

Report on	The Department for Communities Evaluation Exercise on Pavement Café Legislation
Date of Meeting	14 th September 2023
Reporting Officer	Kieran Gordon, Assistant Director, Health, Leisure & Wellbeing
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Is this report restricted for confidential business?	Yes	<input type="checkbox"/>
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To agree Council's response to Department of Infrastructure's evaluation exercise on Pavement café legislation.
2.0	Background
2.1	The Licensing of Pavement Cafés Act (NI) 2014, which introduces a statutory licensing scheme for the regulation of pavement cafes by district Councils, came into effect on 1 st October 2016.
2.2	<p>The pavement café licensing scheme facilitates the controlled expansion of suitable premises such as cafes, restaurants, and pubs, in support of the creation of a vibrant daytime and evening economy and for the general wellbeing of communities. The scheme allows Councils to:</p> <ul style="list-style-type: none"> • Authorise a person carrying on a business involving the supply of food and drink to place tables, chairs etc. in a public place • Require the applicant to fix a notice to the premises and submit a plan of the proposed pavement café area • Impose conditions on the licence • Vary, suspend, or revoke the licence • Charge a reasonable fee (although a zero fee was agreed within MUDC) and • Take enforcement action including the removal of facilities in certain circumstances.
3.3	The original aim of the Department for Communities' (DfC) pavement café policy 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.

3.0	Main Report
3.1	Following the commencement of the <i>Licensing of Pavement Cafés Act (NI) 2014</i> in 2016 and its subsequent implementation to date, DfC has now written to all Councils (see appendix A) highlighting an evaluation exercise they are undertaking to help them assess how and to what extent the original policy intent of the licensing scheme has been achieved.
3.2	As part of the process of evaluation, DfC wishes to hear the views of the 11 district councils who are responsible for the scheme in their areas, together with those of other relevant stakeholders representing the hospitality, tourism and other sectors who are affected by or have an interest in the licensing arrangements.
3.3	<p>In order to assist DfC in completing its evaluation stakeholders are encouraged to complete an online questionnaire which must be submitted via an online link before 29 September 2023.</p> <p>The evaluation exercise asks for feedback via questions on the following areas of implementation:</p> <ul style="list-style-type: none"> • Development and content of Council guidance • Extent of application grant and refusals • Arrangements for the publicising of applications and representations • Fee structures • Powers of entry and seizure information • Other issues regarding implementation. <p>Members are asked to review and agree the draft MUDC submission which can be found in Appendix B, which consists of a copy of the relevant questions and suggest response.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A during this current evaluation phase.
	Human: Officer time to prepare and submit a consultation response.
	Risk Management: N/A during this current evaluation phase.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None anticipated at this juncture.
	Rural Needs Implications: None anticipated at this juncture.
5.0	Recommendation(s)
5.1	To give approval for the enclosed draft response to be submitted to the Department for Communities' evaluation exercise on pavement café licensing.

6.0	Documents Attached & References
6.1	Appendix A - Letter from Department for Communities Social Policy Unit.
6.2	Appendix B - Draft response to the Evaluation Questionnaire.