

Licensing Committee

Wednesday, 17th January, 2024

MEETING OF THE LICENSING COMMITTEE

HELD IN THE LAVERY ROOM AND REMOTELY VIA MICROSOFT TEAMS

Members present: Councillor McKeown (Chairperson);
Aldermen McCoubrey, McCullough and Rodgers;
Councillors Anglin, Bradley, P. Donnelly, Doran,
D. Douglas, Gormley, Lyons, Murray,
F. McAteer, McCabe, McCann, McMullan,
Ó Néill and Smyth.

In attendance: Ms. N. Largey, City Solicitor/Director of Legal and
Civic Services;
Ms. K. Bentley, Director of Planning and Building Control;
Mr. S. Hewitt, Building Control Manager;
Mr. K. Bloomfield, HMO Manager; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 13th December 2023 were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council, at its meeting on 8th January, 2024, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

No declarations of interest were recorded.

Delegated Matters

THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE POWERS DELEGATED TO IT UNDER STANDING ORDER 37(d)

HMO Licences Issued Under Delegated Authority

The Committee noted a list of applications which had been approved under the Council's Scheme of Delegation during December 2023.

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Licences Issued Under Delegated Authority

The Committee noted a list of applications for licences which had, since its last meeting, been approved under the Council's Scheme of Delegation.

**Application for the Variation of a 7-Day Annual Outdoor
Entertainments Licence for The Topsy Bird, 96-100 Ann Street**

The Committee considered the undernoted report:

“1.0 Purpose of Report or Summary of main Issues

- 1.1 To consider an application for the variation of a 7-Day Annual Outdoor Entertainments Licence based on the Council's standard conditions, to provide outdoor musical entertainment for:**

<u>Area and Location</u>	<u>Ref. No.</u>	<u>Applicant</u>
Topsy Bird (Brewers Yard) 96 – 100 Ann Street Belfast, BT1 3HH	WK/2022/02837	Mr Bobby Robertson, Glendola Leisure (Holdings) Limited. 364 High Street, Harlington, UB3 5LF

- 1.2 A location map is attached as Appendix 1**

2.0 Recommendations

- 2.1 Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:**

- a) Approve the application for the variation of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or**
- b) Approve the application for the variation with special conditions, or**
- c) Refuse the application for the variation of the 7-Day Annual Outdoor Entertainments Licence.**

- 2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.**

3.0 Main report

Key Issues

3.1 Members are reminded that, at your meeting on 16 August 2023, due to concerns raised by Translink you agreed to approve the application for the grant of the 7-Day Annual Entertainments Licence for the Topsy Bird, subject to terms and conditions in relation to the management of sound.

3.2 The following special conditions relating to noise were attached to the outdoor licence:-

- 1. Entertainment provided to the outdoor area must be no greater than 75dBLAeq at 1m from the loudspeaker.**
- 2. Licensee to maintain a noise monitoring logbook to ensure compliance with the agreed music noise level and keep a regular check on volume levels at noise sensitive facades.**
- 3. Music must be provided through the in-house sound system.**
- 4. Provide good management practice to ensure that no excessive noise levels are generated from patrons in the beer garden.**
- 5. If noise disturbance is caused by Entertainment the noise level may require to be reduced to ensure that it does not impact on local properties.**

3.3 The applicant has applied to vary the hours during which entertainment may be provided, within the outdoor area.

3.4 The days and hours during which entertainment may be provided under the terms of the current Outdoor Entertainments Licence are:

- Friday 4:00 pm to 10.30pm**
- Saturday 2:00 pm to 8.30pm**
- Sunday 2:00 pm to 8.30pm**

3.5 The days and hours proposed to provide entertainment within the outdoor area pursuant to the application to vary the outdoor licence are:

- Monday - Saturday 11:30 am to 11.00pm**
- Sunday 12:30 pm to 11.00pm**

3.6 A layout plan is attached as Appendix 2.

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- 3.7 Members are reminded that all applications for an Outdoor Entertainments Licences must be brought before Committee for consideration.**

Representations

- 3.8 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.**

PSNI

- 3.9 The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.**

- 3.10 A copy of their response is included as Appendix 3 to this report.**

NIFRS

- 3.11 The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application.**

Health, safety and welfare

- 3.12 The premises have been subject to inspections as part of the licensing application process and all technical requirements and associated operational and management procedures have been checked and are satisfactory.**

Noise

- 3.13 No noise complaints have been received by the Service since the outdoor entertainment licence was issued on 16 August 2023.**

Applicant

- 3.14 The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.**

4.0 Financial and Resource Implications

- 4.1 None.**

**5.0 Equality or Good Relations Implications/
Rural Needs Assessment**

5.1 There are no issues associated with this report.”

The Committee granted approval to the application for the variation of the 7-Day Annual Outdoor Entertainments Licence as outlined in paragraph 3.5 of the report.

**Application for the Grant of a 7-Day Annual Outdoor
Entertainments Licence at 2 Royal Avenue**

The Building Control Manager presented the following report to the Committee, highlighting that the application was from the Council:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council’s standard conditions, to provide outdoor musical entertainment for:

<u>Area and Location</u>	<u>Ref. No.</u>	<u>Applicant</u>
2RA 2 Royal Avenue, Belfast, BT1 1DA	WK/2022/03213	Mr John Greer, Place and Economy Dept., Belfast City Council, 9 Adelaide, 9-21 Adelaide Street,

1.2 A location map is attached as Appendix 1

2.0 Recommendations

2.1 Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:

- a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or**
- b) Approve the application for the grant with special conditions, or**
- c) Refuse the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.**

2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council’s decision within 21 days of notification of that decision to the County Court.

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In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.

3.0 Main report

Key Issues

3.1 The applicant has applied to provide musical performances, in the outdoor areas around the perimeter of their premises. The details of the proposed events are unknown at this stage. However, if an event is planned to take place on this site it would be subject to all technical matters being implemented to the satisfaction of the Service. The venue has small outdoor areas located to the front, side and rear of the 2 Royal Avenue Building.

3.2 A site plan is attached as Appendix 2.

3.3 The days and hours proposed to provide entertainment within the outdoor areas are:

- Monday to Sunday from 10.00am to 11.00pm

3.4 The proposed outdoor area measures approximately 115 square metres and therefore the maximum occupancy will be in the region of 200 people. The exact figure will be determined when the site layout for a particular event is agreed.

3.5 Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.

Representations

3.6 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

3.7 The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.

3.8 A copy of their response is included as appendix 3 to this report.

NIFRS

- 3.9 The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application.

Health, safety and welfare

- 3.10 Officers from the Service will engage with the applicant in the lead up to events to ensure all documentation and technical information is in place.
- 3.11 Additionally, officers will inspect the site during the build of any event space and following its completion to ensure they are satisfied all safety and management procedures are in place.

Noise

- 3.12 The applicant will be required to provide a Noise Management Plan for events which will be provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the Licensee in order to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.
- 3.13 Members will recognise that noise generated by outdoor entertainment is likely to lead to some level of disturbance for those in the vicinity of the venue. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.

Applicant

- 3.14 The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.

4.0 Financial and Resource Implications

- 4.1 None.

**5.0 Equality or Good Relations Implications/
Rural Needs Assessment**

5.1 There are no issues associated with this report.”

The Committee granted approval to the application for a 7-Day Annual Outdoor Entertainments Licence as outlined in paragraph 3.3 of the report.

**Application for the Grant of a 7-Day Annual Outdoor
Entertainments Licence for the Belfast Stories Site,
92-100 Royal Avenue**

The Building Control Manager presented the following report to the Committee, highlighting that the application was also from the Council:

“1.0 Purpose of Report or Summary of main Issues

1.1 To consider an application for the grant of a 7-Day Annual Outdoor Entertainments Licence based on the Council’s standard conditions, to provide outdoor musical entertainment for:

<u>Area and Location</u>	<u>Ref. No.</u>	<u>Applicant</u>
The Belfast Stories Site 92 – 100 Royal Avenue, Belfast, BT1 3HH	WK/2022/02876	Wendy Langham Programme Director, Belfast Stories Place and Economy Department Belfast City Council, No. 9 Adelaide, 9-21 Adelaide Street, Belfast BT2 8DJ

1.2 A location map is attached as Appendix 1

2.0 Recommendations

2.1 Taking into account the information presented and any representations made in respect of the application you are required to make a decision to either:

- a) Approve the application for the grant of the 7-Day Annual Outdoor Entertainments Licence in the proposed area as requested, or
- b) Approve the application for the grant with special conditions, or
- c) Refuse the application for the grant of the 7-Day Annual Outdoor Entertainments Licence.

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2.2 If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal, outdoor entertainment may not be provided until any such appeal is determined.

3.0 Main report

Key Issues

3.1 The applicant has applied to provide musical events, within an outdoor area. The details of the proposed events are unknown at this stage. However, if an event is planned to take place on this site it would be subject to all technical matters being implemented to the satisfaction of the Service. The outdoor area is located to the rear of the Belfast Stories Building and is bounded by Union Street, Kent Street and North Street. A site plan is attached as Appendix 2.

3.2 The days and hours proposed to provide entertainment in the outdoor area are:

- Monday to Saturday 11.30am to 11.00pm, and
- Sunday 12.30pm to 11.00pm.

3.3 The area of the proposed outdoor area is approximately 3,228 square metres and therefore the maximum occupancy will be in the region of 6000 people. The exact figure will be determined when the site layout for a particular event is agreed.

3.4 Members are reminded that all applications for the grant of Outdoor Entertainments Licences must be brought before Committee for consideration.

Representations

3.6 Public notice of the application has been placed and no written representation has been lodged as a result of the advertisement.

PSNI

3.6 The Police Service of Northern Ireland have been consulted in relation to the application and have confirmed that they have no objection to the application.

- 3.7 A copy of their response is included as appendix 3 to this report.

NIFRS

- 3.8 The Northern Ireland Fire and Rescue Service have been consulted in relation to the outdoor application and have confirmed that they have no objection to the application.

Health, safety and welfare

- 3.9 Officers from the Service will engage with the applicant and event organisers in the lead up to events to ensure all documentation and technical information is in place.
- 3.10 Additionally, officers will inspect the site during the build of the event space and following its completion to ensure they are satisfied all appropriate safety and management procedures are in place.

Noise

- 3.11 The applicant will be required to provide a Noise Management Plan for events which will be provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the promoter to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.
- 3.12 Members will recognise that noise generated by outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.

Applicant

- 3.13 The applicant, and/or their representative will be available at your meeting to answer any queries you may have in relation to the application.

4.0 **Financial and Resource Implications**

- 4.1 None.

**5.0 Equality or Good Relations Implications/
Rural Needs Assessment**

5.1 There are no issues associated with this report.”

The Committee granted approval to the application for a 7-Day Annual Outdoor Entertainments Licence as outlined in paragraph 3.2 of the report.

Designation of New Street Trading Sites

The Building Control Manager informed the Members that under the provisions of the Street Trading Act (NI) 2001 a district council had powers to designate and rescind the designation of specific streets or parts of streets as being suitable for street trading. The Act also allowed a council to vary a previous designating resolution in relation to the commodities or services to be supplied in specific streets. He explained that, if a street or the commodity to be offered had not been designated under the Act, the Council could not issue a licence for street trading from a stationary position in that street. The process of considering and reviewing the designation of streets was therefore an essential part of the legal framework within which the Council was enabled to regulate street trading in the City.

The Building Control Manager advised the Members that the Act set down the procedures which must be followed in considering a designating resolution, including the types of trading which may or may not take place in that street. The main steps the Council must undertake were summarised as follows:

- a) Give public notice of the proposed resolution;
- b) Consult with the PSNI and the Department for Infrastructure and other persons it considered appropriate;
- c) Consider any representations relating to the proposed resolution which it had received;
- d) After the Council had considered those representations it may, if it thought, pass the designating resolution; and
- e) Publish notice of the outcome for 2 consecutive weeks in 2 or more newspapers, giving not less than 28 days between the date of the publication and the date set out by the Council when the resolution would come into effect.

The Building Control Manager advised that a further report would be brought before the Committee at a future meeting detailing the outcome of the process of consultation. He added that, at that stage, Members would be able to determine the designation of the street along with any restriction on the commodity to be sold and any recommendations regarding the restriction on the times of trading.

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Proposed Sites

Location	Proposed Commodities/Services
Queen's Quay (4 sites)	Commodities to be determined
Cromac Place (1 site)	Hot and cold non-alcoholic beverages, confectionery, hot and cold food, or similar commodities.

The Committee considered the applications that had been received for the creation of new designated sites and approved:

- The publication of the statutory 28-day notice of the proposed resolution; and
- To commence consultation with statutory bodies and other persons who may have an interest in the proposals.

Non-Delegated Matters

Update on further Pavement Café Engagement

The Building Control Manager reminded the Committee that, at its meeting on 13th December, 2023, it had agreed to the implementation of a permanent pavement café licensing scheme, subject to officers continuing to engage with Guide Dogs NI, the Federation of Small Businesses (FSB) and the Inclusive Mobility and Transport Advisory Committee (Imtac) in relation to concerns which they had raised during the public consultation, in order that the guidance for the scheme would reflect best practice. The Committee had also agreed that those three organisations be invited to attend the next meeting to outline any concerns which they had.

The Committee was advised that, since the December Committee meeting, officers had met with all three groups to discuss their concerns and that those discussions had proved beneficial. The Building Control Manager outlined that officers would continue to engage with the groups over the coming weeks as the scheme got underway.

The Members were advised that officers had provided the groups with an update on the guidance document and on proposed Licence Conditions, which would address some of the concerns raised by Imtac and Guide Dogs NI, in particular regarding pavement cafes not spreading out to take up more space than approved and to allow for the safe passing of pedestrians.

It was reported that it was discussed that DFI Roads was currently working and engaging with Councils and representatives of disability groups on a Northern Ireland wide guidance document to assist DFI staff, Councils and stakeholders in assessing pavement café licence applications in relation to highway considerations. The Committee was advised that the guidance dealt primarily with the unobstructed footway widths adjacent to pavement cafes on public pavements, the siting of furniture, lighting and enclosures. The Building Control Manager confirmed that it was the Council's intention

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that any finalised technical guidance document produced by DFI would become or be incorporated into the Council's technical guidance.

The Members were advised that both Imtac and Guide Dogs NI wanted the Council guidance to specify a minimum of 2 metres unobstructed footway width. The Building Control Manager explained that the Belfast guidance document for temporary pavement cafes contained a minimum pavement width of 2 metres clearance, with a reduction to 1.5 metres in constrained environments. He advised the Committee that it was the intention that that wording be part of the Belfast guidance until the finalised DFI guidance was produced. It was also agreed that in some areas of high footfall, such as pedestrianised areas and near bus stops, that a minimum of 2 metres would not be sufficient and that would be made clear in the Belfast guidance until the final DFI guidance was available.

Imtac had also raised concerns about tactile paving, or the approach to it, being obstructed. Officers had previously raised the issue with DFI and it would be incorporated into Belfast guidance until the finalised DFI guidance was available. Concerns in relation to the preferred means of enclosure of pavement cafes was also raised and further consideration would take place in relation to that issue.

The Federation of Small Businesses had raised concerns regarding the timing of the consultation and the transition period. The Building Control Manager outlined that officers had informed FSB that all licensees had been contacted following the December meeting of the Licensing Committee and had been provided with information about the permanent scheme and the 4 month implementation period. Officers had also visited almost 90 unlicensed operators to date, to discuss the scheme and that engagement would continue.

The FSB had been reassured by officers that the Council would not require existing pavement cafes to cease operating during the transition period and that any enforcement action would be graduated and proportional going forward.

The Members were advised that an information seminar had been arranged in the City Hall on 15th February for businesses to attend and learn about the scheme and the requirements for applying. Imtac and Guide Dogs NI had been invited to speak at the event to give attendees an overview of the difficulties faced by people with disabilities and the importance of certain design features in relation to pavement cafes.

Furthermore, the Building Control Manager advised the Committee that Imtac and Guide Dogs NI had offered to undertake walkabouts in the City Centre with the officers who would be dealing with pavement café applications, to give an insight into the needs of people with various disabilities.

The Committee was advised that officers were continuing to engage with DFI Roads and would be attending a consultation meeting later that month, convened by the Department, concerning its draft NI wide guidance.

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The Committee was advised that a representative from Guide Dogs NI had advised that he could no longer attend the meeting and his written submission was circulated to the Members of the Committee.

In response to a member's question, the Building Control Manager advised the Committee that, while enforcement action had not been taken against businesses under the temporary scheme, appropriate action would be taken against businesses who failed to comply with the terms of the permanent scheme. He added that, more often than not, businesses worked with the Council to reach a satisfactory outcome to any such complaints.

In response to a further Member's question regarding the likely timeframe for the publication of the DFI Roads guidance on Pavement Cafes, the Building Control manager stated that the guidance was due to have been produced in 2016 and that he did not foresee it being finalised anytime soon.

The City Solicitor confirmed to the Committee that there was no onus on the Council to wait for the statutory guidance from the Department of Infrastructure and that such guidance regularly followed legislation.

A number of further Members stated that it was important that the Council would proceed with its scheme in the absence of the DFI guidance, given the substantive work which had been carried out by officers.

The Chairperson welcomed Mr. N. Hutcheson, Federation of Small Businesses (FSB) to the meeting. He thanked the officers for their work on the scheme to date and he explained that he appreciated that it was not always easy to balance the social, accessibility and economic sides of such a policy. He advised the Committee that while the FSB wanted to see a permanent scheme introduced, the compressed timescales had been challenging for small businesses and the time of year that the consultation had been carried out had not been ideal.

However, he welcomed the Committee's decision to extend the transition period to the end of April 2024. He stated that FSB felt that the Council should have waited for the DFI guidance to be released in order to avoid a situation where a business, having gained a licence for a pavement café, might then have to change aspects if the DFI guidance was to differ. He welcomed the assurances that officers had provided in relation to continued engagement in relation to the scheme and that any changes that were deemed necessary as time went on would not be sudden.

He suggested that a time-bound reference group be established for three to six months, comprising key stakeholders and officers, to ensure a smooth transition. Furthermore he suggested that press releases and social media be used to highlight that a regime change was taking place in respect of pavement cafes. He stated that it was important that officers would continue to reach out to those businesses which were operating unlicensed pavement cafes. He added that it would be useful if the Council could publish data in relation to the number of applications made to the scheme and the reasons why any applications had been refused in order to take stock.

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The Chairperson thanked Mr. Hutcheson for his presentation.

The Building Control Manager confirmed to the Committee that a press release was being prepared to ensure that businesses were aware of the scheme and that there was no issue with establishing a time-bound reference group to continue the engagement with the key stakeholders as Mr. Hutcheson had suggested. He also stated that officers were continuing to try to speak with all unlicensed pavement café owners.

In response to a Member's question, the Building Control Manager explained that the guidance document would be a "live" document and would be subject to change. He confirmed that the two metre clearance would be the default position but that some discretion would need to be used in certain cases, for example, where there was not quite 2 metres clearance available to a premises. He added that the Council's guidance could, in fact, be more stringent than the guidance that DFI produce.

The Chairperson then welcomed Mr. B. Bailie and Mr. M. Lorimer, representing the Inclusive Mobility and Transport Advisory Committee (Imtac), to the meeting. Mr. Bailie thanked the officers for their continued engagement with them to date. He stated that footways were for the safe and efficient movement of people, separate from traffic, and that was what made towns, city centres and the public realm attractive for everyone, without fears for safety or wellbeing. He added that Imtac wished to see a consistent approach across all Council areas.

Mr. Lorimer advised the Members that the footway width was the biggest concern, and that two metres clearance should be the minimum. He stated that a scheme which proposed to deliberately reduce footway widths was not consistent with Inclusive Streets, nor did it comply with statutory equality duties on public bodies in Northern Ireland.

He added that there was a recognition that greater widths were required in areas of higher footfall and that they would require further information as to when that would apply, and by how much.

He explained that they also wished to see the continuous enclosure of pavement cafes, not just two sides, in order that they were accessible to all users.

He stated that a full Equality Impact Assessment would be called for at some point in relation to DFI or Council guidance, as reducing footway widths had a clear detrimental impact on disabled people, older people and those with dependents.

The Chairperson thanked the representatives from Imtac for their presentation.

At the request of a Member, the Committee agreed that a representative from the Department for Infrastructure be invited to attend the next meeting in order to provide an update on the Department's draft guidance for Pavement Cafés.

The Committee further noted the contents of the report and the continuing engagement which officers were undertaking with Imtac, Guide Dogs NI and the Federation of Small Businesses NI.

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**Consideration of Standard Conditions
to be attached to Pavement Café Licences**

The Committee agreed the following Standard Conditions of Licence which would be attached to licences issued under the Licensing of Pavement Cafes Act (NI) 2014:

1. The Licensee shall be responsible at all times for compliance with the terms and conditions of the Pavement Café Licence.
2. The licensed area must only be used to place temporary furniture for the purpose of consuming food and/or drink supplied from the licence holder's premises.
3. The Licensee shall at all times ensure that the pavement café furniture is not placed outside the licensed area.
4. 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.
5. The Licensee must ensure that clear routes along the footway/highway are maintained, considering the needs of disabled people, and that minimum footway 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.
6. Only furniture permitted by the Council shall be used in the licensed area and such furniture shall be placed in accordance with the approved plan attached to the licence.
7. 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.
8. The Licensee shall only place furniture on the licensed area on those days and during those hours as permitted by the licence.
9. Any furniture provided in the licensed area shall not mark or damage the surface of the pavement.
10. Adequate storage approved in writing by the Council must be provided to ensure that furniture can be stored securely when the premises are closed.

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11. 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.
12. The Licensee shall ensure that adequate Public Liability insurance cover is in force to cover the licensed area and provide proof of that insurance upon demand by the Council.
13. The Licensee shall ensure good order is maintained during all times the Pavement Café is open.
14. The Licensee shall ensure that the pavement café is operated in a manner ensuring that there is no safety risk, nuisance, public health issue or detriment to amenity caused to other users of the highway or nearby premises.
15. This licence does not in any way permit the playing of live or recorded music for the entertainment of customers in the licensed area.
16. 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.
17. Furniture shall be removed by the Licensee when reasonably required by the Council, the PSNI, emergency services or any statutory undertaker or utility provider.
18. A pavement licence is granted subject to the preceding standard conditions. However, the Council reserves the right to add additional conditions to individual licences where it is reasonable and appropriate to do so.

Special Events

A special event includes, but is not restricted to, an event such as a rally, procession, marathon or other sporting event or an open-air concert.

**Response from the British Board of Film
Classification (BBFC) regarding a proposed 15A rating**

The Committee noted the response which had been received from the British Board of Film Classification (BBFC), whereby it had confirmed that there had been no wide expression of support for a new film rating of “15A” and, indeed, the only requests for such a rating had been from Belfast City Council.

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The letter stated that the BBFC had carried out research to gauge the appetite for a new “15A” rating but that the Advisory Panel on Children’s Viewing had been unanimous of its view that a “15A” rating would represent a significant child protection risk. The BBFC advised that it carried out a large-scale public consultation on its Classification Guidelines every 4-5 years and that the most recent consultation was currently in its final stages, with the results being published early in 2024.

Noted.

Licence Fees for Sex Establishments

The Building Control Manager reminded the Committee that after reviewing the current fees, as agreed by Committee in November 2022, these were deemed to be proportionate to the cost of the processes associated with administering a Sex Establishment Licence.

It was therefore proposed that the fees set previously remain as shown below.

Application Fee	£3,200
Renewal Fee	£1,430
Transfer Fee	£1,125
Licence Fee	£500

The Sex Establishment Licence fees would ensure the cost of the operational and administration processes were proportionate to the licensing scheme.

The Committee agreed that the current fees, reviewed in November 2022, remain unchanged.

Chairperson