



Subject:	Deferred Review of Pavement Café Licence – City Picnic, Fountain Street
Date:	21 June 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"/>
Some time 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 or Summary of main Issues
1.1	Committee are reminded that, at your meetings in November 2022, December 2022 and April 2023, you considered the review of two Temporary Pavement Café Licences in Fountain Street.
1.2	DfI-Roads had notified the Council that, in their 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	At your meeting in April 2023, the Committee again agreed to defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Café Licence for City Picnic.

1.4	A copy of the report and the minutes of the meeting of 16 November 2022, 14 December 2022 and 12 April 2023 are included as Appendix 1 to this report for your information.
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2.0	Recommendations
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2.1	Committee is requested to consider if a site visit is required to be undertaken before making a decision in relation to the application.
2.2	Should a site visit not be required, then 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.
2.3	<p>Thereafter, if the Committee is minded to agree to the DfI request to revoke the Licence:</p> <ol style="list-style-type: none"> 1. The Committee is required to decide if it is in the public interest to revoke the licence without giving 21 days notice, or 2. The Licensee must be informed and 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. <p>Should that be that case the decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p>
2.4	There is a right of appeal to the Magistrate’s Court against the revocation of a licence.

3.0	Main Report
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3.1	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.
3.2	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.
3.3	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.
Consideration of undertaking a site visit	
3.4	At your meeting in April 2023, the Committee recommended that the consideration of the licence be deferred, as the incoming Committee may wish to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It was also agreed that the owners of the business and representatives of the Department for Infrastructure be invited to attend.
3.5	Members are asked to confirm if they are of a view that a site visit is required to be undertaken.

<p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p>	<p>Alternatively, should Members decide that a site visit is not required, you may consider the request to initiate the revocation of City Picnic’s Pavement Café Licence in the middle of Fountain Street.</p> <p>Consideration of revocation of the Licence</p> <p>Should Committee decide to revoke the licence, the Council is required to notify the Licensee of our intention, stating the grounds for doing so and that representations may be made by the licence holder.</p> <p>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.</p> <p>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, the opportunities already provided to the licensee to make representation at your previous meetings, and the granting of the new Licence for Castle Street, Committee may therefore consider if it is in the public interest to revoke the licence without giving 21 days notice.</p> <p>Unless Committee consider it is in the public interest to revoke the licence without giving 21 days notice the actual decision to revoke the Licence will be considered at a meeting of the Committee on a later date.</p> <p><u>Financial and Resource Implications</u></p> <p>None.</p> <p><u>Equality and Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no issues associated with this report.</p>
<p>4.0</p>	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Minutes of previous meeting and reports pack