerable.

There were no comments received in relation to the draft Rural needs Impact Assessment.

Licensee Consultation - Summary Analysis

The introduction of a permanent Pavement Café Licensing Scheme

Belfast City Council has reviewed the feedback received to the Licensee consultation and a summary of the Council's analysis is provided below. In all, 27 responses were received to the licensee consultation which was open from 29th September to 30th November 2023 on the Your Say Belfast platform. The link to the survey was sent to all current temporary pavement café licence holders.

Temporary Pavement Café Licence Scheme

Of the 27 responses received, 25 were from consultees who have a licence under the temporary scheme. The remaining 2 are unlicensed [Q1]. The reasons cited for being unlicensed were the application process being too difficult and not knowing a licence was required [Q2].

The majority (72%) of those with temporary licence found the application process to be straightforward, the remaining 28% disagreed [Q3].

Suggestions to improve the process going forward included [Q4]:

- Simplifying the approval process
- Shortening the time it takes to go through the process to obtain a licence
- Providing clear guidance and offering face-to-face meetings for advice
- Streamlining the renewals process
- An online payment facility for fees.

Most of the pavement café operators felt that it benefitted their business (92.3%) [Q5]. The benefits outlined included [Q6]:

- Additional seating
- Improved visibility to customers
- Creates vibrancy
- Improves the area and can promote investment/ regeneration
- Enhances the customer experience
- Increases footfall and boosts sales

Almost 85% of consultees intend to apply for a licence when the permanent scheme opens [Q9].

Operating a Pavement Café

Three quarters (74.1%) of consultees indicated that their pavement café has an enclosure around it [Q11]. The same number of consultees (74.1%) can fully remove their pavement café from the street within 20 minutes [Q13]. Those that can't remove it indicated this was due either to fixed equipment being in place; due to anti-social behaviour or the need for

sturdy fixtures that will last [Q14]. Again, 74.1% of consultees have adequate storage provision [Q15]. Those that don't, stated the equipment was either too large or they hadn't been able to get storage [Q16].

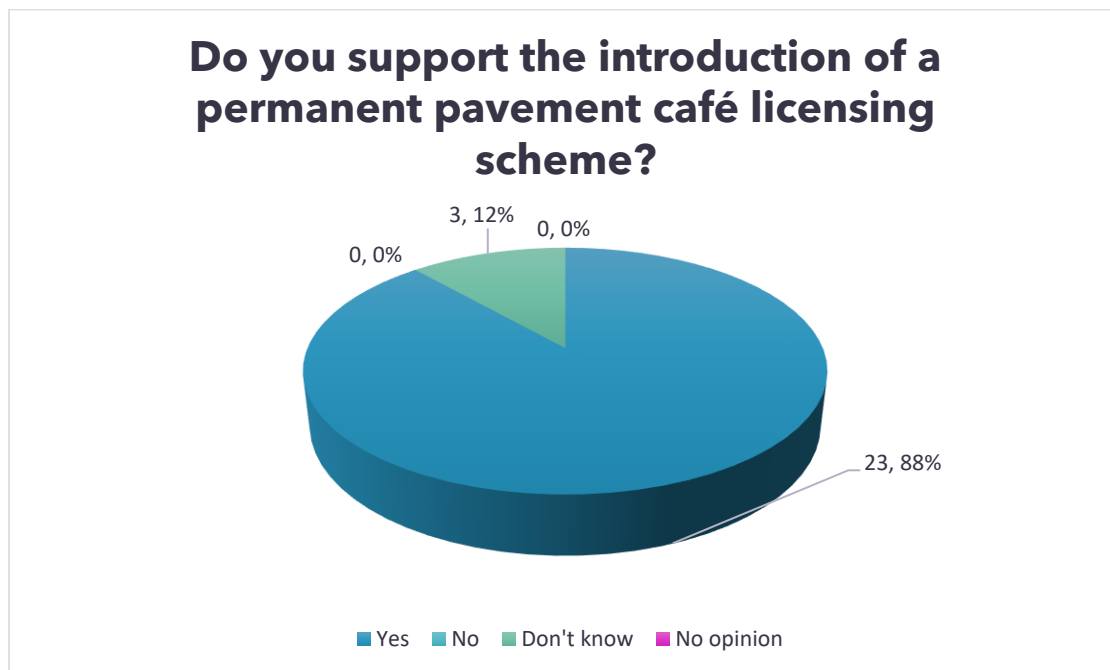
Accessibility

All (96.3%) but one respondent felt there was enough space within their pavement café to make it accessible for customers with a disability [Q17]. The physical barriers were cited as being difficult to navigate if in a wheelchair by this respondent. When asked if the remaining footpath space outside the pavement café was adequate for pedestrians and/or vehicles to pass by, 96.3% agreed it was [Q19].

In response to the question "Do you feel that pedestrians and other street users should have priority over pavement cafés?"; 59.3% said yes; 33.3% said no and the remainder 7.4% didn't know [Q21].

A permanent Pavement Café Licensing Scheme

Going forward, the consultees were overwhelmingly in support of a permanent pavement café licensing scheme for Belfast (88.5%) [Q24]. Comments from consultees indicate that a permanent scheme would enhance their businesses, encourage them to invest more, provide clear operating parameters, increase vibrancy and give Belfast a European feel with a café culture.



*1 respondent didn't answer this question

Fees

The majority of consultees felt that businesses should not be asked to pay a fee for a permanent pavement café licence (55.6%) and 40.7% felt that businesses should pay a fee [Q26].

The level of fee previously agreed by the Council was considered to be reasonable by 51.9%; too high by 33.3% and 14.8% either didn't know or have an opinion [Q27]. No one responded that the fees were too low. The comments made in relation to the fees suggested that there should be no licence fee due to the business rates that the businesses pay [Q28].

Only 11.1% (3) respondents felt the proposed fees would put them off making a permanent licence application. The majority of respondents (51.9%) said the fees wouldn't stop them applying [Q29].

License duration

When asked about a licence period of 5 years, 77.8% felt that was about right; 11.1% felt it was too long; and 11.1% thought it was too short [Q31]. Comments received on the licence duration indicate that businesses would be happy to invest in quality furniture knowing the licence was for 5 years. Other comments felt that the nature of the industry and the need to capture changes mean a shorter licence period would be more appropriate [Q32].

Monitoring

As with the public consultation, there was also strong support (70.4%) for proper regulation, monitoring and proportionate enforcement of pavement cafés (licensed and unlicensed) to reduce any negative impacts. In contrast, 11.1% disagreed and 18.5% either didn't know or have an opinion [Q36]. Comments made by consultees in relation to monitoring and enforcement suggested that there should be a consistent approach, advice and guidance to be given before penalties levied and monitoring would encourage high standards and safety [Q38].

The enforcement of technical requirements and licence conditions in licensed pavement cafés was also considered to be important by the majority of respondents (77.8%). This was important to ensure consistency, compliance and safety [Q39-40].

All (96.3%) but one respondent felt that monitoring and enforcement of unlicensed pavement cafés is important. Respondents felt that the need for a licence should be applied consistently, it would set a high benchmark for the city, and ensure compliance and safety [Q42,44].

Unlicensed Pavement Café Consultation - Summary Analysis

While many of the pavement cafés operating in Belfast are licenced, there are approximately 140 which don't have a licence. As part of the pavement café public consultation, Building Control officers conducted a survey around the city, visiting 61 premises that currently operate an unlicensed pavement café.

The survey was undertaken to find out the reasons why businesses with unlicensed pavement cafés didn't apply to the temporary scheme when it was introduced in 2020 and to provide them with general information about the permanent scheme moving forward.

Out of the 61 premises visited:

- 42 businesses commented they didn't know about the scheme.
- 6 businesses commented they owned the land and didn't think they required a licence to operate.
- 1 business commented they knew about the scheme but didn't think they needed a licence.
- 1 business commented they didn't have time to apply and that they only put furniture on the pavement on occasion.
- 1 business commented the application process was difficult regarding amending plans to accommodate DFI recommendations.
- 1 business commented they knew about the scheme; it was an oversight that they didn't apply.
- 3 businesses commented they did apply but did not follow up with required information.
- 2 businesses commented they applied - BCC investigated and hold no record of applications.
- 4 businesses were unable to comment - Employee passed information on to management.

The feedback provided to Council Officers conducting the survey overall was positive, the majority of businesses welcomed the permanent scheme and would apply.

Most felt that the original fee agreed by the Council was reasonable, however two businesses commented that their pavement café area didn't benefit their business and they would like to remove it going forward as its main use was to accommodate customers who smoked cigarettes.

Some of the businesses highlighted they owned or managed multiple premises within Belfast and would also like to apply for a pavement café licence for other stores.

Others commented that the introduction of the permanent scheme would give them assurance by obtaining a licence that would be valid for a number of years. They stated that they would be more willing to invest in the overall presentation of their pavement café area.

Engagement events

Building Control Officers held a number of targeted engagement events, five in total. Feedback received from stakeholders and umbrella organisations was very positive about the depth of council's engagement with key groups on the topic.

Disability Advisory Panel

Officers met with Council's Disability Advisory Panel (DAP) on 27th September 2023 to brief them on the consultation. The panel is a forum of individuals with knowledge and personal experience of different types of disability. The purpose of the panel is to:

- advise, guide and support the council to respond better to the needs of Deaf and disabled people
- identify priorities in offering accessible and inclusive services and facilities
- draw upon group members' personal experiences to represent the broader issues for Deaf and disabled people in Belfast
- promote equality of opportunity.

Feedback from the DAP in relation to the pavement café licensing scheme included:

- Generally supportive of pavement cafes.
- Concern about vermin with pavement cafes especially as some council lorries cannot get in to clean up.
- Tripping hazard and some businesses have taken over pedestrian areas.
- Concern over emergency vehicles not getting through in a life-threatening situation.
- Too many obstructions on footpaths - dangers around having to walk onto road.
- Pavement Cafes taking over car parking spaces - accessible car parking needs retained.
- Good regulation/monitoring and enforcement required.
- It was understood that the temporary pavement café scheme was light touch brought in to support businesses during Covid and some existing cafes would not have got a licence for the areas they have under a permanent scheme.

Section 75 Engagement session

There were two targeted engagement sessions spotlighted on Your Say Belfast consultation platform. One session was targeted towards Section 75 groups and the second session was targeted towards the hospitality and business sector.

The Section 75 session was held on 30th October and a cross section of representative and umbrella organisations were invited to participate and give their views. The session was attended by Members of the Licensing Committee and IMTAC, Disability Action, RNIB and a representative from the Disability Advisory Panel.

Feedback from this session included:

- In general, felt that pavement cafes are a positive addition to the city with a few that need to be managed better or reviewed due to size.
- Economic benefit to city – but needs to be balanced with regulation and monitoring inspections are important.
- 1 in 4 people identified themselves as having a disability – census 2021. NI have much higher proportion than rest of UK and voices of disabled must be heard – the disabled (purple) £ is worth as much as anyone else’s.
- City needs to be safe for disabled people to go the places they want.
- Concerns over access by emergency vehicles.
- Disabled people have legal protection.
- We must have regard to the rights of disabled people and others to use the footway.
- Recommended clear footpath width of 2m for access and use of key Principles of Inclusive Street design which has been redrafted.
- IMTEC asked for clear guidance from BCC which must be equality screened, and PC Licensing Model must be fit for purpose.
- Important to provide for all disabled people whether they use wheelchair, crutches, walking canes, white stick, etc. or those with prams - all need adequate space.
- Importance of tap-rails on enclosures around PCs for those with visual impairment.
- Some of the interventions made for covid meant significant parts of the public realm were taken over – lost seating, parking spaces, etc. Covid liberalisation cannot become the new norm.
- The relaxed attitude from Covid needs to change going forward. Understand businesses maximising space – but Council needs to audit what has been provided.
- Need to consider PCs in context of other issues such as cycling routes, making sure the number of disabled car parking spaces is not reduced.
- Premises need to remove furniture at night.
- Supportive of Parklets as long as footways are kept clear. Narrow footways are not the way to make a city more accessible.
- Queries raised about payment of rates for PCs.

Hospitality and Business Sector Engagement session

A second session was held on 6th November with the business and hospitality sector and once again, cross section of representative and umbrella organisations at local level, city wide, city centre-focused and sector-focused were invited to participate and give their views. The session was attended by Belfast One BID, Cathedral Quarter BID, Linen Quarter BID, Belfast Chamber, Federation of Small Businesses and Horatio Group.

- Very supportive of Pavement Cafes – see benefits for City and businesses and also very supportive of Parklets (and more pedestrianisation in City).
- Request that we work together (BCC/Dfl/businesses) to have good quality PCs in city. If some licensee not meeting conditions, then revoke their licences.

- Supportive of a Permanent Scheme and regulation/enforcement.
- Requirement to be able to remove furniture in 20 minutes seen as a problem - makes aspiring to good quality enclosure and furniture difficult.
- More professional plans and fees not seen as an issue. Reasonable to pay more if getting more space.
- Transparency of what is likely acceptable (for example in terms of size) would be useful - also useful if council could triage existing ones with Dfl and give existing licensees advance warning of issues.
- Size should not be related to indoor space. If space available and acceptable then should be allowed. But all businesses need opportunity to apply for a PC licence.
- Accept that some existing PCs are too large and will need to reduce in size for permanent scheme.
- Cleansing issues - agreed that should be condition of licence that they need to keep it clean. Suggested possibility of linking with main street cleansing schedule so businesses know on what days (for example twice a month) they must move their furniture.
- Don't think a blanket requirement of 2m clear footpath should be set for accessibility, as 1.5m or even 1m may be acceptable depending on location.
- Feel consultation period short and near Christmas and once proposals firmed up by Committee a further short consultation would be preferable.

Action Ability Belfast

Service Users Forum, Springfield Road

- Generally positive about pavement cafes - good for people that still feel vulnerable to covid etc. Disabled people spent a long time shielding.
- Highlighted issues with comfortably entering pavement café areas, spaces can be compact and not suitable for those with a rollator or wheelchair and wouldn't be suitable to accommodate multiple wheelchair or rollator users.
- Users commented on issues they faced using Castle Street where tables and chairs take up a significant part of the pavement forcing them onto the road and also highlighted a similar issue in Fountain Street and the lack of space to navigate around due to the size of pavement café area and high volume of people in the area.
- When footpath width restricted by a pavement café and there is busy two - way pedestrian traffic a mobility scooter user can be forced into the road - often there are not enough dropped kerbs to get back on the pavement quickly.
- Access problems make disabled people/groups on their outings into town avoid certain routes and premises/areas.
- Furniture being used in some pavement cafes isn't sturdy enough. Park benches not suitable.
- Not just people with disabilities impacted - able-bodied are as well e.g., someone with a pram, families, etc.
- Congested areas - mobility scooters find it difficult to progress, you get people with earphones on etc. and people walk into you.

- User suggested taking a group out with various disabilities to use a pavement café area and provide feedback to BCC on the positive and negative impacts - get views of disabled people before approval.
- Good customer care in dealing with people with disabilities is important. Pavement cafes could facilitate disabled customers by removing/stacking some chairs aside for a while to give extra space and facilitate them when they arrive. Also facilitate their access into the inside premises if needed (for access to WC for example).
- Some things in premises can also help - high toilet, grab rails help (even if not fully accessible wc)
- Barriers surrounding pavement café areas can sometimes be more of hinderance than help due to confining the space making it more difficult for some people to manoeuvre. They did acknowledge how barriers could be helpful for those with sight issues.
- User highlighted some barrier bases can be problematic for those who have mobility issues as they extend outwards, and they could potentially trip over them.
- User would like to see more outdoor pavement cafes areas providing rain cover when appropriate.
- Commented on pavement café area in the city centre. Area can be very congested and difficult to navigate due to outdoor seating area and bus stop close by. The wheelchair user she accompanied was told to move away from pavement cafe area by door staff. Another user commented that she had similar issues in this area.
- Retaining accessible car parking important.
- Vans and cars parking on pavement also a problem. Also advertising signs, bins, etc. make it hard for mobility scooters to navigate.
- Concern about emergency services trying to get around pavement cafes.

Road Service engagement workshop

- Pavement café culture and making spaces people-centric is something DfI support but public safety/road safety/pedestrian safety is paramount.
- Pedestrian numbers in city centre likely to increase over time - for example Eastern Transport Plan will give space back to active travel, less parking spaces, more space for pedestrians. May increase available space for Pavement Cafes in the future. Therefore, not always sufficient to design for today's footfall numbers.
- Starting point is that footway to be kept clear unless it is determined appropriate for a pavement café.
- Discussed pre-determination of zoning areas/footpaths where PCs considered appropriate or not, but each application needs be assessed individually on its own merits - need to consider levels of footfall on footway, etc.
- The existing BCC guidance has been working satisfactorily for temporary scheme (alongside DfI roads technical guidance concerning road junctions/visibility/etc.) but DfI are to review the previously produced DfC document to get agreed NI wide guidance screened and published.
- DfI favoured shorter licence period than 5 years, to help deal with changing road/footpath landscape, but realised this may mean licensees would make less investment.

- Robust Council processes needed to revoke or vary PC Licences to cater for changing road/footpath landscape, need to access services or for events, etc.
- Street furniture (benches/cycle stands) need to be standalone and outside of pavement café areas.
- DfI keen that pavement café furniture is removed outside operation hours, and that these hours should reflect the need to have furniture removed to facilitate unloading/loading hours for those in pedestrianised areas with restricted access for vehicles e.g., removed at night until 11am the next morning - if loading/unloading allowed until 11am.
- Licensing Conditions should reflect local requirement in terms of operational hours and requirements to remove furniture.



A briefing for Belfast City Council - Consultation November 2023
Pavement licences: impact on people with sight loss
Guide Dogs Northern Ireland

Guide Dogs provides services that support the independence of people with sight loss in the UK. Alongside our services, we campaign to remove barriers that prevent blind and partially sighted people living their lives as they choose. Guide Dogs provides advice to public bodies including the UK Government, devolved governments and local authorities on how to create an inclusive and accessible built environment.

83% of people with sight loss said that reducing obstacles on pavements and street clutter was important to improving their quality of life¹.

Street clutter is a broad term used to classify different features on streets that become obstacles and hazards which in turn make it difficult for pedestrians with sight loss to use pavements safely and independently.

There are a number of features that are classed as street clutter: parked cars on pavements, street works, overhanging branches, wheelie bins, advertising boards (including A-boards), e-scooters, dockless bicycles, café furniture or shop displays, uneven pavement, planters, electric car charging points, unnecessary road markings, redundant traffic signs and lamp posts.

Summary of main concerns about permanent pavement café licence scheme implementation

- The move to a permanent scheme may potentially enable the rapid expansion of licences for pavement furniture, which can be difficult to navigate for disabled pedestrians, including blind and partially sighted people

¹ Insight Angels and Guide Dogs 'Challenges in the Built Environment for Vision Impaired People' (2021)



- We are concerned that high streets will become inaccessible if large areas of pavement are occupied by new furniture
- A rapid approval of new pavement licences could mean that people with sight loss are shut out of the consultation process
- Additional safeguards to reflect the impact on pedestrians with disabilities may be required in the post consultation process.

We would ask the Council to support reasonable adjustments that require the consultation process and resulting decisions about a permanent licence scheme to be accessible, require accessible layouts and strengthen powers of appeal.

Impact on people with sight loss

Obstacles on the pavement make navigating more difficult for people with sight loss. Changes to infrastructure as a result of social distancing have previously hit blind and partially sighted people disproportionately hard, with two-thirds of respondents to an RNIB survey reporting that they have felt less independent since social distancing was introduced. A considerable increase in street furniture throughout the Belfast City Council area could force blind and partially sighted people to walk in the road, change their route, avoid travelling independently, or even stay at home altogether.

Temporary street furniture creates additional challenges because it is not designed to be easily detected by people with sight loss - colour contrast may be poor, or furniture may allow a long cane to get trapped underneath it, causing a trip hazard. Wherever possible, street furniture should be marked off with an accessible barrier.²

We welcome recognition in draft guidance³ developed in Great Britain that local authorities should maintain minimum widths of pavement space to allow people with disabilities to navigate safely. It is

² For more detail, please see the sight loss sector's [Covid-19 street design guidance for local authorities](#)

³ <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>



important to note that the widths specified⁴ there predate Covid-19 and therefore do not consider the potential need for additional space required for social distancing. Although this does not feature with the same priority in 2023/24 than in previous years - a permanent scheme should be robust enough to incorporate the need for social distancing again in the future, particularly for the wellbeing and safety of people with disabilities.

Recommendations for Belfast City Council regarding a permanent pavement café licence scheme

- Requirement for all businesses to use a barrier to separate furniture from the pavement and furniture placed sufficiently away from the pavement to allow for the safe passing of pedestrians.
- Ensuring the minimum pavement width required to allow two pedestrians to pass each other while socially distancing.
- Ensuring the needs of disabled people and the recommended distances required for access by disabled people have been taken into account e.g. long cane users, guide dog owners, people who need a sighted guide and wheelchair users.

A note on automatic approval

We recognise the need to grant pavement licences rapidly to enable economic activity. However, this needs to be balanced against the duty to consider the needs of disabled people.

We believe the volume of applications to Council could overwhelm the local authority and result in automatic approval for a significant proportion of licences. Combined with the absence of an opportunity to appeal, the automatic approval process risks allowing hazardous street furniture being permitted in inappropriate locations. If automatic approval is to be implemented, we recommend that the initial period of that approval be reduced to three months, in order to

⁴ Department for Transport, [Inclusive Mobility](#), section 3.1 recommends a minimum of 2m width



give local authorities the opportunity to revisit and review licences that may have been approved simply due to a lack of resources.

Recommendations:

- A requirement for Council to establish a right to appeal the approval of an application on the grounds of safety or inaccessibility for disabled people.
- A requirement to investigate concerns around accessibility when pavement licenses are granted and revoke the licence if the pavement is not sufficiently accessible.

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Building Control

Place and Economy Department
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4-10 Linenhall Street
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BT2 8BP

pavementcafes@belfastcity.gov.uk



Copied to relevant elected members.

30th November 2023

Re: Public consultation on a Permanent Pavement Café Licensing Scheme

Dear Team,

The Federation of Small Businesses (FSB) has 160,000 SME members across all sectors, of which 6,000 are in Northern Ireland. SMEs make up 99% of all businesses in NI, employing more people than large business and the public sector combined. Hospitality businesses form a significant part of the FSB membership, and we welcome the support provided to businesses during the pandemic - including the Temporary Pavement Café Licensing Scheme currently in operation across the Belfast City Council (BCC) area.

Overall

We understand the consultation relating to pavement café licensing will inform the implementation of a permanent pavement café licensing scheme due to begin in January 2024, which will include a 3-month grace period until March 2023 allowing current license holders and non-holders to apply and transition.

We welcome stakeholder engagement on this issue and note the wide variety of views that need to be accounted for. We appreciate the approach taken by BCC in during previous years, and we recognise the support shown for businesses during the Covid-19 pandemic and recovery. We also acknowledge the need to agree and embed more permanent arrangements, having now moved beyond the pandemic.

However, we are concerned that the process is not being carried out in a way that will bring about the best quality stakeholder engagement - and therefore a suboptimal transition and/or operation of the new scheme is more likely. These concerns are outlined in the following ways below.

Concerns

Belfast City Council notes the following on its [consultation page](#):

"We intend that the permanent scheme beginning 1 January 2024 will mirror the existing temporary scheme. However, associated fees may apply, applications will be considered with a less liberal approach than was deemed appropriate during the temporary scheme in terms of location, size and so on and licence conditions may be amended, or new ones added to address specific issues. It is also intended that the permanent scheme will include increased monitoring and enforcement activity with

1

regards to both licensed and unlicensed pavement cafés. A consultation exercise is being carried out prior to implementation of the permanent scheme to inform any changes that are required.”

Time of year - the ongoing consultation process is due to conclude in late November/December following an online public consultation and in person engagement with Equality groups and businesses. This will be followed by an almost instant implementation of the new scheme in January 2024.

This is the Holiday season and the busiest for the hospitality sector. Therefore, effective engagement with the consultation process is unlikely for many.

During in-person engagement with stakeholders that included FSB, officials were very helpful and open minded. It was explained that ~40% of those premises operating a pavement café currently hold a licence. This means there are over 130 premises operating without a licence – many of whom who may not be fully aware of present or upcoming requirements. In contacting FSB members with a pavement café, many have been unaware – and we recommended in discussions with officials that contact be made.

Given the importance of pavement cafes to the operating model of said businesses, the combination of timing and lack of effective engagement could result in businesses being taken by surprise – and potentially left without considerable seating space in their business. The knock-on effects, particularly for small independent businesses, could result in serious cash flow problems, and all that follows in such a scenario. The combination of timing and a compressed timeframe is not good, nor fair on small businesses.

No Draft – in addition to the time of year and compressed timeframes, the consultation has come about in the form of in person engagement and a survey. However, it is standard practice for government to do this type of work *ahead* of consultation on a draft proposal i.e. a new draft version of the temporary scheme documentation.

The benefit of consulting on an actual draft is that stakeholders can clearly see the areas of change, and comment about the positive or negative impacts of those changes. Without such an approach, we can only see an inadequate process unfolding that increases the risk of unnecessary harm or distress for small businesses.

If the temporary scheme was to be ‘rolled over’ in whole, then this would provide stakeholders with a document to critique and the primary issue would be one of timing. However, during the engagement process it became apparent that officials considering a range of changes that would be decided ‘behind closed doors’ and presented to a committee

– without stakeholders having had a chance for consultation on said proposals. This misses at least one key step in the use of best practice public consultation.

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Registered in England: 1263540

Overlap – Furthermore, the Department for Communities (DfC) has also been carrying out an evaluation of the Pavement Café legislation. Although this evaluation is mandated by the legislation, it adds a question as to the timing of BCC consultation i.e. would be more appropriate to commence a permanent scheme when the DfC evaluation is complete, for example. For information, we have inserted our response to the evaluation in the letter below:



FSB NI Response to
Evaluation on Licensin

Recommendations

FSB members fully understand the need for updated, permanent arrangements – however the process appears to be rushed and incomplete. In light of the information outlined above, BCC should consider the following as a means of ensuring clarity, fairness and a lasting solution in keeping with the its wider aims:

- 1) Extend the current temporary scheme to allow for adequate stakeholder engagement with the consultation.
- 2) Re-consult stakeholders on the full draft pavement licensing scheme once the recommendations from stakeholders have been taken into account and/or the draft has been brought to the Licensing Committee for discussion.
- 3) Ensure all licenced and unlicensed pavement café operators have been contacted, and allow at least a 6 months transition period from the date a new scheme is properly consulted upon, agreed and has been fully communicated with respective premises.

Conclusion

We are grateful for Belfast City Council’s continued engagement with businesses on this topic and other matters. Again, we reiterate our understanding of the need for the scheme to be updated and/or made permanent. However, we have serious concerns around process and have provided some low-cost, reasonable solutions to ensure that stakeholders have a voice on the matter and a fair period of time to transition.

We would welcome engagement in the months ahead. In the meantime, we wish you well with the process as it continues to develop.

Yours faithfully,

Team FSB NI

For more information and engagement please contact neil.hutcheson@fsb.org.uk

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**Comments from Imtac about the Belfast City Council
public consultation on The Pavement Cafes
Licensing Scheme**

(November 2023)

Imtac is committed to making information about our work accessible. Details of how to obtain information in your preferred format are included on the next page.

Making our information accessible

As an organisation of and for disabled people and older people Imtac recognises that the way information is provided can be a barrier to accessing services and participation in public life. We are committed to providing information about our work in formats that best suit the needs of individuals.

All our documents are available in hard copy in 14pt type size as standard. We also provide word and pdf versions of our documents on our website – www.imtac.org.uk. In addition we will provide information in a range of other formats including:

- Large print
- Audio versions
- Braille
- Electronic copies
- Easy read
- Information about our work in other languages

If you would like this publication in any of the formats listed above or if you have any other information requirements please contact:

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About Imtac

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including carers and key transport professionals. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of Deaf people, disabled people and older people.

The aim of Imtac is to ensure that Deaf people, disabled people and older people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Infrastructure (herein after referred to as the Department).

Introduction

Imtac welcomes the current consultation around developing a permanent Pavement Café Licensing Scheme for Belfast. The Committee recognises that during the height of the pandemic it was necessary to relax regulations on outdoor seating, both in the interests of the hospitality industry but also from a public health perspective. Now restrictions have eased it is important that regulation reverts to better reflect the original of aim of licensing.

We would also like to commend Belfast City Council for hosting a consultation event to discuss the proposals with Section 75 groupings. It was particularly welcome that the event was hybrid, allowing contributions in person and remotely and that measures were taken to make the meeting inclusive including the provision of sign language interpreters.

Background

Imtac has been a key stakeholder during the development and introduction of regulation in relation to pavement cafes. Our input has included responding to the initial consultation on proposals to regulate pavement cafes¹, contributing to legislative process including providing evidence to scrutiny committee² and seeking to influence the

¹ <https://www.imtac.org.uk/comments-imtac-proposals-licensing-pavement-cafes>

² <https://www.imtac.org.uk/submission-call-evidence-social-development-committee-licensing-pavement-cafes-bill>

development of guidance about regulation from both the then Department for Social Development and DfI Roads³.

In 2018 the Committee published a report⁴, evaluating the introduction of Pavement Café Licensing. The report reflects our significant frustration at the failure to agree guidance with statutory agencies, largely due to the incompatibility of legislation that seeks a light touch regime and the direct, negative, and obvious impact such an approach has on the day to day lives of Deaf people, disabled people and older people.

From the start of this process the Committee has maintained its support for an inclusive café culture that provides outdoor space that can be used by everyone including Deaf, disabled people and older people whilst maintaining a safe and accessible pedestrian environment. This remains the priority in our response to the current consultation. The focus of our response looks primarily at the information provided by the Council on guidance⁵,

Comments on Guidance Information

In 2013 the Committee produced a position paper⁶ on the regulation of pavement cafes that contained twelve recommendations (included in Appendix 1) based on (1) accepted design guidance for inclusive pedestrian environments, (2) best practice from other places where regulation was already in place and (3) the statutory equality duties placed on public bodies in Northern Ireland. The position of the Committee has not changed since and the recommendations of the 2013 paper have been used to inform its response to the current consultation.

Appendix 1 of the Council Guidance states:

“Each application will be considered on its own merits on a site by site basis, taking account of the characteristics of the site, the space available and the proposed layout of the café area. The

³ <https://www.imtac.org.uk/comments-imtac-dfi-roads-pavement-cafes-draft-guidance-highway-considerations>

⁴ <https://www.imtac.org.uk/evaluating-impact-introduction-pavement-cafe-licensing-mobility-disabled-people-and-older-people>

⁵ <https://www.belfastcity.gov.uk/Documents/Licences-and-permits/Guidance-for-applicants>

⁶ <https://www.imtac.org.uk/position-paper-regulation-pavement-cafes-northern-ireland>

pavement café will also need to be designed in such a way as not to compromise access where applicable.”

A key consideration for Imtac in maintaining an accessible and inclusive pedestrian environment is ensuring acceptable unobstructed pavement width around cafes to provide a safe and accessible route for all pedestrians. Globally accepted design guidance based on experience and best practice in the UK is clear on this issue.

Inclusive Mobility⁷ states:

“Footways and footpaths should be made as wide as is practicable, but under normal circumstances, a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters.”

Manual for Streets⁸ states:

“There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 m.”

Creating Places⁹ states the following with regard to footway width:

“At least 2m. This will generally accommodate visibility splays, most services underground and allow wheelchair users to pass others using the footway.”

All three documents recommend that in locations where pedestrians congregate such as shops additional footway width will be required. This additional recommended width varies from 3m to 4.5m.

Inclusive Mobility does allow for reducing footway widths where there is a physical constraint. Clearly the term “physical constraint” is the key issue in understanding where and when it is appropriate to reduce footway widths. Imtac has worked on numerous public realm improvement schemes where the existing restricted width of the streets

⁷ <https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>

⁸ <https://www.gov.uk/government/publications/manual-for-streets>

⁹ <https://www.infrastructure-ni.gov.uk/publications/creating-places-achieving-quality-residential-environments>

involved simply will not allow the desired footway widths detailed in design guidance. One such example is the streets adjacent to the city walls in Derry. The walls are physical constraint that cannot be designed out. An artificially created pavement café licensing framework should never be considered to constitute a physical constraint.

Given the previously published position of Imtac and the evidence of design guidance detailed above we cannot accept the Council's proposals not to specify minimum footway widths in its guidance to applicants. The Committee maintains that reducing pavement widths below recommended design standards to accommodate the interests of business will not only inconvenience pedestrians in general but have a major negative impact on disabled people, older people and people with young children in particular as well as reflecting on the requirements of businesses **Imtac recommends that the Council amend guidance to set the minimum footway width at 2m with provision for additional footway width in areas of high pedestrian footfall or areas such as near bus stops and taxi ranks where people may be queueing.**

It is important infrastructure designed to support and assist pedestrians should be protected. Pavement cafes should not be allowed to obstruct tactile paving which is essential to making the pedestrian environment a safe place for blind and partially sighted people. **Imtac recommends the guidance be amended to specify that no part of a pavement café will be allowed to obstruct tactile paving or the approach to it.**

We welcome the following statement in the guidance – “any pavement café design or plan should be compliant with the requirements of the Disability Discrimination Act 1995 and Department for Infrastructure criteria.” **The Committee recommends, however, that the statement in the final guidance is clarified and strengthened and suggests the following wording – “It is the responsibility of the applicant to ensure that the pavement café is accessible to everyone including disabled people and does not obstruct access to premises. Failure to comply with these requirements may lead the license being revoked.”**

The Committee welcomes the statement around the provision of appropriate boundary and enclosure for pavement cafes. **Imtac recommends that this must be a requirement of licensing not an ideal as portrayed in the guidance.** We support the specification included in the guidance for portable barriers **The Committee**

recommends that this specification be applied to all pavement café screening including where planters are used.

Imtac does not agree that provision of barriers at either end of a pavement café only is acceptable or safe for people with a visual impairment, particularly as furniture is likely to spill out beyond any unrestrained boundaries in such circumstances. **The Committee recommend that reference to requiring only barriers at either end of the pavement café be removed from the final guidance or changed to require barriers on all sides.**

The Committee welcomes the requirement for all furniture items including menu boards to remain within the boundary of the pavement café. **We recommend that advertising boards associated with premises are also specified as furniture under these requirements and that guidance make clear that breaching these requirements may lead to the revocation of a license.**

We note that the section on unlicensed pavement cafes talks of a “graduated” approach to enforcement. The Committee seeks further clarification on what graduated means. If businesses are simply allowed to continue flouting legislation this is unacceptable. **Imtac recommends that the guidance be clear that unlicensed cafés will be required to remove table and chairs from the footway until such point that an application has been submitted and approved by the Council.**

Comments on other matters

Enforcement is essential to ensure that the regulation of pavement cafes ensures that footways remain accessible to all users. The Committee notes that currently there is no charge for pavement café licenses. We are concerned that given the wider issues with resources across public services not charging for licences will mean a lack of resource for enforcement. **Imtac recommends that charging for licensing be reintroduced but only at a level to ensure effective enforcement of licensing. In addition Imtac recommends that the council have an easy to use, accessible mechanisms for members of the public to report pavement cafes that are in breach of guidance.**

During the pandemic significant interventions have been made to provide additional space for hospitality premises including:

- Large seated areas in pedestrian zones, significantly reducing space for people walking and wheeling and in some cases removing access to seating and cycle parking
- Parklets using on-street parking bays
- Streets closed to traffic and carriageway space used for outdoor seating such as Union Street and Brunswick Street

Imtac believes the large seated areas in pedestrian zones do not demonstrate a benefit to the wider public and should be reduced in size with civic amenities such as seating, bins and cycle parking fully restored.

Imtac supports the greater use of parklets for outdoor seating on the following conditions: (1) accessible parking is not reduced, (2) the parklet is accessible to everyone and (3) the footway around the parklet is clear of cafes.

Imtac supports closing of streets to provide outdoor space for hospitality on the following conditions: (1) accessible parking is not reduced, (2) the outdoor space is accessible to everyone and (3) the footway around the outdoor space is clear of cafes.

Screening for equality impact

Imtac notes that the consultation includes screening for equality impact¹⁰ on the proposals. Given the Committee has raised specific concerns in this response about the major negative impact on Deaf people, disabled people, older people, and people with dependants, of the Council's proposals, particularly those which will potentially reduce footway widths below minimum design standards. These concerns must be addressed in a further screening exercise. Imtac requests that this screening exercise addresses each of the points raised in this response and either recommends an amendment to the Guidance or provides clear and robust evidence as to why the Council proposes to take no action.

Conclusion

Imtac thanks the Council for the opportunity to comment the proposals to introduce a permanent Pavement Café Licensing Scheme in Belfast. The Committee does not believe the Council's proposed approach as

¹⁰ <https://www.belfastcity.gov.uk/Documents/Licences-and-permits/Equality-Screening-Template>

currently drafted offers adequate protection for all pedestrians and for Deaf people, disabled people and older people in particular. The Committee hopes the Council will give careful consideration to our recommendations and we are more than willing to continue dialogue with officials to develop an agreed way forward. At the same time Imtac is also committed to using all means at its disposal to ensure that Belfast is a city where pavements prioritise people walking and wheeling and where Deaf people, disabled people and older people have a right to use footways on a safe and equal basis to others.

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Subject:	Consideration of standard conditions to be attached to Pavement Cafes Licences
Date:	13 December, 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
Contact Officer:	James Cunningham, Senior Licensing Officer, Ext 3375

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	To enable Members to consider updating the standard conditions to attach to licences issued under the Licensing of Pavement Cafes Act (NI) 2014.
1.2	The current standard conditions were agreed in 2017 and were applied to Temporary Pavement Café Licences.
2.0	Recommendations
2.1	It is recommended that Members consider the proposed amended standard conditions of licence to be attached to Pavement Cafe Licences outlined at Appendix 2 and agree that; <ol style="list-style-type: none"> 1. They be adopted, or 2. They be adopted in accordance with any amendments deemed necessary.
2.2	As these decisions are not a delegated function of the Licensing Committee any decision will be subject to ratification by Council.
3.0	Main report
	<u>Key Issues</u>
3.1	Background Licence Conditions are a set of rules established to govern the behaviour of operators running a licensable business. They cover various topics and set requirements that all licensees must meet to hold a Licence.

3.2	The Licensing of Pavement Cafes Act (NI) 2014 requires that a Pavement Cafe Licence must include a condition requiring temporary furniture not to be placed on any public area other than the area covered by the licence.
3.3	<p>The Act also permits that a council may specify in a Pavement Cafe Licence such other conditions as it considers reasonable, and these may in particular include conditions –</p> <ol style="list-style-type: none"> i. limiting the furniture which may be placed on the area covered by the licence by reference to the kind, amount, size or nature of the furniture; ii. limiting the days or times when the furniture may be on that area; iii. for securing that adequate arrangements are made for storing the furniture when not on that area; iv. regulating the arrangements for payment to the council of fees; v. for securing that such insurances and indemnities as may be specified in the licence are put in place; vi. requiring the council to be notified of such matters as may be specified in the licence; vii. requiring the surrender of any other pavement café licence in respect of the premises.
3.4	Members agreed standard licence conditions for Pavement Cafés in 2017 and these are set out in Appendix 1.
3.5	<p>Current Situation</p> <p>Members are advised that the Licence Conditions may be reviewed and amended if necessary, and nothing prevents the Committee from attaching any other Condition it considers reasonable to any particular application that may come before it for a determination in the case of objections having been received.</p>
3.6	During the recent consultation on implementing a permanent pavement cafe licensing scheme several amendments were suggested regarding conditions of licence such as clearer cleansing requirements. Through experience gained administering the Temporary Licensing scheme we have identified some suggested amendments to better address accessibility issues and the need to remove pavement café furniture in the case of a special event such as a rally, procession, marathon or other sporting event or an open-air concert.
3.7	<p>The following new licence conditions are proposed:</p> <ul style="list-style-type: none"> • The pavement café area shall not exceed the approved dimensions and shall be clearly demarcated by way of barriers, if required, as per the approved plan attached to the licence. • The Licensee must ensure that clear routes along the footway/highway are maintained, considering the needs of disabled people, and that minimum footway widths and distances required for access by mobility impaired and visually impaired persons (as per the approved plan attached to the licence) are provided at all times when the licence is in operation. • All tables and chairs and other authorised furniture and barriers used in conjunction with a pavement café licence must be removeable which means that it is not a permanent fixed structure and it is able to be moved easily (that is sufficiently portable so that it can be removed within 20 minutes) and stored away at the end of use for the day.

<p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<ul style="list-style-type: none"> • The licence holder will comply with any reasonable request from a duly authorised officer of the Council to remove such furniture from the licensed area as is necessary to facilitate the safety of the public, including the safe movement of vehicles, during special events. Licence holders will be notified of any such special events at least 14 days before the event where possible. • Furniture shall be removed when reasonably required by the Council, the PSNI, emergency services or any statutory undertaker or utility. <p>It is also proposed to replace the existing licence condition ‘The licensee must have in place a commercial waste collection contract and provide proof of that contract upon demand by the Council’ with</p> <ul style="list-style-type: none"> • The Licensee must ensure staff regularly monitor the licensed area, and the area immediately adjacent to it, to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable. <p>Additionally, it is proposed to add a condition to say that while a pavement licence is granted subject to the standard conditions, the Council reserves the right to add additional conditions to individual licences where it is appropriate to do so. This will enable officers to add reasonable, site-specific conditions without the need to bring the pavement café application to Committee to approve that condition.</p> <p>Revised standard licence conditions are set out in Appendix 2.</p> <p><u>Financial & Resource Implications</u></p> <p>None</p> <p><u>Equality or Good Relations Implications</u></p> <p>None associated with this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
<p>4.1</p> <p>4.2</p>	<p>Appendix 1 – Previously agreed standard licence conditions.</p> <p>Appendix 2 – Revised standard licence conditions that will be attached to Pavement Cafe Licences in Belfast.</p>

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Existing standard conditions to attach to licences issued under the Licensing of Pavement Cafes Act (NI) 2014.

CONDITIONS OF LICENCE

1. The Licensee shall be responsible at all times for compliance with the terms and conditions of the Pavement Café Licence.
2. The licensed area must only be used to place temporary furniture for the purpose of consuming food and/or drink supplied from the licence holder's premises.
3. The Licensee shall at all times ensure that the pavement café furniture is not placed outside the licensed area.
4. Only furniture permitted by the Council shall be used in the licensed area and such furniture shall be placed in accordance with the layout plan as agreed in writing by the Council.
5. The licensee shall only place furniture on the licensed area on those days and during those hours as permitted by the licence.
6. Any furniture provided in the licensed area shall not mark or damage the surface of the pavement.
7. Furniture should be sufficiently portable that it can be removed within 20 minutes.
8. Adequate storage approved in writing by the Council must be provided to ensure that furniture can be stored securely when the premises are closed.
9. The Licensee shall ensure that adequate Public Liability insurance cover is in force to cover the licensed area and provide proof of that insurance upon demand by the Council.
10. The licensee shall ensure good order is maintained during all times the pavement café is open.
11. The licensee shall ensure that the pavement café is operated in a manner ensuring that there is no safety risk, nuisance, public health issue or detriment to amenity caused to other users of the highway or nearby premises.
12. This licence does not in any way permit the playing of live or recorded music for the entertainment of customers in the licensed area.
13. The licensee must have in place a commercial waste collection contract and provide proof of that contract upon demand by the Council.

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Proposed standard conditions to attach to licences issued under the Licensing of Pavement Cafes Act (NI) 2014.

CONDITIONS OF LICENCE

1. The Licensee shall be responsible at all times for compliance with the terms and conditions of the Pavement Café Licence.
2. The licensed area must only be used to place temporary furniture for the purpose of consuming food and/or drink supplied from the licence holder's premises.
3. The Licensee shall at all times ensure that the pavement café furniture is not placed outside the licensed area.
4. The pavement café area shall not exceed the approved dimensions and shall be clearly demarcated by way of barriers, if required, as per the approved plan attached to the licence.
5. The Licensee must ensure that clear routes along the footway/highway are maintained, considering the needs of disabled people, and that minimum footway widths and distances required for access by mobility impaired and visually impaired persons (as per the approved plan attached to the licence) are provided at all times when the licence is in operation.
6. Only furniture permitted by the Council shall be used in the licensed area and such furniture shall be placed in accordance with the approved plan attached to the licence.
7. All tables and chairs and other authorised furniture and barriers used in conjunction with a pavement café licence must be removeable which means that it is not a permanent fixed structure and it is able to be moved easily (that is sufficiently portable so that it can be removed within 20 minutes) and stored away at the end of use for the day.
8. The licensee shall only place furniture on the licensed area on those days and during those hours as permitted by the licence.
9. Any furniture provided in the licensed area shall not mark or damage the surface of the pavement.
10. Adequate storage approved in writing by the Council must be provided to ensure that furniture can be stored securely when the premises are closed.
11. The Licensee must ensure staff regularly monitor the licensed area, and the area immediately adjacent to it, to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable.

12. The Licensee shall ensure that adequate Public Liability insurance cover is in force to cover the licensed area and provide proof of that insurance upon demand by the Council.
13. The Licensee shall ensure good order is maintained during all times the Pavement Café is open.
14. The Licensee shall ensure that the pavement café is operated in a manner ensuring that there is no safety risk, nuisance, public health issue or detriment to amenity caused to other users of the highway or nearby premises.
15. This licence does not in any way permit the playing of live or recorded music for the entertainment of customers in the licensed area.
16. The licence holder will comply with any reasonable request from a duly authorised officer of the Council to remove such furniture from the licensed area as is necessary to facilitate the safety of the public, including the safe movement of vehicles, during special events. Licence holders will be notified of any such special events at least 14 days before the event where possible.
17. Furniture shall be removed when reasonably required by the Council, the PSNI, emergency services or any statutory undertaker or utility.
18. A pavement licence is granted subject to the preceding standard conditions. However, the Council reserves the right to add additional conditions to a licence where it is appropriate to do so.

Special Events

A special event includes, but is not restricted to, an event such as a rally, procession, marathon or other sporting event or an open-air concert.