



Subject:	Review of Pavement Café Licence – City Picnic, Fountain Street
Date:	16th November, 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
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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"/>
Sometime 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/Summary of Main Issues
1.1	To consider representations from DfI-Roads in relation to City Picnic's Temporary Pavement Café Licence, which is impacted by the re-opening of Fountain Street, at its junction with Castle Street.

2.0	Recommendations
2.1	Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to agree to the DfI request to revoke the Licence, the licensee must be informed to that effect and, in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014, be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.

2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
3.0	Main Report
	<p data-bbox="272 389 743 423"><u>Representations from DfI - Roads</u></p> <p data-bbox="165 459 1471 624">3.1 DfI-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area, with the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p data-bbox="165 660 1302 694">3.2 A map from DfI-Roads showing traffic arrangements is attached at Appendix 1.</p> <p data-bbox="165 730 1471 960">3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures, which were unavoidable. When the roads were closed, it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p data-bbox="165 996 1471 1162">3.4 Returning the road network to pre-Primark fire arrangements will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. DfI-Roads advises that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p data-bbox="165 1198 1471 1263">3.5 DfI-Roads has notified the Council that, in its view, City Picnic's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p data-bbox="165 1299 1471 1364">3.6 Representatives from DfI-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p data-bbox="272 1400 914 1433"><u>Temporary Pavement Café Licensing Scheme</u></p> <p data-bbox="165 1469 1471 1601">3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p data-bbox="165 1637 1471 1736">3.8 The Council has granted City Picnic restaurant a Temporary Pavement Café Licence in Fountain Street, close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p data-bbox="165 1771 1471 1870">3.9 DfI-Roads has advised the licensee that pavement café space may be available on Castle Street in the portion that will remain closed to traffic and that they will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p data-bbox="165 1906 1471 1971">3.10 Council officers have met with the licensee for City Picnic and have advised him to engage with DfI-Roads about potential options for relocation of his pavement cafe and that revised</p>

site plans based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

Options available within the scope of the Pavement Café legislation

3.11 The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.

3.12 Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.

3.13 To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.

Notification of Revocation

3.14 Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.

3.15 The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.

3.16 However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days notice.

3.17 Before deciding whether to revoke the licence, the Council must take into account any representations made by the licence holder within the period.

City Picnic

3.18 Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street, Belfast. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street.

3.19 Mr. McAnerney has submitted new plans for the re-location of his Temporary Pavement Café to Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.

3.20 Mr McAnerney is engaging with DfI and Building Control staff to ensure that all documentation and technical information is in place.

3.21 At the time of writing this report, final agreement is not in place regarding the relocation.

3.22	<p><u>Financial and Resource Implications</u></p> <p>None.</p>
3.23	<p><u>Equality and Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
4.0	<p>Documents Attached</p> <p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p>