

**Review of Pavement Café Licence –
City Picnic, Fountain Street**

**Review of Pavement Café Licence –
Voodoo, Fountain Street**

(The Committee agreed to consider these two items simultaneously.)

(Mr. S. Dolan, Senior Development Manager, City Regeneration and Development Unit, attended in connection with these items.)

The Committee was reminded that, at its meetings on 16th November and 14th December, it had considered a request from DfI Roads Service for the removal or relocation of two Temporary Pavement Cafés situated in the middle of Fountain Street, close to its junction with Castle Street, being operated as part of the City Picnic and Voodoo businesses. The request had been made with the aim of facilitating the safe movement of vehicular traffic in the street, following its reopening after the Primark fire. The Committee had agreed to defer the request to enable further information to be obtained from the Department for Infrastructure on its plans for the development of the City centre, for Council officers to determine Translink's intentions for the area and for new applications to relocate to adjacent locations to be determined.

The Building Control Manager reported that a pavement café licence had since been granted under delegated authority to the owner of City Picnic for the remaining closed portion between the junction of Fountain Street and Castle Junction and to the owner of Voodoo for another location in Fountain Street, beside Norwich Union House. No objections had been received from DfI Roads or the Police Service of Northern Ireland or through the public notice process for either application and the licences had been issued.

He went on to point out that matters relating to transport planning and policy in the City were dealt with by the Council's City Regeneration Team, via the City Growth and Regeneration Committee. He explained that the Department for Infrastructure was currently developing the Belfast Metropolitan Transport Plan, in line with the Northern Ireland Executive's commitments under the Climate Action Plan. The initial stage would focus upon the City centre and strategic public transportation connections and involve a modelling exercise to identify options for shaping the Department's future plans for the City centre in terms of transportation requirements. It would, in due course, present its findings to the City Growth and Regeneration Committee.

He added that Translink was also due to attend a future meeting of the aforementioned Committee to outline its transportation plans for the City. However, this would also be dependent on the outworking's of the Transport Plan modelling exercise and subsequent recommendations. It would, he suggested, be beneficial for the Members of the Licensing Committee to attend the meeting of the City Growth and Regeneration Committee at which the Department for Infrastructure and Translink would be making their presentations.

The Building Control Manager concluded by recommending that the Committee consider the request from DfI Roads Service to revoke the Temporary Pavement Café Licences in Fountain Street which had been granted originally to City Picnic and Voodoo. Should the Committee accede to that request, the Council would be required to inform each licensee of the grounds for revoking their licence and provide them with at least twenty-one days from the date of notification in which to make representation. There was also scope within the legislation for the Council to revoke a licence without providing notification. The Committee could, based upon the representations made by DfI Roads Service, consider if it was in the public interest to do so without giving twenty-one days' notice.

It was reported that Mr. A. McAnerney, the owner of City Picnic, was again in attendance and the Committee agreed that it would be beneficial to seek his views on the Department's request to revoke his original pavement café licence and on his current location.

Mr. McAnerney stated that it was his understanding that Castle Street would re-open to through traffic in the medium term and that he had received no assurances to the contrary. He pointed out that City Picnic and Voodoo had worked together to create a unique pavement café offering at their original locations in Fountain Street and confirmed that, given the uncertainty around the future of Castle Street, he remained opposed to the revocation of that licence.

Mr. D. McFarlane, who was attending on behalf of the Department for Infrastructure, referred to a number of initiatives being undertaken currently to enhance the City centre, including A Bolder Vision, Belfast Streets Ahead and the 5Cs Public Realm Project. He referred also to the overriding Belfast Metropolitan Transportation Plan which, in order to achieve its objectives, could see a radical change in coming years to roads/streets in the City centre in order to make cycling, walking and public transport more accessible. He added that the plans for Castle Street and Castle Place were as yet unclear in the context of the overall Transportation Plan.

The Senior Development Manager reiterated the points which had been made by the Building Control Manager and Mr. McFarlane around the various initiatives being undertaken to enhance the City centre. He confirmed that Council officers would be meeting with their counterparts in other agencies as that work developed and that Members would be informed of any relevant presentations to be made by the Department for Infrastructure and Translink to the City Growth and Regeneration Committee.

In response to issues which had been raised by a number of Members around any measures which could be put in place to ensure the safety of pedestrians in Fountain Street, Mr. McFarlane confirmed this could only be achieved by closing it to all traffic, which would create significant difficulties for those trying to service local businesses. He added that the street had been designed to facilitate the circular movement of traffic, thereby eliminating the need to undertake turning manoeuvres and to be pedestrianised during those set times when deliveries were not being made.

The Chairperson thanked Mr. McAnerney and Mr. McFarlane for their contribution.

After discussion, the Committee agreed to again defer consideration of the request from the Department for Infrastructure to revoke the original Temporary Pavement Cafés for City Picnic and Voodoo to enable the incoming Committee to undertake a site visit to the Castle Street/Fountain Street area to familiarise itself with all of the relevant issues. It agreed also that the owners of those businesses and representatives of the Department for Infrastructure be invited to attend.

LICENSING COMMITTEE



Belfast
City Council

Subject:	Review of Pavement Café Licence – Voodoo, 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 your meetings in November and December 2022, you 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 Voodoo’s Pavement Café Licence until a formal application had been submitted by Voodoo for a new location, adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.

1.4	In addition, the Committee requested that representatives from DfI Roads be invited to attend 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.

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 your 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 has 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 City Growth and Regeneration Committee.
3.4	Translink are 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 this 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>Voodoo</u>
3.6	As previously reported, Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street.
3.7	The Committee is reminded that it had deferred the review of Voodoo's Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location.
3.8	Mr. Smyth has now submitted an application for a site adjacent to Norwich Union.
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. Ciaran Smyth for Fountain Street, adjacent to Norwich Union House 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 our 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 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

**Licensing Committee,
Wednesday, 14th December, 2022**

**Review of Pavement Café Licence –
Voodoo, Fountain Street**

The Chairman welcomed Mr. Feargal Smyth, Manager of Santeria, who joined the meeting to represent Voodoo on behalf of Mr. Ciaran Smyth. Due to his inability to attend the Committee, Mr. C. Smyth had sent a written submission which had been circulated to the Members in advance of the meeting. The Chairperson invited Mr. F. Smyth to deliver his representation.

Mr. F. Smyth highlighted the importance of the outside area as an extension to Voodoo which was essentially a music venue as well as a bar and that it would not be good for the business if it was taken away. He stated that the business would move the outside area to the new proposed area, however, the business would need 21 days over the Christmas period as it would be difficult to move it in such a busy period. He further stressed the importance of the outside area.

The Building Control Manager informed the Committee that the application for Voodoo was at the preliminary stage and until an application was received the Council could not formally consult with DfI-Roads. He clarified the legislative process around the 21 days notice period that the Council were required to give a licensee if it was minded to revoke their licence.

The Committee agreed to defer the review of the Pavement Café Licence until a formal application was submitted by Voodoo for a new location adjacent to Norwich Union House and that agreement was reached with DfI on the suitability of this location. In addition, Members requested 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.



Subject:	Review of Pavement Café Licence – Voodoo, 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 vehicular 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 6pm to 11am. 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>

	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>
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.
	<u>Voodoo</u>
3.6	As previously reported, Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street. The current pavement café is located in the middle of Fountain Street, close to the junction with Castle Street and adjacent to the area used by City Picnic.
3.7	Council officers have spoken with Mr. Smyth regarding finding a suitable location to relocate to in Fountain Street. A proposed plan for a new location of his pavement café has now been submitted and this will be subject to discussion with DfI Roads.
3.8	Mr. Smyth has been invited to the meeting should Members wish to seek any further information about the application.
	<u>Financial and Resource Implications</u>
3.9	None.
	<u>Equality and Good Relations Implications/Rural Needs Assessment</u>
3.10	There are no issues associated with this report.
4.0	Documents Attached
	Minutes of previous meeting and reports pack

**Review of Pavement Café Licence –
Voodoo, Fountain Street**

The Chairperson welcomed Mr. C. Smyth, Licensee and invited him to make his representation.

Mr. Smyth clarified that despite being granted a second temporary Pavement Café Licence, he was unable to establish the Santeria cocktail bar, 19 Fountain Street as the land was currently being adversely possessed by the owner of 23 Fountain Street who had taken a legal action to prevent the café being put there. He added that if the land had been the property of the owner of 23 Fountain Street, then he shouldn't have been granted a pavement café licence. Mr. Smyth advised that he had informed Dfl of this matter to which Dfl had declined interest. He informed the Committee that the only pavement café Voodoo had was the one shared with City Picnic in the middle of Fountain Street. He informed the Committee that the ambition for the area was to create vibrancy with limited investment due to the temporary arrangement which had been recognised by the Committee. He highlighted that energy costs were now more of an issue than Rates costs which had resulted in businesses closing. He stated that it was gracious of the Council to extend the temporary pavement café arrangement. He referred to the 4-day notice from Dfl to vacate which had led him to seek political and media support which had bought time. He referred to the option of moving alongside Norwich Union House which was a possibility however, the matter of the demolition of Norwich Union House was live. He advised the Committee that he had had discussions with McAleer and Rushe who had informed him that the demolition of Norwich Union House would not take place for about 4 months due to conservation rules.

Mr. Smyth recognised the safety issues caused by reversing vehicles however, he agreed with a Member's point that the situation needed proper management.

A Member asked Mr. Smyth about the proposal of moving Voodoo's pavement café to Castle Street. He replied that the proposal was never to move to Castle Street as it was too detached from the business. Moving it to Castle Street would create security implications due to removing it from the line of sight especially as Voodoo was largely a night-time business and there were drug and alcohol issues in the area.

Another Member asked if this situation would have an impact on jobs and the business especially on the run up to Christmas. Mr. Smyth stated it would have an impact if the pavement café can't be moved and approved and referred to the current difficulty of hiring staff. Mr. Smyth highlighted the visual improvements to the area which had been created by Voodoo and City Picnic.

Mr. McFarlane asked the Council's legal advisors if the pavement café legislation allowed for a café to be placed on what was technically a public road. He reassured Mr. Smyth that Dfl would work with him and reminded the Committee it was Dfl that had approached City Picnic in relation to moving to Castle Street. Mr. Lawther added they would continue to work with the licensees to evolve the agreement however, the issue was the occupation of a public road which was open to the public. He asked that these licences be relocated off the public road to a more appropriate space.

The Interim City Solicitor/Director of Legal and Civic Services responded to the issues and criticisms raised by Dfl. She advised that Dfl's decision to re-open the road was in the full knowledge that the pavement café licences would be affected. She referred to the definition of the location for which pavement café licences could be granted; and clarified that pavement café licences may be issued in respect of any public area and was defined by any area the public had access to without payment as of right which includes roads.

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Licensing Committee
Wednesday, 16th November, 2022

A Member expressed that she was glad that the will of the Committee was for deferral and requested more information from DfI in relation to a proper analysis of road safety in the area.

The Committee agreed to defer the review of the Pavement Café Licence to enable all stakeholders to discuss the matter further to find a solution and mutual consensus.

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Subject:	Review of Pavement Café Licence – Voodoo, Fountain Street
Date:	16th November, 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	To consider representations from DfI-Roads in relation to Voodoo’s Temporary Pavement Café Licence, which is impacted by the reopening of Fountain Street at its junction with Castle Street.

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.
2.3	If the Committee is minded to agree to the DfI request to revoke a Licence, the licensee must be informed to that effect 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.

2.4	As a consequence, the actual decision to revoke the Licence will be considered at a meeting 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
	<p data-bbox="272 389 743 423"><u>Representations from Dfl - Roads</u></p> <p data-bbox="165 459 1471 624">3.1 Dfl-Roads has notified the Council that, with Primark re-opening and the hoarding being removed from around the building, it intends to return the road network to pre-Primark fire arrangements in the area. With the exception being the limitation on Translink buses where control continues to be exercised through the closure of Castle Street to traffic (between Fountain Street and Donegall Place).</p> <p data-bbox="165 660 1302 694">3.2 A map from Dfl-Roads showing traffic arrangements is attached at Appendix 1.</p> <p data-bbox="165 730 1471 958">3.3 One of the key reasons for returning to pre-fire arrangements is the servicing arrangements and parking for disabled users both of which were impacted in the vicinity of Fountain Street and Castle Street by the Primark fire and associated closures which were unavoidable. When the roads were closed it led to some difficult servicing arrangements, which required the reversing of vehicles. This increase in risk had to be balanced with the public safety risks associated with the Primark building and on balance were considered to be the 'least worst' option at that time.</p> <p data-bbox="165 994 1471 1160">3.4 Returning the road network to pre-Primark fire arrangements, will allow servicing vehicles to revert to the safer option of driving forward between Castle Street and Fountain Street as historically was the case. Dfl-Roads advise that it would not be considered appropriate to maintain the existing servicing arrangements (reversing vehicles), in the interests of road safety, which is of paramount importance to the Department.</p> <p data-bbox="165 1196 1471 1261">3.5 Dfl-Roads has notified the Council that, in its view, Voodoo's Temporary Pavement Café needs to be removed or relocated to facilitate the safe movement of vehicular traffic.</p> <p data-bbox="165 1296 1471 1361">3.6 Representatives from Dfl-Roads will be available at your meeting to outline their concerns in relation to road safety.</p> <p data-bbox="272 1397 914 1431"><u>Temporary Pavement Café Licensing Scheme</u></p> <p data-bbox="165 1467 1471 1599">3.7 The Committee is reminded that the Council, in June 2020, decided to introduce a temporary process for considering pavement café applications to assist the hospitality sector during the pandemic. The temporary pavement café licensing scheme was extended by the Council in September 2022 and will expire on 30th September 2023.</p> <p data-bbox="165 1635 1471 1733">3.8 The Council has granted Voodoo a Temporary Pavement Café Licence in Fountain Street close to the junction with Castle Street. When this licence was granted this portion of Fountain Street was closed to vehicular traffic.</p> <p data-bbox="165 1769 1471 1868">3.9 Dfl-Roads has advised the licensee that pavement café space may be available on Castle Street, in the portion that will remain closed to traffic and that it will also consider any other proposals for alternative locations to which the café could be relocated.</p> <p data-bbox="165 1904 1471 1968">3.10 Council officers have met with the licensee for Voodoo and advised him to engage with Dfl-Roads about potential options for relocation of their pavement cafe and that revised site plans</p>

based on these discussions should then be submitted to the Council for formal consultation with DfI-Roads thereafter.

Options available within the scope of the Pavement Café Legislation

3.11 The Pavement café legislation allows the Council, if it is satisfied that any part of the public area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity to revoke the licence.

3.12 Alternatively, the Committee may decide that, further to the representations of DfI-Roads, that it is not satisfied that the area where the pavement café is permitted is going to become unsuitable for that purpose, or that continuing to place furniture in that area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity.

3.13 To move the pavement café from its current location requires the licence to be revoked or surrendered and an application made for the new location. This is to protect the integrity of the application process by giving neighbours or regular users of the pavement in the vicinity, an opportunity to comment on the suitability of the revised plan.

Notification of Revocation

3.14 Should the 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.

3.15 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.

3.16 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 Committee may therefore consider if it is in the 'public interest' to revoke, the licence without giving 21 days' notice.

3.17 Before deciding whether to revoke the licence, the council must take into account any representations made by the licence holder within the period.

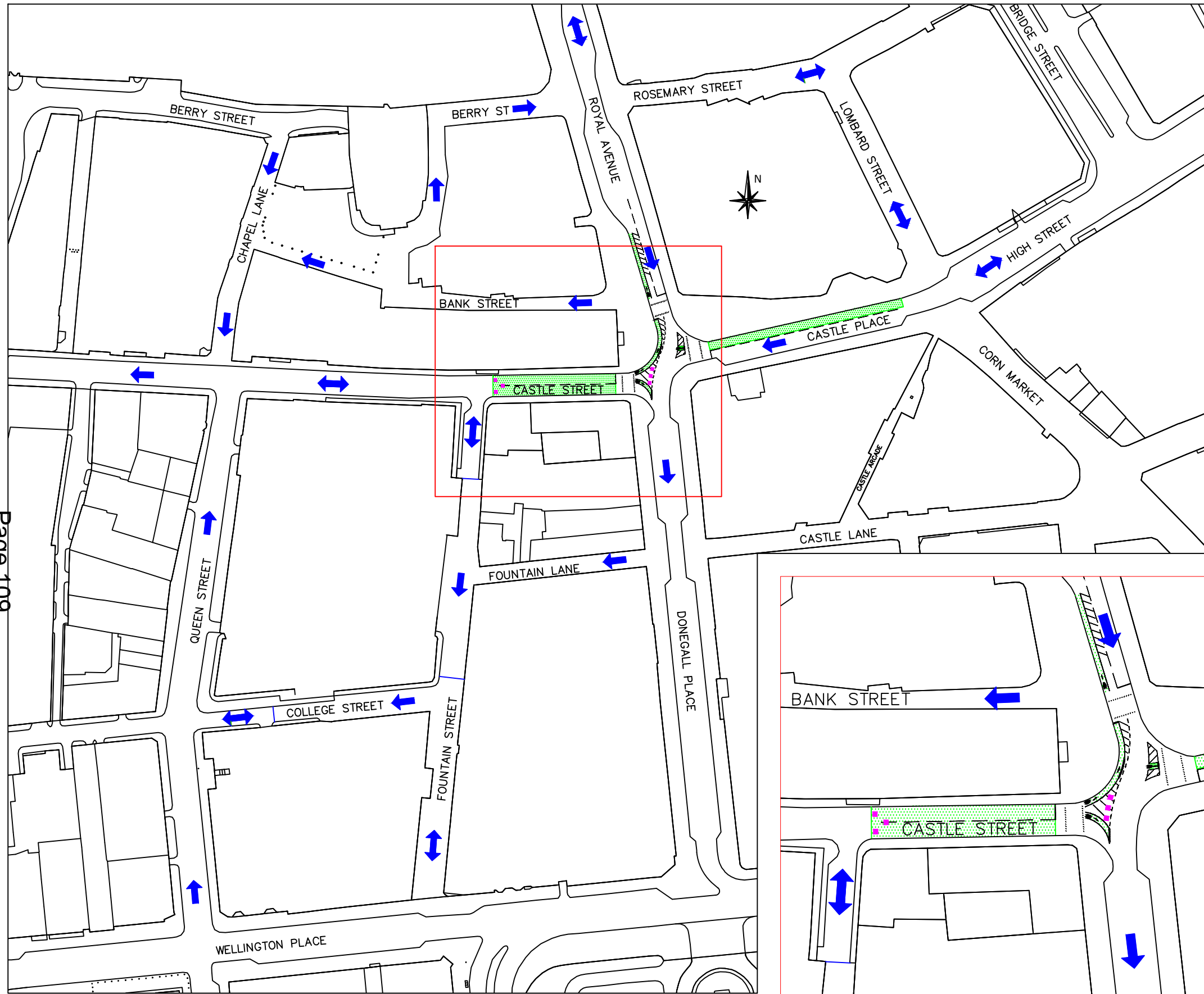
Voodoo

3.18 Mr. Ciaran Smyth is the Licensee for the Temporary Pavement Café Licence associated with Voodoo, 9-11 Fountain Street, Belfast. The current pavement café is located in the middle of Fountain Street close to the junction with Castle Street and adjacent to the area used by City Picnic.

3.19 The Committee is advised that Mr. Smyth has another Temporary Pavement Café Licence for Santeria, 19 Fountain Street, Belfast. This Licence is not affected by the reopening of Fountain Street.

3.20 Mr. Smyth has been notified of the concerns of DfI-Roads and his response is included at Appendix 3. In summary, this states that:

<p>3.21</p> <p>3.22</p> <p>3.23</p>	<ul style="list-style-type: none"> • because of the circumstances which all businesses have been faced with, they have reorientated their offer to make full use of their pavement cafe area and this has been a big help to their business • DfI-Roads is denying the organic growth of the City that local business inspire • he is seeking more time to develop possible alternative plans, and that • he is seeking the Council's help with the development of a satisfactory plan. <p>Mr. Smyth and/or his representatives will be available at your meeting to discuss concerns in relation to the relocation of his Pavement Café.</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>Documents Attached</p>
	<p>Appendix 1 – Traffic Map</p> <p>Appendix 2 – Existing Layout Plan</p> <p>Appendix 3 - Response from the licensee in relation to DfI - Roads</p>



Direction of travel marked... →
 Areas for 'cyclists only' marked... 
 Location of planters marked... 

NO.	REVISION	DATE
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Appendix 1

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Project **CITY CENTRE**

Title **DELIVERY ARRANGEMENTS
 NOVEMBER 2022**

FILE NO.	DESIGNED	date
DRAWN	CHECKED	date
TRACED	APPROVED	date
Drg. No.	Revision	

Scales

Eastern Division

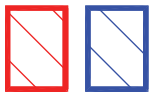
Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ

Telephone: 0300 200
 7893
 Textphone: 028 90540022





KEY:



Covered area in which a Pavement Licence Type 5e is applied for in respect of City Picnic

Covered area in which a Pavement Licence Type 5e is being separately applied for in respect of Voodoo

By virtue of paragraph(s) 1 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

From: Ciaran

Sent: 09 November 2022 16:13

To: James Cunningham <CunninghamJ@BelfastCity.gov.uk>

Cc: Cathy Reynolds <ReynoldsC@BelfastCity.gov.uk>

Subject: [EXTERNAL]RE: Temporary Pavement Cafe Licence for Voodoo - Fountain Street

CAUTION: This email originated from outside our organisation. Do not click links, open attachments, or enter any details unless you recognise the sender and know the content is safe. If you think the email is suspicious please contact servicedesk@belfastcity.gov.uk.

James

Thank you for your mail.

I have copied Cathy Reynolds in to this reply so that she can be kept up to date. I have spoken to her about this matter previously and am expecting a further meeting with her.

I am aware that DfI wish to return the roads to the original layout before the Primark Fire.

The pavement cafes licences were not introduced as a result of that fire. They were introduced as a result of restricted use of our premises as a result of the Covid pandemic. The Council have had regard to the subsequently huge challenges that have faced traders, and continue to face those businesses, since then. They have wisely rolled the licenses on from year to year to assist us all. Unfortunately we will not be allowed to benefit from that facility in the future.

Because of the circumstances all businesses have been faced with, they have reorientated their offer to make full use of these pavement cafe areas. We are no exception. A recent exercise shows us that an average £10,000 of our weekly turnover is attributable to that pavement café facility. While the rule that you should be able to clear the pavement café in 20 minutes is understood to be in circumstances where you can replace it after the event, it takes considerably longer to plan the reorientation of your business to that extent.

With respect to an associated Pavement Café approval for our Santeria outlet, which we attempted to open on Fountain Mews, I would remind you that I have given notice to both the Council and to DfI that this alley way, which is named for upgrade in the Council's North West Inner City Plan, is currently under threat of adverse possession by a Luxembourg based property development company. We attempted to open our Council Approved pavement café for Santeria, in the Mews, having been told that our proposal fitted the Plan's aims for the alley. We were not able to. We found ourselves having to defend a Court Injunction by the adverse possessor. We had informed both the Council and the DfI about the attempt to take public land. The DfI replied to the effect that they weren't interested. The Council did not respond at all. The whole venture cost my company £15,000 to maintain the status quo. Neither public body appears to have made any further effort to protect this public land. We did not benefit from this Pavement Café license as planned.

The pavement café that was established between ourselves and City Picnic has been a big help to both businesses. That and previous work done by ourselves in the area make Fountain Street a buzzing and vibrant public space. The café should be developed fully, not removed in a retrograde plan to take the area back four years in time. The DfI are denying the organic growth of the city that local business inspire. To allow that to happen is denying the need to properly plan the core of the city. We were greatly encouraged, only two weeks ago, when a Castle Street multi agency group attended by City Picnic determined that Castle Street should be fully pedestrianised up to King Street. We were putting together plans to dress the space up for the Christmas period and to invest in further enhancement of the area. We've quickly had to withdraw from those plans because the reinstatement of twenty meter length of two way carriage way is thought of as necessary.

I don't purport to be an expert on roads logistics but I would like to make a few observations on the safety aspect of things. Deliveries to businesses in the whole city, not just this one area, are restricted to times before 11:00am. Deliveries must be made daily. The dangers of parking and reversing trucks are unfortunate necessities at these times and need to be managed. Vans tend to deliver at unpredictable times, often after the 11:00 deadline. They sometimes reverse down the road, with loud buzzers and flashing lights. The main problem here is that the deadline is not enforced.

We note that under the scheme in use now, that vans and lorries are simply turning at the Castle Street/Fountain Street junction. They will be doing exactly the same thing, as they serve Castle Street whether our pavement café is there or not, because a reopened Fountain Street 20m long doesn't take them anywhere.

That turning exercise is more dangerous than anything I have seen on Fountain Street, and certainly points the way forward to the pedestrianisation of the whole of Castle Street. Perhaps the plan is to take all lorries and vans in to Fountain Street and have them exit via Castle Street. This will hugely increase the traffic on a pedestrianised Fountain Street and still create pedestrian/traffic conflict at the Castle Street/Fountain Street Junction. We could receive deliveries from Castle Street as things sit and currently. We are the only business needing serviced beyond the junction of Fountain Lane.

The point to note from the above paragraph, is that the DfI have not given any consideration to investigating a progressive alternative plan that might make economical use of the natural progression of local businesses. When we met DfI last Thursday, their attitude was 'do you think we are going to change roads policy for a couple of wee pavement cafes?' I know that the Council will have noted many other instances of this hindrance to providing a safe and green environment. I think it's time DfI listened.

Regarding moving Voodoo's pavement café, we are reluctant to do so. The DfI have pointed us towards the area along the Fountain Street frontage of Norwich Union House. This area doesn't have the same visual impact on the street, but of greater concern is that it is about to be demolished. We will obviously have to clear it away again for some months during demolition. After that the owners of the site may not be happy with our facility sitting back on their boundary as they try to develop the land use.

I therefore am engaging in discussions with the owners of that site to see if we can work with them. That will take time. While the 20m of two way carriageway may be featureless and unnecessary, I would hope that we could again add positively to the Fountain Street/Castle Street area. The difficulty will be dealing with the financial requirements of a private enterprise as opposed to the relatively economical proposition of a pavement café license.

I would therefore like to speak to the committee with a view to :

- 1) Pointing out the retrogressive nature of a Roads Service dictating to city planners.
- 2) Seeking more time to develop possible alternative plans
- 3) Ask the council to help both ourselves and, hopefully, the owners of the Norwich Union site develop a satisfactory plan for its use during the inevitable void period that might involve our business.

I'll get back to you shortly with word on whether or not I'm to be accompanied.

Regards

Ciaran Smyth
VOODOO