

# Causeway Coast & Glens Borough Council

To: Environmental Services Committee

IMPLEMENTATION OF THE LICENSING OF PAVEMENT  
CAFÉS ACT (NI) 2014

4 AUGUST 2015

For Decision

Report to Committee

<b>Linkage to Corporate Plan</b>	
<b>Strategic Priority</b>	Accelerating Our Economy and Contributing to Prosperity
<b>Objective</b>	Encourage existing enterprises to grow and prosper
<b>Lead Officer</b>	Bryan Edgar
<b>Cost:</b> (If applicable)	Officer time, estimated 100 hours recovered through agreed fees.

## 1.1 Background

The Department for Social Development intends to bring the Licensing of Pavement Cafés Act (NI) 2014, fully into operation with effect from **1 April 2016**.

The Act balances the need for robust regulation of pavement cafés with the necessary flexibility for district councils to respond to local circumstances.

The licensing scheme will allow owners of cafés, restaurants, pubs, or other premises selling food or drink, to apply to their local council for a pavement café licence. The Act places an onus on a council to grant a licence unless it has a good reason to refuse an application. When considering applications, councils will be required to consult with Transport NI and, where the associated premises is a public house, with the PSNI, before coming to a final decision. Councils will be able to impose a range of licence conditions, charge a reasonable fee and may vary, suspend or revoke the licence in certain circumstances. The Act provides councils with the power to remove facilities at unlicensed pavement cafés and creates several new offences to aid enforcement by council officers.

The licensing scheme is similar to that for street trading. The Department has produced draft scheme guidelines following informal consultation with council licensing officers, Inclusive Mobility Transport Advisory Committee (IMTAC) and organisations representing visually impaired people.

The most significant safeguard is the statutory requirement for councils to consult with Transport NI on individual applications. Transport NI is considered best placed to advise councils on the needs of pedestrians and access issues in relation to applications for a pavement café.

The Department is seeking any comments councils may wish to make on the draft guidelines found at Appendix IV attached to this report.

Confirmation is also being sought by 30 September 2015 that arrangements will be made to bring the Act into operation on 1 April 2016.

## 1.2 Recommendation

It is recommended that Council advise the Department of Social Development that arrangements will be made to bring the Act into operation on the 1<sup>st</sup> April 2016.