



Subject:	Review of Pavement Café Licence – City Picnic, Fountain Street
Date:	14th December, 2022
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"/>
Sometime 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/Summary of Main Issues
1.1	The Committee is reminded that, at its meeting on 16th November, it considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in its view, the Temporary Pavement Cafés needed to be removed or relocated to facilitate the safe movement of traffic in Fountain Street, following its reopening to vehicular traffic.
1.3	The Committee, after hearing from DfI-Roads and representatives from City Picnic and Voodoo (the licensees), deferred making any decision to enable further information to be obtained.
1.4	A copy of the report and the minutes of the meeting of 16th November are in the attached Appendix.

2.0	Recommendations
2.1	Taking into account the information presented and the representations received Members are asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to accede to the DfI request to revoke a Licence, the licensee must be informed that the Committee is minded to do so and in accordance with the Licensing of Pavement Cafés Act (Northern Ireland) 2014 be permitted to make representation regarding the revocation to the Council, with such representations to be made not less than 21 days from the date of notice.
2.3	As a consequence, the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date. There is a right of appeal to the Magistrate's Court against the revocation of a licence.
3.0	Main Report
3.1	At the meeting in November, the Committee asked for more information from DfI-Roads, which provided an analysis of road safety in the area, to enable it to properly consider the request to revoke the pavement café licences.
3.2	The Committee also asked for confirmation from DfI-Roads on whether Castle Street (portion between Fountain Street and Castle Junction) would remain pedestrianised.
3.3	<p>In response to these queries DfI Roads has commented as follows:</p> <p><i>The Department's view on the café licences for both Voodoo and City Picnic is that they present a danger to vulnerable road users especially pedestrians. This is because they are both placed across a section of Fountain Street that would, ordinarily, be open to two-way traffic. This section of road leads into another section, behind the bollards on Fountain Street, that is pedestrianised save for 6 pm to 11 am. The Cafés obstruct this part of the road. This has led to a number of loading vehicles being forced to reverse to exit both Fountain Street and Castle Street, whereas previously they could have driven through this section. Vehicles, which cannot perform a 'u-turn' on Castle Street can only leave the street by reversing through the traffic light-controlled junction at Queens Street. The Department is concerned that the reversing that the structures require vehicles to undertake could cause a danger to vulnerable road users, such as pedestrians and cyclists, as well as other mechanically propelled road traffic. Additionally, the cafes' structures block access to a car park that is incorporated into the Norwich Union Building, do not facilitate cyclists and may not address specific issues encountered by disabled drivers.</i></p> <p><i>Due to the foregoing, the Department would urge the Council to not renew the licences on Fountain Street.</i></p> <p><i>If the Council does not agree with the Department on this question, the Department would then request the structure and associated café furniture would not be in place between the hours of 6 pm and 11 am to mirror the times when Fountain Street pedestrianised zone is open to loading traffic. This will allow the free flow of traffic for loading vehicles, important to other businesses in the area, and reduce the risk for vulnerable road users.</i></p>

The Department would ask that, in making its decision, the Council fully considers the impacts on disabled people and cyclists and is informed by a public safety risk assessment that fully considers all the safety issues associated with the pavement café license applications.

In relation to your query about traffic volumes, I can confirm that the Department does not have either vehicle or pedestrian counts for the periods before or after the closure.

In relation to the pedestrianisation of Castle Street, in front of City Picnic, I can confirm that the Department has currently restricted all vehicles from using Castle Street between Royal Avenue to Fountain Street with the exception of cyclists under the powers conferred on it by Article 7 of the Road Traffic Regulations (Northern Ireland) Order 1997. This restriction will last until 1 April 2024 however this can be superseded or changed if it becomes necessary.

As a final point the Department notes from the legislation that the structures should be capable of being taken away within 20 minutes and urge the Council to ensure that any licence that it grants ensures that the permitted structures can be taken down within that timeframe.

3.4 Officers are engaging with DfI Roads in relation to these comments and will provide a verbal update at your meeting if required.

3.5 A representative from DfI Roads will be available at your meeting should Members wish to seek any further clarification on these matters.

City Picnic

3.6 As previously reported, Mr. Arthur McAnerney is the licensee for the Temporary Pavement Café Licence associated with City Picnic, Unit 5 McAuley House, 2-6 Castle Street. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street.

3.7 Mr. McAnerney has submitted a new application for a Temporary Pavement Café in Castle Street in the remaining closed portion between the junction of Fountain Street and Castle Junction.

3.8 DfI Roads has examined drawings provided in relation to the alternative site for City Picnic's pavement café on Castle Street and is generally content. The Department has asked that the Council ensures that furniture is erected in accordance with the drawings as any deviation from this may impede the passage of pedestrians and cyclists.

3.9 At the time of writing this report, a licence cannot be issued as the statutory period within which representations to the application may be made has not yet expired.

3.10 Mr. McAnerney has been invited to the meeting, should Members wish to seek any further information about the application.

Financial and Resource Implications

3.11 None.

Equality and Good Relations Implications/Rural Needs Assessment

3.12 There are no issues associated with this report.

4.0	Documents Attached
	Minutes of the previous meeting and reports pack