



Subject:	Implementation of the Licensing of Pavement Cafes Act (Northern Ireland) 2014
Date:	16 th September, 2015
Reporting Officer:	Trevor Martin, Head of Building Control, ext. 2450
Contact Officer:	Stephen Hewitt, Building Control Manager, ext. 2435

Is this report restricted?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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	The purpose of this report is to provide the Committee with a draft response (attached as Appendix 1) for consideration to working draft guidelines (attached as Appendix 2) which have been produced by the Department for Social Development (DSD).
1.2	The guidelines are in relation to the implementation of the Licensing of Pavement Cafes Act (NI) 2014 (the Act) which is attached as Appendix 3.
1.3	The DSD have prepared these guidelines to assist district councils with the implementation of the statutory licensing scheme contained in the Act. The Department propose to bring this Act fully into operation on the 1 st April 2016.
2.0	Recommendations
2.1	The Committee is asked to consider the attached response and agree it subject to any amendments arising from your discussion.
3.0	Main report
	<u>Key Issues</u>
3.1	Members will recall that the Licensing Committee, at its meeting on 21 st August 2013, approved a response in relation to a consultation on the Licensing of Pavement Cafes Bill.
3.2	Subsequently, the Licensing of Pavement Cafés Act (Northern Ireland) 2014 concluded its legislative passage and received Royal Assent on 12 May 2014.
3.3	The Department informed councils, by way of letter on the 3 rd July 2015, that it is currently drafting regulations and guidelines for councils on the implementation of the Act. When

	fully implemented the legislation will introduce a statutory licensing scheme for the regulation of pavement cafés by district councils in Northern Ireland.
3.4	The DSD has sought comments from district councils on these working draft guidelines and the draft council response to these guidelines is attached (Appendix 2). The draft response confirms that although the Council welcome the legislation concern remains that the implementation date suggested by DSD is not workable.
3.5	Currently, it is estimated that upwards of 300 pavements cafes are operating across Belfast. Therefore, the introduction of a new licensing scheme will place sizeable administrative and resourcing implications on the Council. Councils will be required to set fee levels, establish a suitable inspection regime, raise awareness across the business industry and ensure that processes for managing the scheme are established and embedded within existing regulatory services. It is suggested in the draft response that is highly unlikely that these measures can be achieved by the proposed date of 1 st April 2016.
3.6	Another matter of concern is that the working draft guidelines produced by the DSD were drafted without proper engagement with councils or indeed many other concerned bodies. Although DSD refer to 'informal' feedback from council licensing officers, given that these Departmental guidelines will be integral to the successful implementation of this Act, it is suggested that formal meaningful engagement with district councils and others as noted in our response was and is required.
3.7	The draft response continues to highlight the need for this legislation and associated Departmental guidance to be supported by a set of Model Terms and Conditions. Model Terms and Conditions have underpinned the technical aspects of the entertainments licensing regime for the last 30 years. It is the view of officers that this new scheme will have similar considerations to entertainment licensing and applications will often require technical interpretation. Officers firmly believe that if the scheme is supported by a set of Model Terms and Conditions this will ensure clarity and consistency within and across councils; thus ensuring that applicants and cafe owners are operating in full knowledge of their requirements. As the vast majority of applications will conform to set Model Terms and Conditions it means we would only consult by exception which will reduce the burden to the Council and other agencies and vastly reduce waiting times on applications.
3.8	The guide for licensing pavement cafes used by Nottingham City Council has been attached at Appendix 3. This guide illustrates the type of guide which the Council will need to produce to ensure understanding of the new licensing scheme for business owners, statutory agencies and the general public.
3.9	The attached draft response outlines the main issues which officers have identified with the DSD guidance in terms of some policy and technical aspects. Subject to Committee approval this response shall be sent to DSD.
3.10	<u>Financial & Resource Implications</u> As outlined in the draft response there are potential staffing implications for the council in taking on the implementation of this Act on 1 st April 2016. Such will not be known until we see the final Act and the implications for the administration thereof.
3.11	<u>Equality or Good Relations Implications</u> There are a number of minor equality implications outlined in the draft response.

4.0	Appendices – Documents Attached
	Appendix 1 – Draft response to working draft of guidelines for councils Appendix 2 – Guide to Licensing of Pavement Cafes Act (Northern Ireland) 2014 and correspondence from DSD dated 3 July 2015 Appendix 3 – Licensing of Pavement Cafes Act (NI) 2014 Appendix 4 – Nottingham City Council Guide