



Title of Report:	Pavement Café Licensing Scheme
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	8th February 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2019-23)	
Strategic Theme	Local Economy
Outcome	Issue of 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 an update on Pavement Café Licensing and for Council to consider and agree the fees and process for Pavement Café Licences during 2022/23.

2.0 Background

- 2.1 Further to committee report ES210309 and CM210330 members will be aware that Council agreed the following in relation to Pavement Café Licensing:

- Pavement café licence fees would be waived from 1st April 2021 to 31st March 2022 to assist the recovery of the hospitality sector from the covid 19 pandemic.
- Legal proceedings for breaches of pavement café licencing legislation detected during the period 1st July 2020 to 31st December 2020 were withdrawn so as not to impose an additional burden on businesses as a result of the covid 19 pandemic.
- In future traders that continued to offer outdoor spaces and had not submitted a valid application for a pavement café licence within 8 weeks of detection would be subject to Council's enforcement policy

- 2.2 A streamlined process was subsequently implemented for the issue of temporary pavement café licences working in conjunction with Department for Infrastructure, Planning Service and PSNI.

- 2.3 To obtain a temporary pavement café licence a business operator is required to complete and submit an application form, a risk assessment, scale plans of the proposed area to be used and confirm valid public liability insurance. These are then scrutinised by DfI to make an informed judgement on separation distances from road junctions, street furniture, etc, to ensure that there is adequate circulation space for all pedestrians. Any applicable social distancing requirements are also required to be met.

- 2.4 A revised application form flowchart and information pack was posted on Council's website and all business that had previously been identified as utilising additional outdoor space were contacted.

- 2.5 The Department will seek the loss of income to be offset as a result of the waiving of fees via any available covid funding from the Executive.

- 2.6 Council Officers monitor the use of outdoor space by businesses for customer use across the borough and work with applicants to ensure all necessary

supporting documentation is provided to enable a determination to be made Operators can continue to trade whilst valid applications are considered.

- 2.7 Traders who continued to offer outdoor seating spaces and failed to submit a valid application for a pavement café licence are now subject to Councils graduated enforcement policy.

3.0 Licences

- 3.1 Seventeen valid applications have been received, processed and temporary pavement café licences issued.

4.0 Enforcement

- 4.1 Sixteen premises contacted did not complete the licence application process. Enforcement files have been prepared for these non-compliant premises and referred to Council's legal services.

- 4.2 Enforcement files have been prepared in respect of two premises for non-compliance with licence conditions and referred to Council's legal services.

5.0 Options

- 5.1 Option 1 - Extend the streamlined temporary pavement café licence application and continue to waive the fee for licence applications and renewals from 1st April 2022 to 31st March 2023 with any licence issued during the period to have an expiry date of 31st March 2023.
- 5.2 Option 2 – Revert to the pre- April 2021 pavement café licence application procedure and fee structure below previously set by Council:
- Application for Grant of 3 years Pavement Café Licence - £375.00
 - Application for Renewal of 3 years Pavement Café Licence - £285.00
 - Application for a Variation of Pavement Café Licence - No Charge

6.0 Recommendation

It is recommended that Council consider reverting to the pre-April 2021 pavement licence café application procedure and fee structure.