



Subject:	Review of Pavement Café Licence – City Picnic, Fountain Street
Date:	12th April, 2023
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 meetings in November and December 2022, 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 agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.

1.5	A copy of the report and the minutes of 16th November and 14th December are attached.
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2.0	Recommendations
2.1	Taking into account the information presented and the representations received, the Committee is asked to consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licence.
2.2	If the Committee is minded to agree 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 Committee meeting in December, Members had asked for representatives from DfI Roads to be invited to attend the Committee to outline their plans for the development of the city centre and for officers to ascertain what plans Translink had for the area.
3.2	The Committee is reminded that matters pertaining to transport planning and policy in the City is dealt with by the Council's City Regeneration team via the Council's City Growth and Regeneration Committee.
3.3	DfI is currently developing the Belfast Metropolitan Transport Plan (BMTP), in line with the Executive Commitments under the Climate Action Plan. The initial stage of this work will concentrate on Belfast City Centre and strategic public transportation connections and will involve modelling of options to recommend the optimum network for the city centre transportation requirements to deliver on the Department's Climate Action Plan commitments. This work will form a major element of the Department's future plans for the city centre. This work remains in progress however DfI have committed to engage with the Council on the emerging findings of the BMTP modelling and it is expected that this will be reported through the CG and R Committee.
3.4	Translink is also due to attend the Council's City Growth and Regeneration Committee, at a date to be confirmed, to outline transportation plans for the City, however this will also be dependent on the outworking's of the BMTP modelling exercise and subsequent recommendations. If Members are in agreement, to avoid the need for duplication, arrangements can be made for Members of the Licensing Committee to attend the City Growth and Regeneration Committee and hear of these plans.
3.5	A representative from DfI Roads has been invited to your meeting to outline their plans for the development of the city centre.

	<u>City Picnic</u>
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 licence is for a site in the middle of Fountain Street, close to the junction with Castle Street. This has now been removed and relocated to Castle Street.
3.7	Mr. McAnerney had 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	The Committee is reminded that it agreed to defer the review of the City Picnic Pavement Café Licence until the application for the new location in Castle Street had been completed.
3.9	Following statutory consultation, no objections were received from either DfI Roads or the PSNI and there were no objections arising from the public notice of the application. Therefore, a Temporary Pavement Café Licence has now been granted to Mr. Arthur McAnerney for Castle Street, under delegated authority.
3.10	The Committee should now consider the request to initiate the revocation of City Picnic's Pavement Café Licence in the middle of Fountain Street.
	Notification of Revocation
3.11	Should the Committee decide to revoke the licence, the Council is required to notify the licensee of its intention, stating the grounds for doing so and that representations may be made by the licence holder.
3.12	The Council must provide the licensee with at least 21 days from the date of notification to make representation unless it considers that there are particular circumstances which are in the public interest that make it necessary to consider a shorter period.
3.13	However, there is scope in the Act that the Council may decide to revoke a pavement café licence even though no notification has been given. Based on the DfI-Roads representations and the granting of new Licence for Castle Street, the Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice. Members are reminded that this matter has now been deferred twice.
3.14	Before deciding whether to revoke the licence the council must take into account any representations made by the licence holder within the period.
	<u>Financial and Resource Implications</u>
3.15	None.
	<u>Equality and Good Relations Implications/Rural Needs Assessment</u>
3.16	There are no issues associated with this report.
4.0	Documents Attached
	Appendix 1 – Minute and Committee report of 14th December, 2022 Appendix 2 – Minute and Committee report of 16th November, 2022