



<b>Subject:</b>	<b>Deferred report - Consideration of standard conditions to be attached to Pavement Cafes Licences</b>
<b>Date:</b>	17 January, 2024
<b>Reporting Officer:</b>	Stephen Hewitt, Building Control Manager, ext. 2435
<b>Contact Officer:</b>	James Cunningham, Senior Licensing Officer, ext 3375

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

<b>1.0</b>	<b>Purpose of Report or Summary of main issues</b>
1.1	Committee deferred consideration of this report at your meeting in December 2023.
1.2	The purpose of this report is to enable Members to consider updating the standard conditions to attach to licences issued under the Licensing of Pavement Cafes Act (NI) 2014.
1.3	The current standard conditions were agreed in 2017 and were applied to Temporary Pavement Café Licences.
<b>2.0</b>	<b>Recommendations</b>
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;  1. They be adopted, or 2. They be adopted in accordance with any amendments deemed necessary.
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 decision will be subject to ratification by Council.

3.0	<b>Main report</b>
	<p data-bbox="272 226 432 255"><b><u>Key Issues</u></b></p> <p data-bbox="272 293 448 322"><b>Background</b></p> <p data-bbox="165 327 1450 421">3.1 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.</p> <p data-bbox="165 461 1450 555">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 for use as mentioned in the licence on any public area other than the area covered by the licence.</p> <p data-bbox="165 595 1450 689">3.3 The Act also permits that a council may specify in a Pavement Cafe Licence such other conditions as it considers reasonable, and whilst this list is not exhaustive, these may include conditions –</p> <ul data-bbox="288 730 1450 1128" style="list-style-type: none"> <li>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;</li> <li>ii. limiting the days or times when the furniture may be on that area;</li> <li>iii. for securing that adequate arrangements are made for storing the furniture when not on that area;</li> <li>iv. regulating the arrangements for payment to the council of fees;</li> <li>v. for securing that such insurances and indemnities as may be specified in the licence are put in place;</li> <li>vi. requiring the council to be notified of such matters as may be specified in the licence;</li> <li>vii. requiring the surrender of any other pavement café licence in respect of the premises.</li> </ul> <p data-bbox="165 1169 1450 1227">3.4 Members agreed standard licence conditions for Pavement Cafés in 2017 and these are set out in Appendix 1.</p> <p data-bbox="272 1267 512 1296"><b>Current Situation</b></p> <p data-bbox="165 1301 1450 1429">3.5 Members are advised that the standard 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> <p data-bbox="165 1469 1450 1697">3.6 During the recent consultation on implementing a permanent pavement cafe licensing scheme several amendments were suggested regarding the standard 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.</p> <p data-bbox="165 1738 1450 2002">3.7 The following new standard Licence Conditions are proposed:</p> <ul data-bbox="320 1805 1450 2002" style="list-style-type: none"> <li>• 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.</li> <li>• The licensee must ensure that clear routes along the footway/highway are maintained, considering the needs of disabled people, and that minimum footway</li> </ul>

<p>3.8</p> <p>3.9</p> <p>3.10</p>	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The licensee will comply with any reasonable request from a duly authorised officer of the Council to remove such furniture and barriers from the licensed area as is necessary to facilitate the safety of the public, including the safe movement of vehicles, during special events. Licensees will be notified of any such special events at least 14 calendar days before the event where possible.</li> <li>• Furniture shall be removed by the licensee when reasonably required by the Council, the PSNI, emergency services or any statutory undertaker or utility provider.</li> </ul> <p>It is also proposed to replace the existing standard 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"> <li>• The Licensee must ensure staff regularly monitor the licensed area, and the area immediately adjacent to it, to ensure it is kept clean, tidy and litter free. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable.</li> </ul> <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 reasonable and 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>Proposed revised standard licence conditions are set out in Appendix 2.</p>
<p><b>4.0</b></p>	<p><b><u>Financial &amp; Resource Implications</u></b> None</p>
<p><b>5.0</b></p> <p>5.1</p>	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>In June 2020, Belfast City Council introduced a temporary process for considering pavement café applications to assist the hospitality sector during the recovery period following the Covid-19 pandemic lockdown. This temporary licensing scheme was subject to an equality screening exercise prior to its introduction and the screening process was reviewed again in 2021. In September 2023, Council agreed that the temporary scheme would expire on 31 December 2023 and a permanent scheme was to be introduced. Following this agreement and prior to the public consultation, a further equality screening process and rural needs assessment were undertaken for the transition to the permanent scheme and associated guidance. These draft documents were consulted on as part of the public consultation process, and issues raised through both the public consultation and targeted engagement sessions in the last quarter of 2023 and the ongoing</p>

	further consultation process are being explored and will continue to be factored into the review of the scheme, guidance, and draft screening documents as appropriate.
<b>6.0</b>	<b>Appendices – Documents Attached</b>
6.1	Appendix 1 – Previously agreed standard licence conditions.
6.2	Appendix 2 – Proposed revised standard licence conditions that will be attached to Pavement Cafe Licences in Belfast.