

<b>PAVEMENT CAFÉ LICENSING</b>	<b>6<sup>th</sup> November 2018</b>
<b>TO: ENVIRONMENTAL SERVICES COMMITTEE</b>	
<b>FOR INFORMATION</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Accelerating Our Economy and Contributing to Prosperity
<b>Outcome</b>	Implementation of Licensing of Pavement Cafés Act (NI) 2014
<b>Lead Officer</b>	Head of Health and Built Environment
<b>Cost: (If applicable)</b>	None

## **Background**

At Environmental Services Committee of September 2017 (ES170509 item 7) members were advised with respect to Pavement Café Licensing and the approval of Council Guidance for Applicants wishing to consider applying to the Council for a Pavement Café Licence.

## **Matters Arising**

The Legislation (Licensing of Pavement Cafes Act (Northern Ireland) 2014) came into effect on the 1<sup>st</sup> October 2016. The legislation specifically requires District Councils to consult with the Department for Regional Development (now Department for Infrastructure) as to its functions in respect of roads and the regulation of road traffic.

Arising from Council Equality Screening and Impact Assessment of its document “Licensing of Pavement Cafes Act (NI) 2014, Guidance for Applicants” Council received multiple responses from organisations representing disabled groups concerned as to how the safety of pedestrians utilising pavements will be maintained should a pavement café be established.

These concerns were also echoed by a letter to Council from the Northern Ireland Assembly All Party Group on Visual Impairment in respect to its implementation of the pavement café legislation.

Officers have been awaiting the finalisation of guidance from the Department for Infrastructure on the highway and road traffic considerations it considers relevant before advising businesses operating or considering operating pavement cafes of these. Such considerations include:

- The minimum maintained footway width to be maintained
- Considerations on the placing of A boards and menu boards to not impact pedestrians
- Considerations as to the impact of the establishment of pavement cafes on street parking, access to bus stops, cash points, Pedestrian crossing areas etc. and maintenance of safe pavement widths
- Considerations on the obstruction of tactile pavings
- Pavement cafes remote from premises

It is Officers understanding that the Department of Infrastructure are shortly to commence an Equality Impact Assessment on the guidance they have been developing.

### **The Way Forward**

The licensing section of the Environmental Services Department have written to the Department of Infrastructure seeking information as to when its guidance will be available in order to assist local businesses. Officers have concluded preparatory work for the successful implementation of the legislation by identifying existing pavement cafes throughout the borough.

Depending on the circumstances of the proposed pavement café on a public area, a planning application may also be required for some existing pavement cafes in addition to a pavement café licence. Officers from the Licensing section are currently working with Councils Planning section to provide advice for potential applicants on whether planning permission is required or not.

Officers have also worked with the Councils Equality and Diversity Officer and the local Campaigners Active Network (a local group representing the Partially sighted) to acknowledge the potential negative impact that the installation of structures such as tables, chairs and menu boards on pavements can have on blind or partially sighted individuals who access Town centres across the borough.

In order to ensure the smooth implementation of the licencing of pavement cafes to assist local businesses promote town centres without impacting negatively on any vulnerable group it is planned that a series of seminars will be undertaken in conjunction with Council Town Centre and Village section and members of the Campaigners Active Network.