



Title of Report:	Pavement Café Licensing Report
Committee Report Submitted To:	Environmental Services Committee
Date of Meeting:	13th June 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Local Economy
Outcome	Implementation of statutory requirements
Lead Officer	Head of Health & Built Environment

Budgetary Considerations	
Cost of Proposal	Licensing Fee Applies
Included in Current Year Estimates	NO
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

1.0 Pavement Café Licence Application

Licence No: PC28

Premises: Harbour Bar & Bistro, 6 Harbour Road, Portrush

Application: Grant of a Pavement Café Licence

Days and times on which it is applied to provide a pavement café:

Monday to Saturday: 11:30 hrs to 23:30 hrs

Sunday: 12:30 hrs to 23:30 hrs

Representations: No objections.

Department of Infrastructure Transport NI: The Department has given the proposal of this application consideration and cannot approve a Pavement Café Licence at the above location. As stipulated in the guidance document, the minimum maintained footway width should be 2.0m in areas of high pedestrian activity. The proposed 1.0m maintained footway is not adequate to allow pedestrians/wheelchair users etc, to safely pass without having to move onto the carriageway.

PSNI : No objections

2.0 Discussion

2.1 Section 4 of the Licensing of Pavement Cafes Act (Northern Ireland) 2014 places an onus on District Councils to grant a pavement café licence unless one of the grounds for refusing an application applies. Before deciding on an application, a council must consult with the Department for Infrastructure's TransportNI and where the premises is a public house, the PSNI.

2.2 Section 4 of the Act Licensing of Pavement Cafes Act (Northern Ireland) 2014 provides the following grounds for refusal:

- the proposed pavement café area is unsuitable for that purpose;
- the use of that area as a pavement café would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder;
- the applicant has made, in connection with an application, a statement they knew to be false, or failed to fix a notice to the premises specified in the application, or has had a pavement café licence revoked for reasons within the applicant's control.

- 2.3 “Guidance to the Licensing of Pavement Café Act (Northern Ireland) 2014” – July 2019 has been prepared by DfC to assist district councils with the implementation of the statutory scheme.
- 2.4 In relation to Council decisions on whether to grant a pavement café licence the above guidelines state *‘The likely adverse impacts on individuals or vehicles will need to be considered very carefully, particularly in relation to disabled people, older people and others with mobility needs including all pram and wheelchair users. The overriding premise is that the needs of users of the pavement are paramount and shall not be compromised to the extent that they cannot follow their natural route.*
- 2.4 DfC guidelines on licensing of pavement cafes can be found at: <https://www.communities-ni.gov.uk/publications/guidelines-licensing-pavement-cafes-act-northern-ireland-2014>
- 2.5 DfI have objected to the above application on the grounds that there is insufficient footway to allow pedestrians/wheelchair users etc, to safely pass without having to move onto the carriageway.

3.0 Options

- 3.1 It is considered that there are two options available to Committee.
- (a) The Committee may recommend to Council to approve this application.
 - (b) The Committee may recommend to Council that it should refuse the application.
- 3.2 Should option (b) be recommended by the Committee and ratified by Council, in accordance with section 21 of the Act, the applicant has a right of appeal to the Magistrate’s Court

4.0 Recommendation

It is recommended that the Environmental Services Committee consider the statutory responses and recommends to Council a decision on whether a pavement café licence should granted or refused to the above premises.