



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.