



Subject:	Licensing of Pavement Cafés - Proposed Standard Conditions
Date:	14th December, 2016
Reporting Officer:	Stephen Hewitt, Building Control Manager, ext. 2435
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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/Summary of Main Issues
1.1	This report is to enable Members to determine the standard conditions considered appropriate to attach to licences issued under the Licensing of Pavement Cafés Act (NI) 2014.
2.0	Recommendations
2.1	<p>The Committee is requested to consider the proposed standard conditions of licence to be attached to Pavement Café Licences, as outlined in the attached and agree that:</p> <ol style="list-style-type: none">1. they be adopted, or2. they be adopted in accordance with any amendments deemed necessary, and3. that a condition prohibiting the consumption of alcohol when using furniture on the area covered by the licence will only be attached to that licence if:<ol style="list-style-type: none">i. representations are received that the consumption of intoxicating liquor when using furniture on the area covered by the Pavement Café Licence would be likely to result in disorder, andii. after consideration by the Committee it is determined that the condition is attached to that specific licence, oriii. if the premises specified in the licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (i.e. off-licences).
2.2	As these decisions are not a delegated function of the Licensing Committee, any decision will be subject to ratification by Council.

3.0	Main Report
	<p data-bbox="272 226 432 255"><u>Key Issues</u></p> <p data-bbox="165 293 1455 353">3.1 The Licensing of Pavement Cafés Act (NI) 2014 (“the Act”) came into operation on 1st October, 2016.</p> <p data-bbox="165 394 1455 454">3.2 The legislation makes provision for the regulation by district councils of the placing in public areas of furniture for use for the consumption of food or drink.</p> <p data-bbox="165 495 1455 555">3.3 DSD, now the Department for Communities, when introducing the Act, stated that its aim was to create ‘light touch’ legislation aimed at encouraging the creation of a café culture.</p> <p data-bbox="272 595 727 624"><u>General Conditions of a Licence</u></p> <p data-bbox="165 665 1455 757">3.4 The Act requires that a Pavement Café Licence must include a condition requiring temporary furniture not to be placed on any public area other than the area covered by the licence.</p> <p data-bbox="165 797 1455 1294">3.5 The Act also permits that a council may specify in a Pavement Café Licence such other conditions as it considers reasonable, and these may in particular include conditions –</p> <ul style="list-style-type: none"> <li data-bbox="288 898 1390 958">i. limiting the furniture which may be placed on the area covered by the licence by reference to the kind, amount, size or nature of the furniture; <li data-bbox="288 965 1222 994">ii. limiting the days or times when the furniture may be on that area; <li data-bbox="288 1001 1390 1061">iii. for ensuring that adequate arrangements are made for storing the furniture when not on that area; <li data-bbox="288 1068 1190 1097">iv. regulating the arrangements for payment to the council of fees; <li data-bbox="288 1104 1390 1164">v. for ensuring that such insurances and indemnities as may be specified in the licence are put in place; <li data-bbox="288 1171 1390 1232">vi. requiring the council to be notified of such matters as may be specified in the licence; <li data-bbox="288 1238 1390 1299">vii. requiring the surrender of any other pavement café licence in respect of the premises. <p data-bbox="165 1328 1455 1456">3.6 Members are asked to consider the proposed standard conditions set out in the attached appendix and determine if you wish to adopt these as the standard conditions of licence which will be attached to Pavement Café Licences in Belfast, under the Licensing of Pavement Cafés Act (NI) 2014.</p> <p data-bbox="272 1496 1265 1525"><u>Conditions Regarding the Consumption of Alcohol in a Pavement Cafe</u></p> <p data-bbox="165 1552 1455 1816">3.7 If the Council grants a Pavement Café Licence, then the bye-laws prohibiting the consumption of alcohol do not apply to the area which is licensed. The Council may, however, include a condition prohibiting the consumption of alcohol at a pavement café, if it is satisfied that permitting persons to consume intoxicating liquor in the area covered by the Pavement Café Licence would be likely to result in disorder. If the Pavement Café Licence is one which has been granted to off-sales premises, the Council must impose a condition prohibiting persons from consuming intoxicating liquor in the area covered by the licence.</p> <p data-bbox="165 1843 1455 1971">3.8 If Members decide that there should be a standard condition prohibiting the consumption of alcohol on all licences, then all bars, hotels and restaurants which apply for a Pavement Café Licence will have to come before Committee to seek the removal of the condition (assuming they wish to serve alcohol in their pavement café).</p>

<p>3.9</p> <p>3.10</p> <p>3.11</p> <p>3.12</p> <p>3.13</p>	<p>In order to keep the impact of the Act on licensees to a minimum, to process applications in a timely fashion and to reduce the administrative burden (and hence costs) on the Council, Members may wish to determine that a condition prohibiting the consumption of alcohol does not become a standard licence condition and will only be attached to a licence if:</p> <ul style="list-style-type: none"> I. representations are received that the consumption of intoxicating liquor when using furniture on the area covered by the Pavement Café Licence would be likely to result in disorder, and II. after consideration by Committee it is determined that the condition is attached to that specific licence, or III. if the premises specified in the licence are premises licensed under the Licensing Order of a kind mentioned in Article 5(1)(b) of that Order (off-licences). <p>Members are advised that the conditions of licence may be reviewed and amended if necessary once the regime has been in operation for a period of time and nothing prevents the Committee from attaching any other condition it considers reasonable to any particular application that may come before it.</p> <p>Any decision of the Committee in relation to policy and legislation concerning licensing matters must be ratified by Council.</p> <p><u>Financial and Resource Implications</u></p> <p>There will be additional Officer resource implications in implementing the Act and these costs will increase the greater the number of reports relating to Pavement Café applications that must be brought to Committee.</p> <p><u>Equality or Good Relations Implications</u></p> <p>None associated with this report.</p>
<p>4.0</p>	<p>Documents Attached</p>
	<p>Proposed standard conditions to be attached to Pavement Café Licences in Belfast.</p>