



Subject:	Review of Pavement Café Licensing Workshop
Date:	16 August 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	Committee are reminded that the Council, along with a number of other Councils in N. Ireland, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the recovery period following the Covid-19 pandemic lockdown.
1.2	The process was always meant to be temporary in nature when businesses reopened, patrons were not allowed to be inside the premises due to social distancing requirements.
1.3	The temporary pavement café licensing scheme has now been extended twice in Belfast and will expire on 30 September 2023. As far as we know the other Councils have already ended their temporary processes.

1.4	During the recent site visit to pavement cafés in Fountain Street on 31 July 2023, there was considerable discussion by Members, who were present, about pavement cafes and their future.
1.5	<p>To ensure that Members are fully appraised and to explore Members’ opinions on the future of pavement cafes in the City it is suggested that a workshop be set up to discuss matters including:</p> <ul style="list-style-type: none"> • The merits of a introducing a permanent pavement café licensing scheme. • To what extent Pavement Cafes support the creation of a vibrant daytime and night-time economy. • The impact of Pavement Cafes on other road / footpath users. • A possible transition and implementation period if we move to a permanent scheme. • The application fees, as agreed by Council in 2017. • Current Licence Conditions. • Hours of operation • Size and location of sites • Enforcement
2.0	Recommendations
2.1	Members are asked to agree to participation in a Pavement Café Workshop within the next 4-6 weeks, date, time and venue to be agreed.
3.0	Background
3.1	The Licensing of Pavement Cafes Act (NI) 2014 (“the Act”) came into operation on the 1 October 2016. However, 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.
3.2	That said, the Department for Infrastructure (DfI) has now evaluated and determined the appropriateness of Temporary Pavement Café applications in Belfast, using their professional expertise following their own guidance documents.
3.3	As such, DfI’s technical guidance document for Council’s is no longer seen as crucial, as DfI are deemed to be the experts in determining the suitability for the use of the pavement.
3.4	The Council in June 2020, decided to introduce a temporary process for considering pavement café applications. This process included drafting temporary guidance for applicants, which was based on the Department for Communities guidelines and supplementary guidance from the Licensing Forum Northern Ireland produced when the Act came into force.
3.5	The Council’s temporary guidance was issued to assist the hospitality sector during the pandemic. The principles contained in that guide will transfer into permanent guidance.
3.6	<p>Some of the key aspects of the temporary process and why it was introduced;</p> <ul style="list-style-type: none"> • It was originally for a period of one year; • It gave the ability to businesses to start using the pavement café area whilst their licence application was being determined;

3.7	<ul style="list-style-type: none"> • Statutory agencies were encouraged, by Government, to take a very liberal view when considering applications to allow the hospitality businesses to reopen; • Footfall was down in the City centre, as was traffic and this gave significantly more available space on the street. • Patrons were not allowed to be inside hospitality premises; • There was social distancing and mobility restrictions in place; • Most workers were working from home. <p><u>Financial & Resource Implications</u></p> <p>No additional resources are required other than approximately 2 hours of Member's time.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.8	<p>Full engagement with the Equality and Diversity Officer regarding the equality screening exercise undertaken in June 2020 and reviewed in 2021 will be undertaken prior to progressing to a permanent scheme.</p>
4.0	Appendices – Documents Attached
4.1	None