

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



**Belfast
City Council**

11th October, 2023

MEETING OF THE LICENSING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in Hybrid format, both in the Lavery Room and via Microsoft Teams, on Wednesday, 18th October, 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) Houses in Multiple Occupation (HMO) Licenses Issued Under Delegated Authority (Pages 1 - 4)
- (b) Licences Issued Under Delegated Authority (Pages 5 - 8)
- (c) Final decision on competing Stationary Street Trading Licence applications for Donegall Square East (Pages 9 - 14)

3. Non-Delegated Matters

- 4. **Proposed response to the DfC questionnaire on Pavement Café Licensing**
(Pages 15 - 30)



Subject:	Houses in Multiple Occupation (HMO) Licences Issued Under Delegated Authority
Date:	18 October 2023
Reporting Officer:	Kevin Bloomfield, NIHMO Manager
Contact Officers:	Kevin Bloomfield, NIHMO Manager Helen Morrissey, City Protection Manager Vivienne Donnelly, 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 September 2023.

3.0	Main report																																																																																																														
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Financial & Resource Implications

3.2 None

Equality or Good Relations Implications/Rural Needs Assessment

3.3 There are no issues associated with this report.

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Subject:	Licences Issued Under Delegated Authority
Date:	18 October 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"/>
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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.

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	<p><u>Key Issues</u></p> <p>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.</p> <table border="1"> <thead> <tr> <th>Premises and Location</th> <th>Type of Application</th> <th>Applicant</th> </tr> </thead> <tbody> <tr> <td>Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR.</td> <td>Renewal</td> <td>Mr Robert Davis, Regency Hotel (NI) Ltd</td> </tr> <tr> <td>Balmoral Bowling Club, 108c Belvoir Drive, Belfast, BT8 7DT.</td> <td>Renewal</td> <td>Mr Annesley Harrison</td> </tr> <tr> <td>Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1 3AL.</td> <td>Renewal</td> <td>Ms Jenni Barkley, Belfast Harbour Commissioners</td> </tr> <tr> <td>Biddy Duffys, 133 Andersonstown Road, Belfast, BT11 9BU.</td> <td>Renewal</td> <td>Mr Peter Teague</td> </tr> <tr> <td>Cassidys Bar, 347-349 Antrim Road, Belfast, BT15 2HF.</td> <td>Renewal</td> <td>Mr Eugene Cassidy, Cassidy's Inn Ltd</td> </tr> <tr> <td>Cooke Centenary Church Hall, 9-11 Park Road, Belfast, BT7 2FW.</td> <td>Renewal</td> <td>Mr Roger MacNeill</td> </tr> <tr> <td>Crowne Plaza Hotel, 117 Milltown Road, Shaw's Bridge, Belfast, BT8 7XP.</td> <td>Renewal</td> <td>Mr Anneka Allen</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3ET.</td> <td>Renewal (Marquee)</td> <td>Mr Gary Hammond, Department for Communities</td> </tr> <tr> <td>Custom House Square, Belfast, BT1 3ET.</td> <td>Renewal (Outdoor)</td> <td>Mr Gary Hammond, Department for Communities</td> </tr> <tr> <td>Donegall Quay, Lagan Lookout & Lagan Weir, Belfast, BT1 1AA.</td> <td>Renewal</td> <td>Mr Gary Hammond, Department for Communities</td> </tr> <tr> <td>East Belfast Constitutional Club, 353 Newtownards Road, Belfast, BT4</td> <td>Renewal</td> <td>Mr Maurice Kitchen</td> </tr> <tr> <td>Fountain Lane Bar, 16-20 Fountain Street, Belfast, BT1</td> <td>Renewal</td> <td>Mr Paul Langsford, Clover Pubs NI No.2 Ltd</td> </tr> <tr> <td>McKenna's, 25-29 Garmoyle Street, Belfast, BT15</td> <td>Renewal</td> <td>Mr Brian McKenna</td> </tr> <tr> <td>Pug Uglys, 21 Bedford Street, Belfast, BT2 7EJ.</td> <td>Renewal</td> <td>Mr Paul Langsford, Bedford Taverns Ltd</td> </tr> <tr> <td>Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL.</td> <td>Renewal</td> <td>Mr Dominic Malone, Lameno Ltd</td> </tr> <tr> <td>Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD.</td> <td>Renewal</td> <td>Mr Stephen Rosling, Greenwich Leisure Ltd</td> </tr> <tr> <td>St Bartholomews Parochial Hall, 183 Stranmillis Road, Belfast, BT9 5EE.</td> <td>Renewal</td> <td>Mr Ian Berryman</td> </tr> </tbody> </table>	Premises and Location	Type of Application	Applicant	Alibi, 23-31 Bradbury Place, Belfast, BT7 1RR.	Renewal	Mr Robert Davis, Regency Hotel (NI) Ltd	Balmoral Bowling Club, 108c Belvoir Drive, Belfast, BT8 7DT.	Renewal	Mr Annesley Harrison	Belfast Harbour Commissioners Office, Harbour Office, Corporation Square, Belfast, BT1 3AL.	Renewal	Ms Jenni Barkley, Belfast Harbour Commissioners	Biddy Duffys, 133 Andersonstown Road, Belfast, BT11 9BU.	Renewal	Mr Peter Teague	Cassidys Bar, 347-349 Antrim Road, Belfast, BT15 2HF.	Renewal	Mr Eugene Cassidy, Cassidy's Inn Ltd	Cooke Centenary Church Hall, 9-11 Park Road, Belfast, BT7 2FW.	Renewal	Mr Roger MacNeill	Crowne Plaza Hotel, 117 Milltown Road, Shaw's Bridge, Belfast, BT8 7XP.	Renewal	Mr Anneka Allen	Custom House Square, Belfast, BT1 3ET.	Renewal (Marquee)	Mr Gary Hammond, Department for Communities	Custom House Square, Belfast, BT1 3ET.	Renewal (Outdoor)	Mr Gary Hammond, Department for Communities	Donegall Quay, Lagan Lookout & Lagan Weir, Belfast, BT1 1AA.	Renewal	Mr Gary Hammond, Department for Communities	East Belfast Constitutional Club, 353 Newtownards Road, Belfast, BT4	Renewal	Mr Maurice Kitchen	Fountain Lane Bar, 16-20 Fountain Street, Belfast, BT1	Renewal	Mr Paul Langsford, Clover Pubs NI No.2 Ltd	McKenna's, 25-29 Garmoyle Street, Belfast, BT15	Renewal	Mr Brian McKenna	Pug Uglys, 21 Bedford Street, Belfast, BT2 7EJ.	Renewal	Mr Paul Langsford, Bedford Taverns Ltd	Ronnie Drews, 79-83 May Street, Belfast, BT1 3JL.	Renewal	Mr Dominic Malone, Lameno Ltd	Shankill Leisure Centre, 100 Shankill Road, Belfast, BT13 2BD.	Renewal	Mr Stephen Rosling, Greenwich Leisure Ltd	St Bartholomews Parochial Hall, 183 Stranmillis Road, Belfast, BT9 5EE.	Renewal	Mr Ian Berryman
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The Parador, 471-473 Ormeau Road, Belfast, BT7 3GR.	Renewal	Mr Peter Murray, Blaney Inns Ltd
The Spaniard, 3 Skipper Street, Belfast, BT1 2DZ.	Renewal	Ms Janine Kane, JK Pubs Ltd
Wellington Park Hotel, 19-21 Malone Road, Belfast, BT9	Renewal (Outdoor)	Mr Felix Mooney, Dunadry Development Company Ltd
Whiterock Leisure Centre, Whiterock Close, Belfast, BT12 7RG.	Renewal	Ms Leona Chorazyova, Greenwich Leisure Ltd
Writers Square, Donegall Street, Belfast, BT1 1ZZ.	Renewal (Marquee)	Mr Gary Hammond, Department for Communities
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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 no Cinema Licences were issued since your last meeting.

3.4 Under the terms of the Petroleum Consolidation Act 1929 the following Petroleum Licences were issued since your last meeting.

Premises and Location	Type of Application	Applicant
Albertbridge Filling Station, 310 Albertbridge Road, Belfast, BT5	Renewal	Mr Richard Law
Belmont Service Station, 119-125 Holywood Road, Belfast, BT4	Renewal	Mr Frank Melia, The Maxol Group
PSNI Tennent Street, 134 Tennent Street, Belfast, BT13	Renewal	Ms Angela McAllister, PSNI Transport Services
Spar/BP Filling Station, 70-74 Malone Road, Belfast, BT9 5BU.	Renewal	Mr Alan Armstrong, Henderson Retail Ltd
Speedline Filling Station, 45 Kennedy Way, Belfast, BT11 9AP.	Renewal	Mr Arthur Eugene O' Reilly, Jesroe Services Ltd
Tates Avenue Filling Station, 252 Tate Avenue, Belfast, BT12 6NB.	Renewal	Mr Alan Armstrong, Henderson Retail Ltd

3.5 Under the terms of the Street Trading Act (Northern Ireland) 2001 the following Street Trading Licences were issued since your last meeting.

Location	Type of Application	Commodity	Hours Licensed	Applicant
Tullycarnet, Braniel, Knocknagoney, Strandtown, Belmont, Sydenham	Mobile	Cold beverages, Confectionary, Ice cream	Mon – Fri: 10:30 - 21:00	Mr Robert Neill

Dargan Crescent, 45ft from the junction with Dargan Road.	Stationary	Hot & Cold Beverages & Hot Food	Mon – Fri: 07:00 – 15:00	Mrs Valerie Lyttle
Boucher Plaza car park outside Abbey Autoline, 4-6 Boucher Road.	Temporary	Cold Food & Hot Beverages	Friday 22/09/2023 09:00 – 13:00	Mr Sebastian McBrien, ASG & Partners

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
Ballyhackamore Lay-by, between Newtownards Road and Eastleigh Drive	Community event	7/10/23, 2/12/23, 23/3/24 09:00 – 19:00 <i>Contingency dates:</i> 14/10/23, 9/12/23, 16/3/24	Doreen McKenzie
Ballynahatty Road, Edenderry Road, New Forge Lane, Clement Wilson Park, Lock Keepers Lane	5K & 10K	4/11/23 11:00 – 12:00	Gerard Rowe

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.

Financial & Resource Implications

3.8 None

Equality or Good Relations Implications/Rural Needs Assessment

3.9 There are no issues associated with this report.



Subject:	Final decision on competing Stationary Street Trading Licence applications for Donegall Square East
Date:	18 October 2023
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext 2435
Contact Officer:	James Cunningham, Regulatory Services Manager, 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	Members are reminded that, at your meeting of 16 August 2023, you considered separate Street Trading Licence applications from Mr Patrick McCafferty and Mr Christopher Hamill for the designated site in Donegall Square East at Centra.
1.2	After hearing from the applicants and considering the applications, the Committee agreed that it was minded to grant Mr McCafferty a stationary Street Trading Licence to sell hot food and non-alcoholic beverages from a hot food trailer from Monday to Sunday from 10.00 p.m. to 3.00 a.m.
1.3	The result of that decision means that the single Designated Street Trading Site is taken and as such there is no suitable location for the other applicant.

2.0	Recommendations
2.1	<p>Members must agree either to:</p> <ol style="list-style-type: none"> 1. Uphold the initial decision of the 16 August 2023, grant the licence to Mr McCafferty and refuse the other application on the grounds set out in paragraph 3.2, or 2. Amend its decision of 16 August 2023.
2.2	<p>If Members amend their decision of 16 August it should give the grounds for so doing and a date for a special meeting must be arranged to hear from the applicants again before making the final decision.</p>
2.3	<p>On granting a Licence, Members may attach any reasonable Conditions to it, if they so decide.</p>
3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 As a consequence of agreeing that you were minded to grant the Stationary Street Trading Licence to Mr McCafferty, the Committee agreed that it was minded to refuse the application which had been submitted by Mr Hamill.</p> <p>3.2 That decision was on the grounds set out in Sections 9(1) (a) (i) and (iv) of the Street Trading Act (Northern Ireland) 2001, namely, that the location at which the applicant wishes to trade as a stationary trader was unsuitable by virtue of the fact that there was only one designated site available and there are sufficient traders trading in the street, or at premises adjoining it, in the articles, things or services in which the applicant wishes to trade.</p> <p>3.3 As required under the Act, when the Council is minded to refuse a Licence application, the applicant must be informed that they will be permitted to make representation regarding the refusal to the Council, with such representations to be made not less than 21 days from the date of notice.</p> <p>3.4 Having informed Mr Hamill of this he has subsequently emailed the Service stating he will not appeal against the decision and does not wish to avail of the opportunity to make representation to the Committee.</p> <p>3.5 A copy of his email is attached as an appendix to this report.</p> <p><u>Financial & Resource Implications</u></p> <p>3.6 If the Committee grants a licence, the Street Trading Licence fee is as follows:</p> <ul style="list-style-type: none"> • Application Fee of £150, and • A Licence fee, for Monday to Sunday, of £1250 per annum <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>3.7 There are no issues associated with this report.</p>

4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"><li data-bbox="323 253 759 286">• Copy of email from Mr Hamill.

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James Cunningham

From: Chris Hamill <[redacted email address]>
Sent: 03 October 2023 14:38
To: Neil Melville
Subject: [EXTERNAL]

CAUTION: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe. If you think the email is suspicious please contact servicedesk@belfastcity.gov.uk.

Hi Neil,

I would not be appealing the decision from the committee meeting in regards to the street trading pitch at donegall square east.

Thanks
Chris Hamill
Sent from my iPhone

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Subject:	Proposed response to the Department for Communities questionnaire on pavement café licensing
Date:	18 October 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	To seek approval of a proposed response to the Department for Communities (DfC) questionnaire to help evaluate the broad level of stakeholder awareness of the statutory licensing scheme for the regulation of Pavement Cafés by councils, and how successful the legislation which established the scheme has been in delivering its original policy objectives.
2.0	Recommendations
2.1	Committee are asked to agree the questionnaire response to the Department for Communities, subject to any amendments Members may require.

2.2	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.
3.0	Main report
3.1	The Licensing of Pavement Cafés Act (NI) 2014 (“the Act”) came into operation on the 1st October 2016.
3.2	The legislation makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink.
3.3	The Department for Communities (DfC), when introducing the Act stated that their aim was to create ‘light touch’ legislation aimed at encouraging the creation of a café culture. It was introduced to facilitate the controlled expansion of suitable premises, such as cafes, restaurants and pubs, in support of a vibrant daytime and evening economy and for the general well-being of communities.
3.4	The Council, along with a number of other councils, did not implement the legislation at that time as the Department for Infrastructure Roads had not, and still has not, issued their technical guidance for Councils in support of the Act.
3.5	However, the Council, in June 2020, introduced a temporary process for considering pavement café applications to assist the hospitality sector during the recovery following the Covid-19 pandemic lockdown.
3.6	The proposed response to the DfC questionnaire is set out in Appendix 1. The response is largely factual in terms of reporting actions of the Council to date.
3.7	The closing date for the questionnaire was the 29 September. However, we have been in contact with the DfC and they have agreed that they will accept our response after it has been considered by the Licensing Committee.
	<u>Financial and 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.
4.0	Appendices – Documents Attached
	<ul style="list-style-type: none"> • Appendix 1 – Draft questionnaire response.

Licensing of Pavement Cafés Act (Northern Ireland) 2014 - Councils

Overview

The Department for Communities is undertaking an evaluation to help determine the broad level of stakeholder awareness of the statutory licensing scheme for the regulation of pavement cafés by district councils, and how successful the legislation which established the scheme has been in delivering its original policy objectives.

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (the Act) was commenced on 1 October 2016. The Act introduced a statutory licensing scheme for the regulation of pavement cafés by district councils. In effect, the Act makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink.

The aim of the legislation is to facilitate the controlled expansion of suitable premises, such as cafés, restaurants and pubs, in support of the creation of a vibrant daytime and evening economy and for the general well-being of communities.

Why your views matter

In order to help the Department to complete the evaluation of the Act, we would be grateful if you could provide answers to the following questions on behalf of your organisation.

The survey should take no longer than 20 minutes to complete.

Introduction

1 Please confirm which Council you are replying on behalf of.

(Required)

Please select only one item

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council

2 Please confirm your name?

(Required)

Stephen Hewitt

3 Please confirm your work email address.

(Required)

hewitts@belfastcity.gov.uk

4 What is your job title?

(Required)

Building Control Manager

Awareness and guidance

5 Has your Council produced any guidance in relation to pavement cafés licensing in your area?

(Required)

Please select only one item

- Yes
 No

Guidance material

5a How has this guidance been made available? (Tick all that apply)

(Required)

Please select all that apply

- Online - through Council website
 Printed guidance
 Advice sessions
 Other - please specify below

No guidance material

5a Is there a reason for this?

(Required)

N/A

Awareness and guidance

6 Since October 2016, has your Council carried out any promotion of pavement cafés licensing law to make stakeholders, retailers or the general public aware of its implications?

(Required)

Please select only one item

- Yes
 No

Promotion of the Act

6a How has this been done? (Tick all that apply)

(Required)

Please select all that apply

- Online - through Council website / social media
- Advert in local / national press
- Printed promotional material
- In person promotional events
- Other - please specify below

No promotion of Act

6a Is there a reason for this?

(Required)

N/A

Applications

7 Since the introduction of the Act, has your Council received any applications for a pavement café licence?

(Required)

Please select only one item

- Yes
- No

Applications received

7a How many pavement café licences have been issued by your Council since 1 October 2016 to date?

(Required)

94 issued Pavement Café licences to date, but only via a temporary process to assist the hospitality sector during recovery from covid lockdowns.

Applications refused

7b Has your Council refused any pavement café licences since 1 October 2016?

(Required)

Please select only one item

- Yes
 No

Refusal of licences

7c How many pavement café licences has your Council refused since 1 October 2016?

(Required)

N/A

7d Which parts of section 4(2) of the Act have been applied when refusing any licence applications? (Tick all that apply)

(Required)

Please select all that apply

- The area proposed in the application is unsuitable.
- The area proposed in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- The applicant made a knowingly false statement in a material area or failed to comply with Section 11 of the Act.
- The applicant has previously been granted a pavement café licence which was revoked, or could have been revoked, for reasons within the applicant's control.

7e Has your Council received any appeals against refusing pavement café licence applications since 1 October 2016?

(Required)

Please select only one item

- Yes
 No

Refusal of licence - Appeals

7f Have any appeals been successful?

(Required)

Please select only one item

- Yes
 No

Successful appeals

7g Please briefly summarise the main grounds for any successful appeals?

(Required)

N/A

28 day notice

Section 11(2) of the Act requires that, where an application for the grant, renewal or variation of a pavement café licence is made, the applicant must ensure that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises. This notice must also remain in position and be visible and legible until the end of the period allowed for representations. The period allowed for representations is specified in Section 10(5) of the Act as meaning 28 days beginning with the first working day after the date when the application is received by the Council. The Council is also required to make applications available to be viewed by the public until the end of the period allowed for representations.

8 Does your council guidance inform applicants of the requirement to make notices of application visible to public?

(Required)

Please select only one item

- Yes
 No
 N/A (No guidance produced)

9 Does your Council make applications for pavement café licences available to be viewed by the public for the full period allowed for representations?

(Required)

Please select only one item

- Yes
 No
 N/A - No applications received

28 day notice for public

9a How do you do this?

(Required)

Template notice displayed at the premises by applicant and application details on Belfast City Council's website

9b As this is a requirement of the Act, how do you intend on doing this going forward?

(Required)

Template notice displayed at the premises by applicant and application details on Belfast City Council's website

28 day notice - Objections

10 Have you received any objections to applications?

(Required)

Please select only one item

- Yes
 No
 N/A - No applications received

28 day notice - Objections

10a Have any objections been successful?

(Required)

Please select only one item

- Yes
 No

28 day notice - Reasons for successful objections

10b Please advise on the key grounds on which the objections have been successful. (Tick all that apply)

(Required)

Please select all that apply

- That all or any part of the public area to which the application applies is unsuitable
 That granting the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder
 That the applicant made a knowingly false statement in the application in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014
 That the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant's control

Fees – please note this relates to the period prior to Covid and the suspension of fees by most/all councils

11 Prior to the Covid-19 Pandemic, did your Council charge a fee for a pavement café licence?

(Required)

Please select only one item

- Yes
 No

Fees structure

11a Please provide details of any fees which had been agreed.

(Required)

The Council agreed appropriate fees and charges in December 2016, as follows:

- Grant Application Fee = £225.00 (No annual licence fee in the first year)
- Annual Licence Fee = £55.00
- Variation / Renewal Fee = £112.50

Licences cover a five-year period and fees will be reviewed on an annual basis and applicants will be offered the opportunity to avail of a payment plan, where appropriate, to assist them in meeting the cost of licensing their business.

11b Prior to the Covid-19 Pandemic, did your Council publicise the fees associated with pavement café licences?

(Required)

Please select only one item

Yes

No

Fees

11c How did your Council publicise the associated fees? (Tick all that apply)

(Required)

Please select all that apply

Through the Council website

Within guidance documents

Newspaper/local or national media

Letters - mail campaign

Other – please specify below

Flexibility

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 was designed to combine robust regulation of pavement cafés with the necessary flexibility to allow councils to respond to local circumstances and to help with the cost of administration. It was also designed with the intention of limiting burdens on businesses and enabling enforcement action to be proportionate to the risks involved.

*Please note your responses should reflect the views of the Council.

12 In your opinion, has the flexible approach worked well for your Council?

(Required)

Please select only one item

- Yes
- No
- Don't know

13 What are the main benefits, if any, of the flexible approach to the Act? Please comment in the box below.

Pavement café licensing was only introduced during the Covid – 19 Pandemic and 94 businesses were able to avail of the temporary scheme. This enabled them to serve food and drink outside when indoor dining was no longer an option and provided financial relief to those that were struggling during/post lockdown. With licences being issued under such unusual circumstances it is difficult to comment on the how well the intention of permitting a flexible approach outlined when the scheme was introduced was achieved.

14 What are the main drawbacks, if any, of the flexible approach to the Act? Please comment in the box below.

With licences being issued under such unusual circumstances it is difficult to comment on this point.

Community well-being

One of the aims of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 was to support general community well-being by permitting pavement cafés to operate under licence, support the creation of a vibrant daytime and night-time economy whilst also giving local communities opportunities to have a say in the expansion of pavement cafés in their areas should they wish.

*Please note your responses should reflect the views of the Council.

15 In your opinion, does the Act give those within the community a chance to voice their opinion on how licensing decisions might affect them?

(Required)

Please select only one item

- Yes
- No
- Don't know

Please provide a reason for your answer (optional)

16 In your opinion, does the Act support efforts to improve the economic outlook in your council area?

(Required)

Please select only one item

- Yes
 No
 Don't know

Please provide a reason for your answer (optional)

Writing in the August 2022 edition of The Planner, Huw Morris highlights that the hospitality industry estimates that each outdoor seat could be worth up to £6,000 in revenue.

<https://www.theplanner.co.uk/2022/08/04/street-and-level-will-levelling-bill-revive-our-ailing-high-streets>

17 In your opinion, has having pavement cafés open and operating helped towns and villages within your council area to become more vibrant?

(Required)

Please select only one item

- Yes
 No
 Don't know

Please provide a reason for your answer (optional)

In its response to the consultation of the Licensing of Pavement Cafes Bill, the NI Independent Retail Trade Association stated that Pavement Cafes have the potential to create a 'cafe culture' in Belfast, mirroring successful developments in other European cities, adding vibrancy, increasing trade and boosting tourism, if successfully managed.

18 In your opinion, has having pavement cafés open and operating helped to enhance the appeal of the towns and villages within your council area to visitors and tourists?

(Required)

Please select only one item

- Yes
 No
 Don't know

Please provide a reason for your answer (optional)

Belfast City Council's Future City Centre Programme seeks to create "a vibrant, unique and thriving place where people spend time, live, work, visit and invest". The programme further seeks to increase footfall levels, dwell time and consumer spend through a unique retail mix and leisure experience which creates more reasons to visit the city centre. We believe that that pavement cafes have the potential to create the aforementioned 'café culture' in Belfast which will contribute towards more people spending time within the city centre.

19 Are you aware of any negative impacts for the local communities in your council area, as a result of pavement cafés?

(Required)

Please select only one item

- Yes
 No
 Don't know

Community well-being - negative impacts

19a What have these been? (Tick all that apply)

(Required)

Please select all that apply

- Crime
 Nuisance noise
 Anti-social Behaviour
 Other – please specify

Pavement cafes have the potential to present accessibility issues for a range of users including Section 75 groups for example the elderly, wheelchair users, blind and partially sighted people, and parents with young children.

The Council's cleansing and waste management crews have experienced difficulties in getting their vehicles in to empty bins and clean the streets as pavement café furniture is not being removed at the end of trade.

Additionally, the pavement is not being cleaned and litter generated by customers using the area is not being collected by the business. This is contributing to the ongoing cleanliness issues in the City.

There is also concern that some pavement café customers sit or stand very close to moving vehicles.

Enforcement

20 Since 1 October 2016 has your Council ever had to deal with any enforcement issues, with regards to the Act?

(Required)

Please select only one item

- Yes
 No

Enforcement issues

20a Which of the following enforcement issues have you had to deal with? (Tick all that apply)

(Required)

Please select all that apply

- Removal of unlicensed furniture from public space.
 Businesses not having adequate Public Liability Insurance.
 Serving alcohol where condition of licence does not allow for this.
 Any other compliance issues when completing an on-site check.

Enforcement

21 Has your Council had to revoke any pavement café licences at any time since the 1 October 2016?

(Required)

Please select only one item

- Yes
- No
- N/A - No applications received

Enforcement - revoking of licence

21a How many licences have been revoked since 1 October 2016?

(Required)

N/A

21b What have been the reasons for revoking licences? (Tick all that apply)

(Required)

Please select all that apply

- That the public area where the licence permits the placing of temporary furniture for the consumption of food or drink has become, or is going to become, unsuitable for that purpose.
- That continuing to place such furniture on, or on a particular part of, the permitted area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- That the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the applicant knew to be false in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014.
- That the licence holder persistently failed to comply with any condition of the licence
- That the licence holder has, without reasonable explanation, failed to pay any fee due to the council under section 12 .

Covid

During the Covid pandemic many councils introduced a temporary process for pavement café licence applications, with no associated fee, to help businesses recover.

* Please note your responses should reflect the views of the Council.

22 During the Covid-19 Pandemic, did your Council introduce a temporary process for pavement café licence applications, with no associated fee?

(Required)

Please select only one item

- Yes
- No

23 Since the beginning of the Covid-19 Pandemic in March 2020, have you noticed an increase in applications for pavement café licences?

(Required)

Please select only one item

- Yes, there has been an increase in applications
- No, there has been a decrease in applications
- No, there has been no noticeable change in the number of applications
- N/A - No applications received

24 In your opinion, did the Act help the Council to support businesses in the hospitality industry throughout the Covid-19 pandemic?

(Required)

Please select only one item

- Yes
- No
- Don't know

25 In your opinion, did the flexible approach with regards to pavement café licences, make it easier for the Council to support local businesses in the hospitality industry throughout the pandemic?

(Required)

Please select only one item

- Yes, it made things easier
- No, it was the same
- No, it made it more difficult

26 In your opinion, what were the main benefits, if any, of adopting a flexible approach throughout the Covid-19 pandemic?

Providing a means to enable hospitality businesses to increase the footfall of patrons therefore generating income when indoor dining was no longer an option.

Pavement Cafes can help create a vibrant and inviting space which attracts both tourists and locals into the area.

27 In your opinion, what were the main negatives, if any, of adopting a flexible approach throughout the Covid-19 pandemic?

Concerns around processing applications in the absence of definitive guidance from DfI Roads and, in light of the concerns of various disability groups, of compliance with Disability Discrimination Act 1995 requirements.

Potential negatives include:

- sets an expectation that anyone could do this, with or without a licence;
- that requirements for licensing post pandemic are unfair on small traders;
- temporary scheme encouraged a very liberal view when considering applications to allow the hospitality businesses to reopen which make the transition to a permanent scheme and the introduction of enforcement difficult.

28 Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of applications for pavement café licences?

(Required)

Please select only one item

- Yes, there has been a downturn in applications
- Yes, there has been an increase in applications
- There has been no change

29 Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of renewals for pavement café licences?

Please select only one item

- Yes, there has been a downturn in renewals
- Yes, there has been an increase in renewals
- There has been no change

The Council has yet to receive renewal applications due to the temporary scheme being extended.

Any other comments

30 Do you have any other comments regarding the pavement café licensing scheme?

Concerns of disability action groups

As DfC will be aware Local Government representatives, including Belfast City Council (LGA, IoL and LFNI), raised concerns with the Committee for Social Development in October 2013, prior to the introduction of the legislation, about the need to ensure disabled access issues were carefully addressed. As such the completion of technical guidelines, which DfI – Roads were drafting at the time the legislation was introduced, is still seen as important to assist with consistency of interpretation regarding the factors to consider for the layout and design of a pavement café and to take account of other pavement users.

We would ask that the Department seeks definitive guidance from DfI – Roads and that this be made available to Council as soon as possible.

Planning permission

Despite efforts by Heads of Planning and the Licensing Forum NI to resolve the matter there has been no agreement reached across the 11 Councils regarding the Licensing of Pavement Cafés Act (NI) 2014. Whilst some have taken a pragmatic approach there are others who believe that a strict interpretation of the legislation means that a planning application is required. At the outset if consideration had been given to designating pavement cafés as permitted development, then this would have avoided any confusion and ensured no additional financial burden was placed on prospective applicants.

Additional comment in relation to previous questions in the survey above:

- 19a we are surprised that there is not a category for concerns relating to access for pedestrians, especially wheelchair users, those with visual impairment, service dog users and pushchairs.
- Likewise with 21b – there is one tag for inconvenience to persons, but there should have been an opportunity to track disabled access issues, which is not even noted within this question.

The following option is voluntary, please be advised that the security of emails in transit across the internet cannot be guaranteed, as we are not in control over what security protocols are in place with your email provider once the email has been sent.