

Title of Report:	EXTENSION TO TEMPORARY PAVEMENT CAFÉ LICENSING SCHEME
Committee Report Submitted To:	ENVIRONMENTAL SERVICES COMMITTEE
Date of Meeting:	9th March 2021
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2019-23)	
Strategic Theme	Local Economy
Outcome	Issue of Temporary Pavement Café Licences
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	Approximately £3125
Included in Current Year Estimates	YES/NO
Capital/Revenue	Revenue
Code	24001
Staffing Costs	Included in current Budget

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Purpose of Report

- 1.1 The purpose of this report is to provide members with an update to the decision made in June 2020 to temporarily waive application fees with respect to the issue of Pavement Café Licences in the Borough.

2.0 Background

- 2.1 Council agreed to assist the recovery of the hospitality sector amid the current health pandemic. There was an electronic vote on the 24th June 2020 to waive the fees levied for the issue of Pavement Café Licences for a period of 6 months ending 31st December 2020.
- 2.2 As a result a streamlined process was put in place for the issue of Pavement Café Licences working in conjunction with Planning Service, PSNI and the Department for Infrastructure.
- 2.3 The intent was to create additional outdoor space for use by customers in our towns and villages. Business operators were requested to complete an application form, a risk assessment, confirm public liability insurance was in place together with scale plans of the proposed area to be used. These were then scrutinised by DfI to make an informed judgement about separation distances from road junctions, street furniture, etc., to ensure that there was adequate circulation space for all pedestrians. Social distancing requirements were also required to be met.
- 2.4 A revised application form flowchart and information pack was posted on Councils website and all business that had previously been identified as utilising additional outdoor space contacted.
- 2.5 Monitoring was carried out by Officers, who continued to work with applicants to ensure all necessary supporting documentation was provided to enable a determination to be made. Operators continued to trade whilst valid applications were considered.
- 2.6 Traders who continued to offer outdoor seating spaces and had not submitted a valid application for a Pavement Café Licence were subject to Councils graduated enforcement policy, a copy of which is also published on the website.

3.0 Licences

- 3.1 Seven valid applications were received, processed and temporary licences issued

- 3.2 Sixteen premises contacted did not complete the process. Enforcement files were prepared and passed to councils legal services 13th October 2020.

4.0 Enforcement

- 4.1 Subsequent to prosecution files being passed to Legal Services, restrictions were re-imposed on food businesses only allowing takeaways and delivery.
- 4.2 Given this extended burden on the businesses at this time, it is considered appropriate to review the decision to proceed with legal action against those that did not complete the pavement café licensing process.

5.0 Proposed Extension of Temporary Licence Procedure

- 5.1 The temporary process agreed expired on the 31st December 2020. It is proposed that in advance of easing of restrictions and to again assist in economic recovery of the sector, that application process for this incoming financial year is reinstated to enable businesses to apply for a pavement cafe licence (12 months maximum, from 1st April 2021 to 31st March 2022. Any licence issued during this period will have an expiry date 31st March 2022.
- 5.2 The Pavement café licence application fee will be waived, but applicants will still be required to satisfy all other criteria, including any necessary planning permission where appropriate.
- 5.3 For those businesses that had previously been granted a temporary pavement café licence prior to 31st December 2020, these will be considered on production of a renewal application, a valid in date public liability insurance certificate and subject to statutory consultee response.
- 5.4 Traders who continue to offer outdoor seating spaces and have not submitted a valid application for a Pavement Café Licence within 8 weeks of detection will be subject to Councils enforcement policy.

6.0 Recommendations

- 6.1 It is recommended that legal proceedings for breaches of Pavement cafe licensing detected during the period 1st July 2020 to 31st December 2020 be withdrawn so as not to impose an additional burden on business as a result of the Covid-19 pandemic.
- 6.2 It is recommended that Council continue to support food businesses by continuing to waive the fee for a Pavement Café Licence from 1st April 2021 to 31st March 2022. Any licence issued will have an expiry date of 31st March 2022.

- 6.3 It recommended that those businesses that had previously been granted a temporary pavement café licence prior to 31st December 2020, these will be considered on production of a renewal application, a valid in date public liability insurance certificate and subject to statutory consultee response.
- 6.4 It is further recommended that traders who continue to offer outdoor seating spaces and have not submitted a valid application for a Pavement Café Licence within 8 weeks of detection will be subject to Councils enforcement policy.