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## **EVALUATION OF THE LICENSING OF PAVEMENT CAFÉS ACT (NORTHERN IRELAND) 2014**

As you may be aware, the Licensing of Pavement Cafés Act (Northern Ireland) 2014 (the Act) has been in operation since October 2016.

The Department for Communities ('the Department') is undertaking an evaluation to help it assess how and to what extent the original policy intent of the licensing scheme has been achieved. The original policy aim was to facilitate the controlled expansion of suitable premises such as cafés, restaurants and pubs in support of the creation of a more vibrant daytime and evening economy and for the general well-being of communities. As part of the process of evaluation, the Department wishes to hear the views of the 11 district councils who are responsible for the scheme in their areas, and relevant stakeholders representing the hospitality, tourism sectors etc affected or with an interest in the licensing arrangements.

In order to assist the Department in completing its evaluation it would be very helpful if you could arrange for the attached, on-line questionnaire to be completed on behalf of your organisation. This questionnaire should only take approximately 15 minutes to complete and submit via the enclosed link below.

Appendix 1

The link will remain active until 29 September 2023 to allow time for consultation with colleagues, members etc. Hard copies, if required, can be requested from [social.policy@communities-ni.gov.uk](mailto:social.policy@communities-ni.gov.uk).

In the meantime, should you have any questions or queries on any aspects of this matter, please feel free to contact Ciarán Mee at DfC Social Policy Unit (e-mail: [Ciaran.Mee@communities-ni.gov.uk](mailto:Ciaran.Mee@communities-ni.gov.uk); tel: 07917233247 or Michael Smyth (e-mail: [Michael.Smyth@communities-ni.gov.uk](mailto:Michael.Smyth@communities-ni.gov.uk))

Thank you for your support and we look forward to hearing from you.

Yours sincerely

**Carol Reid**  
**Head of Social Policy Unit**

# Licensing of Pavement Cafés Act (Northern Ireland) 2014 - Councils

## Overview

The Department for Communities is undertaking an evaluation to help determine the broad level of stakeholder awareness of the statutory licensing scheme for the regulation of pavement cafés by district councils, and how successful the legislation which established the scheme has been in delivering its original policy objectives.

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 (the Act) was commenced on 1 October 2016. The Act introduced a statutory licensing scheme for the regulation of pavement cafés by district councils. In effect, the Act 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.

The aim of the legislation is to facilitate the controlled expansion of suitable premises, such as cafés, restaurants and pubs, in support of the creation of a vibrant daytime and evening economy and for the general well-being of communities.

## Why your views matter

In order to help the Department to complete the evaluation of the Act, we would be grateful if you could provide answers to the following questions on behalf of your organisation.

The survey should take no longer than 20 minutes to complete.

## Introduction

### 1. Please confirm which Council you are replying on behalf of.

*(Required)*

*Please select only one item*

- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council

Newry, Mourne and Down District Council

### 2. Please confirm your name?

*(Required)*

### 3. Please confirm your work email address.

*(Required)*

### 4. What is your job title?

*(Required)*

Awareness and guidance

### 5. Has your Council produced any guidance in relation to pavement cafés licensing in your area?

*(Required)*

*Please select only one item*

- Yes
- No

Guidance material

Draft Response

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### 5a How has this guidance been made available? (Tick all that apply)

(Required)

Please select all that apply

- Online - through Council website
- Printed guidance
- Advice sessions
- Other - please specify below

No guidance material

### 5a Is there a reason for this? N/A

Awareness and guidance

### 6. Since October 2016, has your Council carried out any promotion of pavement cafés licensing law to make stakeholders, retailers or the general public aware of its implications?

(Required)

Please select only one item

- Yes
- No

Promotion of the Act

### 6a How has this been done? (Tick all that apply)

(Required)

Please select all that apply

- Online - through Council website / social media
- Advert in local / national press
- Printed promotional material
- In person promotional events
- Other - please specify below

*Ans: A series of in person advisory visits to places where promotional materials were provided.*

No promotion of Act

### 6b Is there a reason for this? N/A

Applications

### 7. Since the introduction of the Act, has your Council received any applications for a pavement café licence?

(Required)

Please select only one item

- Yes
- No

Applications received

### 7a How many pavement café licences have been issued by your Council since 1 October 2016 to date?

(Required)

## Draft Response

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Ans: 15

#### Applications refused

### 7b Has your Council refused any pavement café licences since 1 October 2016?

(Required)

Please select only one item

- Yes  
 No

#### Refusal of licences

### 7c How many pavement café licences has your Council refused since 1 October 2016?

(Required)

Ans: 2

### 7d Which parts of section 4(2) of the Act have been applied when refusing any licence applications? (Tick all that apply)

(Required)

Please select all that apply

- The area proposed in the application is unsuitable.  
 The area proposed in the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.  
 The applicant made a knowingly false statement in a material area or failed to comply with Section 11 of the Act.  
 The applicant has previously been granted a pavement café licence which was revoked, or could have been revoked, for reasons within the applicant's control.

### 7e Has your Council received any appeals against refusing pavement café licence applications since 1 October 2016?

(Required)

Please select only one item

- Yes  
 No

#### Refusal of licence - Appeals

### 7f Have any appeals been successful? N/A

(Required)

#### Successful appeals

### 7g Please briefly summarise the main grounds for any successful appeals? N/A

#### 28 day notice

Section 11(2) of the Act requires that, where an application for the grant, renewal or variation of a pavement café licence is made, the applicant must ensure that, on the day when the application is sent to the council, the required notice is fixed to the premises specified in the application so as to be easily visible and legible to the public from outside the premises. This notice must also remain in position and be visible and legible until the end of the period allowed for representations. The period allowed for representations is specified in Section 10(5) of the Act as meaning 28 days beginning with the first working day after the date when the application is received by the Council. The Council is also required to make applications available to be viewed by the public until the end of the period allowed for representations.

### 8.Does your council guidance inform applicants of the requirement to make notices of application visible to public?

(Required)

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Please select only one item

- Yes
- No
- N/A (No guidance produced)

**9. Does your Council make applications for pavement café licences available to be viewed by the public for the full period allowed for representations?**

(Required)

Please select only one item

- Yes
- No
- N/A - No applications received

28 day notice for public

**9a How do you do this?**

Ans: Interested parties are invited to make representations to the Council in respect of an application.

28 day notice for public

**9a Is there any reason for this?**

Ans: In accordance with the legal requirement MUDC ensure applications are available to be viewed by the public for the full period allowed for representations.

**9b As this is a requirement of the Act, how do you intend on doing this going forward?**

Ans: As stated above MUDC are already in compliance with this requirement.

28 day notice - Objections

**10. Have you received any objections to applications?**

(Required)

Please select only one item

- Yes
- No
- N/A - No applications received

28 day notice - Objections

**10a Have any objections been successful? N/A**

(Required)

Please select only one item

- Yes
- No

28 day notice - Reasons for successful objections

**10b Please advise on the key grounds on which the objections have been successful. (Tick all that apply) N/A**

(Required)

Please select all that apply

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- That all or any part of the public area to which the application applies is unsuitable
- That granting the application would be likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder
- That the applicant made a knowingly false statement in the application in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014
- That the applicant has at any time been granted a pavement café licence by the council which was revoked, or could have been revoked, for reasons within the applicant's control

**Fees – please note this relates to the period prior to Covid and the suspension of fees by most/all councils**

#### 11. Prior to the Covid-19 Pandemic, did your Council charge a fee for a pavement café licence?

*(Required)*

*Please select only one item*

- Yes
- No

#### Fees structure

##### 11a Please provide details of any fees which had been agreed.

Ans: **MUDC's Council Committee proposed a zero fee structure. The proposal was advertised in the local press (seven papers) in line with MUDC policy, prior to its ratification at a meeting of the full council.**

##### 11b Prior to the Covid-19 Pandemic, did your Council publicise the fees associated with pavement café licences? **N/A**

*(Required)*

*Please select only one item*

- Yes
- No

#### Fees

##### 11c How did your Council publicise the associated fees? (Tick all that apply) **N/A**

*(Required)*

*Please select all that apply*

- Through the Council website
- Within guidance documents
- Newspaper/local or national media
- Letters - mail campaign
- Other – please specify below

#### Flexibility

The Licensing of Pavement Cafés Act (Northern Ireland) 2014 was designed to combine robust regulation of pavement cafés with the necessary flexibility to allow councils to respond to local circumstances and to help with the cost of administration. It was also designed with the intention of limiting burdens on businesses and enabling enforcement action to be proportionate to the risks involved.

\*Please note your responses should reflect the views of the Council.

##### 12. In your opinion, has the flexible approach worked well for your Council? **N/A**

*(Required)*

*Please select only one item*

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- Yes  
 No  
 Don't know

#### 13. What are the main benefits, if any, of the flexible approach to the Act?

Ans: Each application can be considered on a case-by-case basis in response to local circumstances.

#### 14. What are the main drawbacks, if any, of the flexible approach to the Act?

Ans: Can be difficult to maintain consistency particularly in relation to enforcement.

#### Community well-being

One of the aims of the Licensing of Pavement Cafés Act (Northern Ireland) 2014 was to support general community well-being by permitting pavement cafés to operate under licence, support the creation of a vibrant daytime and night-time economy whilst also giving local communities opportunities to have a say in the expansion of pavement cafés in their areas should they wish.

\*Please note your responses should reflect the views of the Council.

#### 15. In your opinion, does the Act give those within the community a chance to voice their opinion on how licensing decisions might affect them?

(Required)

Please select only one item

- Yes  
 No  
 Don't know

#### 16. In your opinion, does the Act support efforts to improve the economic outlook in your council area?

(Required)

Please select only one item

- Yes  
 No  
 Don't know

ANS: The rise of pavement culture in some areas of the district has assisted businesses to operate in difficult circumstances particularly during the covid recovery. In addition the setting provided another option as an attractive place to use.

#### 17. In your opinion, has having pavement cafés open and operating helped towns and villages within your council area to become more vibrant?

(Required)

Ans: The visual impact of people eating/ relaxing at pavement cafes helps to demonstrate a vibrant town.

#### 18. In your opinion, has having pavement cafés open and operating helped to enhance the appeal of the towns and villages within your council area to visitors and tourists?

(Required)



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Please select only one item

- Yes  
 No  
 Don't know

Ans: Pavement cafes can help to create a buzz in the towns and villages and an interest in what's going on both in the venue and town.

**19. Are you aware of any negative impacts for the local communities in your council area, as a result of pavement cafés?**

(Required)

Please select only one item

- Yes No  
 Don't know

Community well-being - negative impacts

**19a What have these been? (Tick all that apply) N/A**

(Required)

Please select all that apply

- Crime  
 Nuisance noise  
 Anti-social Behaviour  
 Other – please specify

Enforcement

**20. Since 1 October 2016 has your Council ever had to deal with any enforcement issues, with regards to the Act?**

(Required)

Please select only one item

- Yes  
 No

Enforcement issues

**20a Which of the following enforcement issues have you had to deal with? (Tick all that apply)**

(Required)

Please select all that apply

- Removal of unlicensed furniture from public space.  
 Businesses not having adequate Public Liability Insurance.  
 Serving alcohol where condition of licence does not allow for this.  
 Any other compliance issues when completing an on-site check.

Enforcement

## Draft Response

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#### 21 Has your Council had to revoke any pavement café licences at any time since the 1 October 2016?

(Required)

Please select only one item

- Yes
- No
- N/A - No applications received

Enforcement - revoking of licence

21a How many licences have been revoked since 1 October 2016? N/A

21b What have been the reasons for revoking licences? (Tick all that apply) N/A

(Required)

Please select all that apply

- That the public area where the licence permits the placing of temporary furniture for the consumption of food or drink has become, or is going to become, unsuitable for that purpose.
- That continuing to place such furniture on, or on a particular part of, the permitted area is likely to result in undue interference or inconvenience to persons or vehicles in the vicinity, or in disorder.
- That the licence holder, in connection with an application for the grant, renewal or variation of the licence, made a statement which the applicant knew to be false in a material respect or failed to comply with section 11 of the Licensing of Pavement Cafés Act (NI) 2014.
- That the licence holder persistently failed to comply with any condition of the licence
- That the licence holder has, without reasonable explanation, failed to pay any fee due to the council under section 12 .

### Covid

During the Covid pandemic many councils introduced a temporary process for pavement café licence applications, with no associated fee, to help businesses recover.

\* Please note your responses should reflect the views of the Council.

22. During the Covid-19 Pandemic, did your Council introduce a temporary process for pavement café licence applications, with no associated fee?

(Required)

Please select only one item

- Yes
- No

23. Since the beginning of the Covid-19 Pandemic in March 2020, have you noticed an increase in applications for pavement café licences?

(Required)

Please select only one item

- Yes, there has been an increase in applications
- No, there has been a decrease in applications
- No, there has been no noticeable change in the number of applications
- N/A - No applications received

24. In your opinion, did the Act help the Council to support businesses in the hospitality industry throughout the Covid-19 pandemic?

(Required)

Please select only one item

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- Yes  
 No  
 Don't know

**25. In your opinion, did the flexible approach with regards to pavement café licences, make it easier for the Council to support local businesses in the hospitality industry throughout the pandemic?**

*(Required)*

*Please select only one item*

- Yes, it made things easier  
 No, it was the same  
 No, it made it more difficult

**26. In your opinion, what were the main benefits, if any, of adopting a flexible approach throughout the Covid-19 pandemic?**

Ans: Each application can be examined on a case-by-case basis depending on local circumstances.

**27. In your opinion, what were the main negatives, if any, of adopting a flexible approach throughout the Covid-19 pandemic?**

Ans: As previously stated a flexible approach can lead to difficulties in maintaining consistency particularly in relation to enforcement.<sup>9</sup>

**28. Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of applications for pavement café licences?**

*(Required)*

*Please select only one item*

- Yes, there has been a downturn in applications  
 Yes, there has been an increase in applications  
 There has been no change

**29. Since the easing of restrictions on indoor services in bars, restaurants etc. on 26 July 2021 have you noticed any change in the number of renewals for pavement café licences?**

*Please select only one item*

- Yes, there has been a downturn in renewals  
 Yes, there has been an increase in renewals  
 There has been no change

Any other comments

**30. Do you have any other comments regarding the pavement café licensing scheme?**

Ans: The issue of pavement café licensing has been discussed at Council committee and the agreed zero fee structure has been widely publicised in the press. However, MUDC are considering reviewing the fee structure and will seek to bring a review paper to a future committee meeting for Members consideration.

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