



**Armagh City  
Banbridge  
& Craigavon**  
Borough Council

# **Licensing of Pavement Cafés Act (Northern Ireland) 2014**

## **Guidance for Applicants (during COVID-19 pandemic recovery)**

For further details email:

[ehealth@armaghibanbridgecraigavon.gov.uk](mailto:ehealth@armaghibanbridgecraigavon.gov.uk)



# CONTENTS

	<b>Page</b>
Foreword	3
Section 1 - Definitions	4
Legislation	5
Purpose of this guidance	5
What is a Pavement Café Licence?	5
Who may apply?	5
Is the area you want to use suitable for a Pavement Café?	6
Hours of operation	6
Making an application	7
Public notice	8
Consultation	8
How long will it take to process my application?	8
Can my licence application be refused?	9
Pavement Café Licence	9
What enforcement powers do the Council have?	9
<b>Appendix 1:</b> Examples of Pavement Café plans	10
<b>Appendix 2:</b> Application Form	12
<b>Appendix 3:</b> Notice of Application	15
<b>Appendix 4:</b> Suitability Criteria	16
<b>Appendix 5:</b> Standard Conditions of Licence	22

## Foreword

1. Under the provisions of the Licensing of Pavement Cafés Act (Northern Ireland) 2014, district councils may grant Pavement Café Licences on such terms and conditions and subject to such restrictions as may be reasonably specified in the licence.
2. In specifying any terms, conditions or restrictions in a licence, district councils shall have regard to the guidelines which have been prepared by the Department for Communities (the Department) to assist district councils with the implementation of the statutory licensing scheme. These guidelines highlight the key legislative responsibilities of district councils including the conditions under which pavement café areas should operate.
3. The Department's guidance document is available on their website, as follows: <https://www.communities-ni.gov.uk/publications/guidelines-licensing-pavement-Cafés-act-northern-ireland-2014>
4. The guidance contained herein has been produced by Armagh City Banbridge and Craigavon Borough Council as an aid to assisting recovery of the hospitality sector. The guidance will be known as Guidance for Applicants (during COVID-19 pandemic recovery) and is a version adapted from the Guidance for Applicants that was equality screened by Council in 2017.
5. It is not intended that the guidance should be treated as a complete and authoritative statement of the law which is contained only in the Act and Regulations made under it.
6. This document will be the operational guidance for pavement cafés until 31 December 2021. The Council may modify or terminate aspects of this guidance depending upon any issues which may arise including any change to Department for Infrastructure Guidance or Department for Communities Pavement Café Guidance or other Government guidance.

## Definitions

Licensed area	a public area as defined on a plan approved by the Council as a pavement café
Licensed period	the hours and days approved by Council permitting the licensed area to be used as a pavement café
Nuisance	noise disturbance or other unreasonable disturbance caused to residents or neighbouring businesses
Pavement café licence	the permission given by Council authorising the licence holder to place temporary furniture on a public area (identified by the licence) for the consumption of food or drink supplied in the course of a business carried on by the licence holder, in or from premises specified in the licence *See Note
Public area	a place in the open air, to which the public has access, without payment, as of right and which is not in a market area
Temporary furniture	furniture placed on a public area by a person is temporary if that person can remove it, or cause it to be removed, within 20 minutes.  Furniture means all or any of the following - tables, chairs, umbrellas, barriers, heaters and other articles for facilitating the use, by persons consuming food or drink, of tables and chairs in a public area. This will include A boards, menu boards and similar items.

\*Note: The permission by Council to authorise a licence holder to place temporary furniture for the consumption of alcohol in the course of a business will be assessed by PSNI. Supplementary controls will be required during the processing of applications for 'alcohol only' applications with additional conditions likely to be placed on the Pavement Café Licence.

## Legislation

The provision to licence pavement cafés is contained in the Licensing of Pavement Cafés Act (NI) 2014 and associated Regulations.

## Purpose of this guidance

This guidance document will help you prepare an application for a Pavement Café Licence during the period of recovery from the COVID-19 pandemic restrictions on businesses.

Please note that this document is for guidance only and is not intended to be a legal interpretation of the legislation.

Business owners must ensure they are familiar with government legislation and guidance relating to COVID-19 including carrying out a COVID-19 risk assessment and apply 'social distancing' measures and mitigations.

## What is a Pavement Café Licence?

A Pavement Café Licence authorises a person who carries on a business involving the supply of food or drink (in or from the premises) to place furniture on a public area for use by customers.

**Note:** A licensed pavement café area will remain a public place for the purpose of public order, environmental or other legislation.

## Who may apply?

Any person or persons who carry on a business (in or from the premises) involving the supply of food or drink to the public, may apply for a Pavement Café Licence.

This includes Cafés, restaurants, pubs, retail outlets providing refreshments, takeaways, supermarkets with a deli counter. Where the premises are primarily an off-licence, a condition will be added to prohibit the consumption of alcohol in the pavement café area.

## **Is the area suitable for a pavement Café?**

The Department for Infrastructure (Roads) have provided guidance and are consulted on all applications for a Pavement café licence. Appendix 4 offers advice on what matters the Council consider when assessing a pavement café licence including:

- Pedestrian and vehicular access
- Size and layout
- Likely disturbance to other businesses or residents
- Furniture design
- Safety issues

The pavement café area will normally be set up immediately adjacent to the premises or can be in a remote area provided:-

- The proposed pavement café area does not interfere with both vehicular and pedestrian traffic flow and
- The licence holder is able to demonstrate that they will be able to exercise proper control and supervision of the pavement café area.

## **Hours of operation**

The Council will confirm the hours and days of use for the pavement café area having regards to the location, likely disturbance to local residents or other businesses and representations from interested parties.

Licences will normally be granted for hours that will be reflective of the normal operating hours of the business. However, if the premises are licensed under the Licensing (NI) Order 1996 permitting the consumption of alcohol, a Pavement Café Licence will not be issued beyond the latest hour permitted for the consumption of alcohol regardless of any extension to the liquor licence that may apply to the premises.

## **Making an Application**

Following review of this guidance, the applicant is advised to contact the Council's Environmental Health Department to discuss their proposals **prior to** submitting an application by email – [ehealth@armaghbanbridgecraigavon.gov.uk](mailto:ehealth@armaghbanbridgecraigavon.gov.uk).

An application form is provided at **Appendix 2**.

All applications for a Pavement Café Licence must be accompanied by the following:-

### **1. Site plan**

A plan (preferably ordinance survey) must be provided clearly showing the proposed pavement café area marked in red and the adjoining streets and properties.-

### **2. Licence Fee**

There is normally a fee, however Council have waived the fee for this temporary Pavement Café Licence to help support business during recovery from COVID-19 pandemic restrictions. Normal fees will apply after this recovery period ends on 31 December 2021.

### **3. Proposed Pavement Café Area plan**

A plan must be provided to a scale of not less than 1:100 showing the proposed pavement café area, its dimensions, the streetscape and all utilities and services (including lampposts, bollards, fire hydrants, manholes, cycle stands, litter bins and any other items of street furniture located within the immediate vicinity). Please see **Appendix 1** for examples of pavement café area plans.

### **4. Details of the proposed furniture**

Provide details of the number, materials and types of chairs, tables, umbrellas, and other furniture items including enclosures/barriers to be provided in the Café. (Manufacturers brochures or photographs of existing furniture would be an advantage).

### **5. Public liability insurance**

Cover specifically for the pavement café area with a minimum indemnity of £5 million.

### **6. Liquor Licence**

Premises licensed under the Licensing (NI) Order 1996 will be required to provide details of their Liquor Licence. This is essential for consultation with PSNI.

### **7. Management Control Plan**

If the pavement café area is to be located away from the main premises or patrons / staff will need to cross a public road to reach it then a management control plan must be provided. Please refer to the 'Safety and Control' information at Appendix 4 (Section 6).

## Public notice

Applicants are required to fix a public notice (**Appendix 3**) to the premises on the day the application is made to the Council. The notice must be positioned so that it is visible and legible to the public for 28 days. Interested parties can make representations to the Council in respect of an application.

In addition, the Council will publish information regarding applications on its website advising where details may be viewed by the public. This information will be available until the end of the period allowed for representations.

You must complete the declaration on the application form stating that you have erected the required notice and that you will maintain it in place for 28 days from the date of application. It is recommended a photograph showing the public notice is submitted with your application.

## Consultation

It is recommended that businesses discuss their proposals with adjacent property occupiers to inform them of the application.

The Council will also consult with the following:

- DFI Roads to ensure that any implications for vehicular traffic, pedestrians and public safety impacts are properly taken into account;
- Police Service for Northern Ireland where the premises are licensed to sell alcohol;
- Any other Council Department, organisation or individual as appropriate.

## How long will it take to process my application?

The Council aims to provide you with a determination within 5 weeks from the date of receipt of a completed application for a pavement café licence, including all the required plans, liquor licence information and public liability insurance. This is to allow full and proper consultation in line with statutory guidance, site visits and consideration of any representations or other input from consultees.

If there are any objections or other input from consultees, this period may be extended.

**Note:** The above time frame is based on any necessary Planning permissions and consents having already been granted or are not required.

### **Can my licence application be refused?**

Yes. Due to factors such as visual impact, width restrictions, obstructions or heavy pedestrian flow, it may not always be possible to accommodate pavement Cafés in all locations. However, each application will be considered on its own merits taking account of Council's guidance and comments following consultation with DfI and PSNI.

As an alternative to refusing an application, Council may propose changes to your proposal to meet the licensing criteria which includes amending the size and shape of the licensed area. If you accept and implement the proposed changes, Council will issue the licence.

If your proposal fails to meet the criteria and your application is refused by the Council, you will be informed of that decision.

Should an application be refused, the applicant may appeal the decision to the Magistrates' Court within 21 days of being notified of the Council's decision. Licence holders may also appeal a decision to suspend or revoke a licence or vary the area or conditions of a licence (as an alternative to revocation), or to limit the duration of a licence.

### **Pavement Café Licence**

When approved, the pavement café licence **will remain valid until 31 December 2021** (unless revoked by the Council or surrendered by the licence holder).

Conditions will be attached to the licence as per Appendix 5:-

- ~ Limiting the type and amount of furniture
- ~ Limiting the days and hours of operation
- ~ Making adequate arrangements for the storage of furniture
- ~ Having appropriate insurance cover.

A copy of the Pavement Café Licence (including approved plan) should be available on the premises for inspection on request.

### **What enforcement powers do Councils have?**

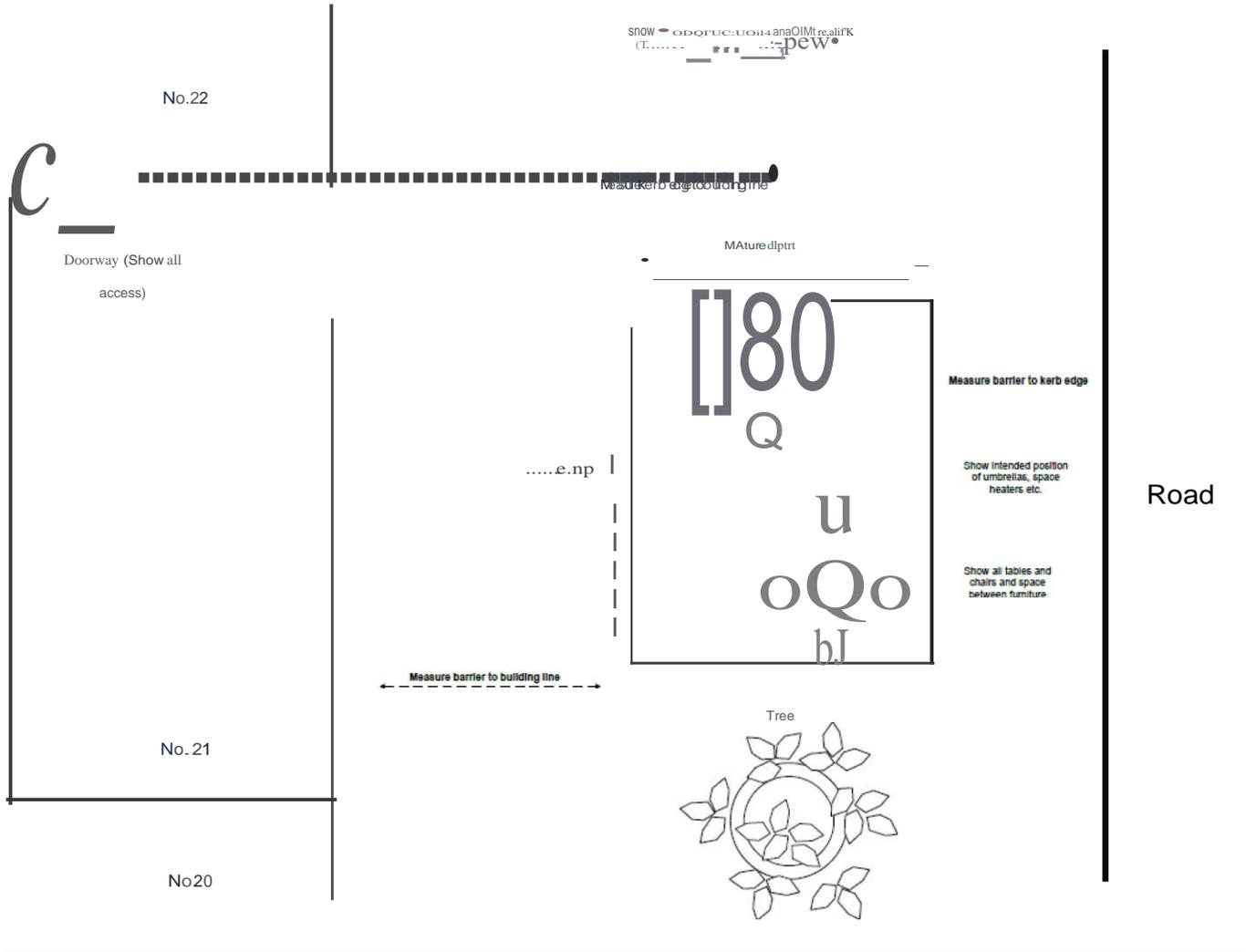
Failure to obtain an appropriate licence or failure to comply with the conditions attached to a licence may result in enforcement action being taken.

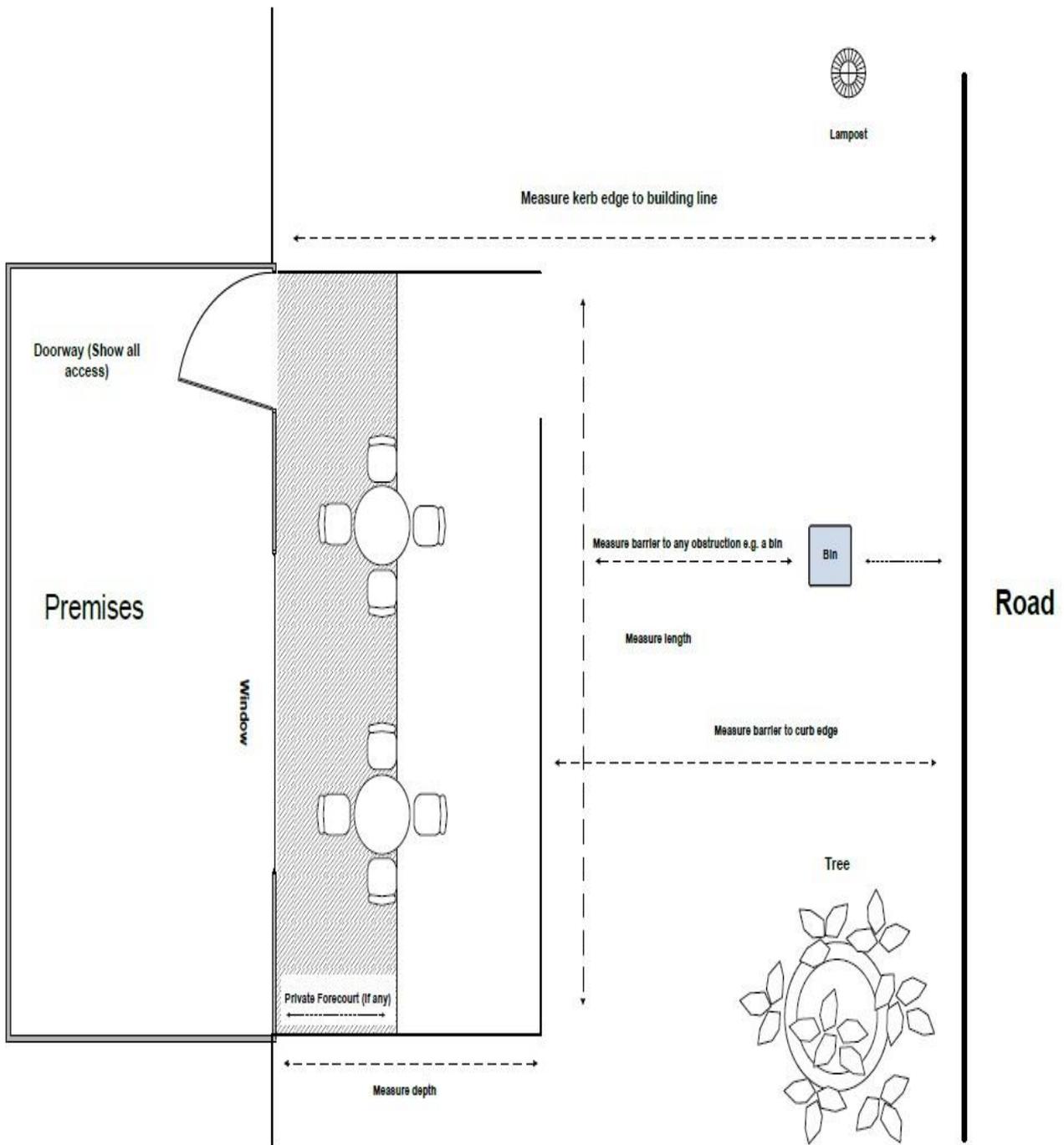
### **Unlicensed pavement cafés**

It is an offence to place furniture (for the use of consumption of food or drink) on a public area without a pavement café licence. This offence may be liable to a fine of up to £1,000 (Level 3 fine) on summary conviction.

Where there is no valid pavement café licence, the Council may seize and remove any furniture placed on the pavement. The Council may recover costs reasonably incurred in the removal and storage of the furniture and may dispose of the furniture if it is not reclaimed within a period of 3 months.

# APPENDIX 1 – Examples of pavement cafe areas





## APPENDIX 2



Office use only	
Date:	Copy to SPOC DfI Roads:
Documents No:	Copy to SPOC PSNI:
Initials:	Officer:

### LICENSING OF PAVEMENT CAFÉS ACT (NORTHERN IRELAND) 2014

#### APPLICATION FOR A PAVEMENT CAFÉ LICENCE

I/We hereby make application to Armagh City, Banbridge and Craigavon Borough Council under the provisions of the Pavement Cafés Act (Northern Ireland) 2014 for the:

#### APPLICATION TYPE

**GRANT OF  
LICENCE**

**Temporary Pavement Café Licence**

**Note: licence granted will be valid until 31 December 2021**

#### APPLICANT DETAILS

Name: \_\_\_\_\_

Company Name (if applicable): \_\_\_\_\_

Limited Company Name (if applicable): \_\_\_\_\_

Position: (e.g. Owner/Director/Manager): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Post code: \_\_\_\_\_

Tel: \_\_\_\_\_ Email: \_\_\_\_\_

#### PREMISES DETAILS

Type of premises: \_\_\_\_\_

Name of premises: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Post code: \_\_\_\_\_

Tel: \_\_\_\_\_

## PROPOSED PAVEMENT CAFÉ LOCATION (if different from above)

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### SITE DETAILS:

Total width of footpath: \_\_\_\_\_m

Distance from a road junction: \_\_\_\_\_

Dimensions of café area: \_\_\_\_\_

Number of tables: \_\_\_\_\_ Number of chairs: \_\_\_\_\_

Other furniture: \_\_\_\_\_

Barriers: Type \_\_\_\_\_

Barrier Height: \_\_\_\_\_

Tap Rails: \_\_\_\_\_

Where will the furniture be stored outside the hours of the pavement café licence?

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Where will the furniture be stored outside the liquor licensing hours (where an extended liquor licence applies – Licensing (NI) Order 1996)?

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### OPERATING DETAILS

Proposed days and hours of operation of the <b>Pavement Café Area</b>	
<b>DAYS</b>	<b>HOURS</b>
Sunday	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	

## ALCOHOL LICENSING DETAILS (IF APPLICABLE)

Are the premises licensed under the Licensing (NI) Order 1996?	YES	NO
Are meals to be served in the curtilage of the Pavement Café area?		
Is alcohol to be consumed in the curtilage of the Pavement Café Area? Include Copy of Liquor Licence.	YES	NO

## CHECKLIST

Provide a site location map depicting location of Pavement Café area in red and adjoining streets and properties.	Here enclosed	To follow
Provide a proposed Café Plan depicting street space occupied, size and type of barriers, number and type of tables and chairs, and any other pavement café furniture.	Here enclosed	To Follow
Details of proposed furniture including photographs/manufacturers details.	Here enclosed	To Follow
Public Liability Insurance.	Here enclosed	To Follow
I confirm that I wish to apply for a Pavement Café Licence as described within this application.	Tick	
I confirm that that the information provided in this application is correct.	Tick	
I confirm that I have placed the appropriate notice in a prominent place at or near the premises that can be easily read by the public, and that the notice shall be displayed for 28 days from the date of this application. (PHOTO to be enclosed)	Tick	
<b>Applicant signature: _____ Date: _____</b>		

## Return completed application form, documents to one of the Council offices

Environmental Health Dept. The Palace Demesne, <b>Armagh</b> BT60 1EL Tel: 028 3752 9626	Environmental Health Dept. Civic Building Downshire Road <b>Banbridge,</b> BT32 3YJ Tel: 028 4066 0606	Environmental Health Dept. Civic & Conference Centre, PO Box 66, Lakeview Road, <b>Craigavon,</b> BT64 1AL Tel: 028 3831 2521
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**Email - [ehealth@armaghbanbridgecraigavon.gov.uk](mailto:ehealth@armaghbanbridgecraigavon.gov.uk)**

**[www.armaghbanbridgecraigavon.gov.uk](http://www.armaghbanbridgecraigavon.gov.uk)**

**APPENDIX 3**  
**ARMAGH CITY BANBRIDGE AND CRAIGAVON BOROUGH**  
**COUNCIL**  
**Licensing of Pavement Cafés Act (Northern Ireland) 2014**  
**PUBLIC NOTICE**

**APPLICATION FOR A PAVEMENT CAFÉ LICENCE**

NOTICE IS HEREBY GIVEN THAT

(Name of applicant) \_\_\_\_\_

(Address of applicant) \_\_\_\_\_

Has applied to Armagh City Banbridge and Craigavon Borough Council for a Pavement Café Licence at

(Name and address of premises) \_\_\_\_\_  
\_\_\_\_\_

Any objection relating to the application should be made within 28 days of the date of this Notice. The objection should be addressed to The Chief Executive, Armagh City Banbridge and Craigavon Borough Council, Civic & Conference Centre, Lakeview Road, Craigavon BT64 1AL.

Any objection must be in writing and must specify the grounds of the objection, the name and address of the person making it and must be signed by them or their agent.

It should be noted that where an objection is made after the 28 day time period referred to, but before a final decision is taken on the application, it is appropriate for the Council to consider it, if there is sufficient reason why the objection was not made within the stated time period.

(Applicant's Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

**This notice must be affixed to the premises for the period of 28 days in a prominent place so that it is easily visible and legible to the public from outside the premises.**

\_\_\_\_\_

I \_\_\_\_\_ (applicant) hereby certify that for a period of at least 28 days ending on \_\_\_\_\_ (date) I displayed this notice in a prominent place on the premises so that it was easily visible and legible to the public from outside the premises.

\_\_\_\_\_ (applicant's signature) \_\_\_\_\_ (date) **(On completion of the 28 day period, this notice must be returned to the Council's Environmental Health Department).**

# Appendix 4

## Suitability Criteria for a Pavement Café Licence

### 1. Design

The applicant will need to demonstrate that the pavement café area will make a positive contribution to the street scene and is in keeping with the surrounding area and other buildings and public realm. Simple robust designs will be preferred and excessive or elaborate detail and signage should be avoided unless clearly justified by the particular context.

Applicants should also demonstrate commitment to the care and/or refurbishment of the external appearance of the building in which the business is housed, to ensure that the appearance of the street scene will be maintained and, where necessary, enhanced.

Pavement Café Area proposals should not hinder reasonable use of the footpath, including its use by persons with disabilities, nor cause nuisance to adjacent frontages or interfere with apparatus or access to apparatus within the footpath. To this end, the applicant shall comply with all statutory requirements and obtain all necessary permissions before making a licence application.

### 2. Size and layout

The Act does not specify minimum standards in terms of the size, layout or design of a pavement café. Further information is provided in guidelines provided by the Department for Communities and DfI Roads.

DfI Roads advise that they take their guidance regarding preferred foot-way widths from **The Design Manual for Roads and Bridges – TA 90/05 – The Geometric Design of Pedestrian, Cycle and Equestrian Routes**. As a result, they state the minimum width of a footway should be 2.0m and that this may be reduced to an absolute minimum of 1.5m in constrained environments. A width of 1.0m should only be allowed if there are single point obstructions, for example a litter bin or street lighting column. DfI Roads also advise that any reduced footway widths should be restricted to 6.0m in length.

The minimum pavement width may need to be greater in high usage areas.

Information is also provided in the document 'Inclusive Mobility', provided by the Department for Transport (2002) as a guide to best practice on access to pedestrian and transport infrastructure. Regard will be given to relevant guidance.

Each application will be considered on its own merits on a site by site basis, taking account of the characteristics of the site, the space available and the proposed layout of the café area. The pavement café will also need to be designed in such a way as

not to compromise access where applicable. Any pavement café design/plan should be compliant with the requirements of the Disability Discrimination Act 1995.

The pavement café area should:

- Avoid conflict with the principal lines of pedestrian movement particularly for disabled people, older people, the visually impaired and those with mobility needs including pram and wheelchair users.
- Avoid conflict between customers going in and out of the premises, passing pedestrians and neighbouring premises.
- Ideally be confined to the frontage of its own premises with close integration of internal and external activities; however, this does not preclude a remote location.

The area to be used must take into account other needs in the immediate vicinity (e.g. kerbside parking, loading bays, bus stops, emergency vehicle access, emergency exits, street cleaning machines and pedestrian crossings).

Where an application contains a proposal to establish a pavement café area abutting neighbouring premises, the Council would advise that the applicant should discuss their proposal with the owners or occupiers of the adjoining premises before an application is made.

The limits of the approved pavement café area will be agreed as part of the application process and it is important that no obstructions such as tables, chairs, portable advertising boards, planters or barriers are placed outside this approved area, or left on the pavement or any part of the licensed area outside approved hours.

When considering a new application the Council must consult with DfI Roads before arriving at a decision. Such consultation will ensure that any possible implications for vehicular traffic or pedestrians, public safety issues, and environmental impacts are properly taken into account. The Council will also refer to DfI Roads guidelines when considering applications.

For examples of pavement Cafés please refer to **Appendix 1**.

### **3. Boundaries**

When in use, the pavement café area must be suitably enclosed to demarcate the licensed area and contain the tables, chairs and other furniture to make it distinguishable to other pavement users and to assist blind and visually impaired pedestrians. Portable, sturdy barriers with a good colour contrasted top rail are required whilst bases must not cause an obstruction or tripping hazard to pedestrians. Top rails should be at a height of 100 mm-150 mm above ground level and should be included at the bottom as well to make the enclosure more solid.

The enclosure of the pavement café area forms part of the furniture and shall be removed and stored appropriately outside the licensed period and when the pavement café is not operating within the licensed period. The materials should, therefore, be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked into or overturned by a sudden gust of wind.

The design of the barrier should complement the character of the surrounding area and may be required to be of a specific design in order to maintain continuity along the street frontage. The colours and materials used for the enclosure should ensure that it has a good colour contrast with the surrounding environment. The posts at the outer corners of the pavement café area should be appropriately highlighted (e.g. using fluorescent strips). This is particularly important for persons who are visually impaired.

Well maintained planters can be particularly attractive and appropriately used as part of the means of enclosure, but must be positioned within the licensed area. In certain circumstances, it may be possible to utilise existing street railings, planters and bins as a suitable means of enclosure. However, any enclosure must have a good colour contrast with its surroundings and, where necessary, include a suitable top rail.

#### **4. Furniture**

The furniture must be of a good quality design and suitable for outdoor commercial use. Poor quality furniture will not be permitted.

The use of parasols, along with their locations, materials and colours must be specified as part of the design and must be positioned so that their extent is contained within the boundary to ensure they do not present a danger to any user of the pavement café area or any pedestrians.

Advice should be obtained from the Council's Planning Department regarding any advertising on canopies, boundaries, parasols or other items. Proposed details should be provided with the application.

All furniture items, e.g. menu boards, signs and portable gas heaters need to be approved as part of the licensed area and details must be included in the application. Where heating is to be provided, this must be of a type suitable for outdoor use and shall be placed within the licensed area. If patio style liquid petroleum gas (LPG) heaters are to be used, they must be adequately secured upright, be fitted with a flame failure device and be maintained in an efficient working order.

All furniture must be of a temporary nature that can be removed within 20 minutes at the end of the permitted period or when access to the area is required by any statutory body or in the event of an emergency.

If the main premises operate for longer than the licensed period of the pavement café area, the applicant should give consideration as to where furniture is to be stored and this should be made clear within the application.

## 5. Environmental implications and other requirements

It will be the responsibility of the licence holder to keep the area clean and free of litter during licensed/operational hours.

The conduct of customers using the pavement café area will also be the licence holder's responsibility.

All food premises must be registered with the Council.

The Pavement Café Licence does not imply an exclusive right to the area and others have rights over it for maintenance, repairs and other activities.

No amplified music or loudspeaker equipment shall be used in the pavement café area.

Proprietors must promote a safe, clean and generally welcoming environment in the pavement café area. The Council may make it a requirement that patrons using the area are seated at the furniture provided.

Proprietors may wish to give consideration to dividing their pavement café area into smoking and non-smoking sections, with each section clearly marked.

## 6. Safety and Control

It is the responsibility of the applicant to ensure that the pavement café and equipment used comply with all appropriate legislation in relation to food safety, health and safety and licensing requirements.

Applicants are reminded of their duties to carry out a risk assessment under the Health and Safety at Work (NI) Order 1978 as they relate to the area and activities covered by the pavement café area.

Applicants proposing to obtain a licence for a pavement café area which is separate from their main premises, or where there is a need to cross a public road to reach it, must provide a management plan and proposals regarding the proper control and supervision of the pavement café area.

The licence holder will be responsible for securing full and proper insurance cover.

## 7. Consumption of Alcohol

Alcohol **must not** be consumed in any licensed pavement café area that may be part of an off-licence (as defined under Article 5(1) (b) of the Licensing (NI) Order 1996).

Alcohol **may** be consumed in a pavement café area where a liquor licence applies under the Licensing (NI) Order 1996 and where PSNI and Council are satisfied.

The Council **may refuse** to permit the consumption of alcohol in any other licensed pavement café area where it is satisfied that permitting persons to consume intoxicating liquor in a pavement café area would be likely to result in disorder.

The Council's Bye-Laws on drinking in public places otherwise apply prohibiting the consumption of intoxicating liquor in designated areas.

**NOTE:** Only premises licensed and defined under the Licensing (NI) Order 1996 as a public house, a hotel, a restaurant or a guest house with a restaurant will have their licensed area for the consumption of alcohol extended to include the pavement café area.

## **8. Planning Permission**

You should also consider whether you require Planning permission. There are three reasons why you might need consent from the Council's Planning Department and these are described below.

### Planning permission for a change of use

Planning permission may be required for a change of use of the land if the Pavement Café is to be located on the public highway or outside the curtilage of the premises. However, given the prevailing circumstances and desire to support the economic recovery, the Council is not requiring planning applications for a temporary change of use at this time as it is satisfied that the main issues are adequately covered as part of the licensing process.

### Planning permission for physical structure or alterations

Planning permission is not normally required for a Pavement Café with temporary furniture. However, planning permission may be required for proposals that are more permanent.

If you answer "yes" to any of the following questions then you may need to submit a planning application.

- Will any street furniture (such as tables and chairs) be permanently fixed to the ground?
- Will there be any other permanent fixtures and fittings outside the building?
- Do you intend to make any alterations to the shopfront?
- Do you intend to add a permanent or retractable awning to the shopfront?
- Do you plan to erect a permanent or fixed means of enclosure (such as a barrier, wall or railings) on the street greater than 1 metre in height?

## Advertisement Consent

You may also need Advertisement Consent to erect any new advertisements. However, the regulations allow certain types of advertisement to be erected without the need for Advertisement Consent. Advertisement Consent is normally not required provided that:

- The advertisement is displayed for the purposes of identification, direction or warning, with respect to the building on which it is displayed;
- The advert does not exceed 0.3 square metres in area;
- The advert is not illuminated;
- No character or symbol is more than 0.3 metres in height;
- No part of the advertisement is more than 5 metres above ground level.

## Listed Building Consent

If you occupy a building, which is listed you may need listed building consent for any works or demolition, alteration, or extensions, which would affect the character of the building.

Should planning permission be required the usual planning fees will be applied. If you have any doubt about whether you need planning permission please contact our Planning Department by email: [planning@armaghbanbridgecraigavon.gov.uk](mailto:planning@armaghbanbridgecraigavon.gov.uk) or by telephone 0300 200 7830.

## **9. Rates liability on grant of licence**

The Department for Finance has advised that for the vast majority of cases a marginal, seasonal increase in seating of a temporary nature under the terms of the Pavement Café Licence would not warrant a change in Net Annual Value (NAV). Where the type of arrangement is assessed or evidenced that it adds to the rental value of the premises, an adjustment to the NAV may be warranted. Each case will be judged on its merits and prospective applicants who have concerns in this respect should consult with the District Valuer, Land and Property Services.

## Appendix 5

### Standard Conditions of Licence

In exercise of the powers conferred by section 6 (3) of the 2014 Act the following standard conditions will be applied to any licence granted by the Council. Council may also place additional terms and conditions on the licence as and when they consider it appropriate.

That the Licence holder shall

1. Maintain furniture of the kind, amount, size and nature as specified.
2. Place furniture on the licensed area on those days and during those hours as permitted by the licence.
3. Limit the days and times for the consumption of food and/or drink as follows:  
....specify days/times as appropriate
4. Require that alcohol is only consumed along with a meal in the licensed pavement café area. The consumption of alcohol should be ancillary to the meal and should not form the main part of the service.
5. Require that patrons are seated within the licensed pavement café area when consuming food and/or drink.
6. Remove furniture from the licensed pavement café area outside approved operating hours and make adequate arrangements for its storage.
7. Remove furniture as required and following a reasonable request from any statutory body, or authorised officer, or in the case of emergency.
8. Maintain valid insurances and indemnities for the duration of the licence.
9. Ensure that the licensed pavement café area is kept clean and free from litter.
10. Ensure good order is maintained during all times when the Pavement Café is open.
11. Ensure that the pavement Café is operated in a manner ensuring that there is no safety risk, nuisance, public health issue or detriment to amenity caused to other users of the highway or nearby premises.
12. Notify the Council of any proposed change to the licenced pavement café area, temporary or otherwise.
13. Surrender the Pavement Café Licence to the Council if it is no longer required during the period of the Licence.
14. Ensure that the operation of the pavement café shall not cause unnecessary or unreasonable disturbance to others.
15. Business owners must ensure they are familiar with government legislation and guidance relating to COVID-19 including carrying out a COVID-19 risk assessment and apply 'social distancing' measures and mitigations.