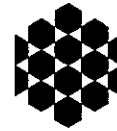


From the Office of the Minister



Department of
**Enterprise, Trade
and Investment**

www.detini.gov.uk

NETHERLEIGH
MASSEY AVENUE
BELFAST
BT4 2JP
Tel: 028 90 529452
Fax: 028 90 529545

E Mail: private.office@detini.gov.uk

Our Ref: DETI COR 334/2013

Mr Alex Maskey MLA
Chairperson
Committee for Social Development
Room 412
Parliament Buildings
BELFAST
BT4 3XX

2 August 2013

Dear Mr Maskey

Licensing of Pavement Cafes Bill – Call for Evidence

Thank you for your letter dated 1 July 2013 regarding the Licensing of Pavement Cafés Bill.

I welcome its introduction as well regulated pavement cafes can enhance the visitor experience and boost tourism.

As Minister of Enterprise, Trade and Investment please find attached a detailed response to your call for evidence on this Bill.

Yours sincerely

ARLENE FOSTER MLA
Minister of Enterprise, Trade & Investment

WRITTEN SUBMISSION ON LICENSING OF PAVEMENT CAFES BILL

CONTENTS

Requirement for pavement café licence

1. Meaning of “pavement café licence” and other key terms

The definition of the term ‘pavement café licence’ should provide clarity to business owners and assist in encouraging them to develop this opportunity within the required regulatory framework.

2. Offence of placing furniture on public area without pavement café licence

The introduction of a regulated licensing scheme should enable the development of a high standard of pavement cafes that will enhance Northern Ireland’s image as a modern and vibrant tourist destination.

Application for licence

3. Application for licence

The requirement to submit a plan of the proposed area on application of a licence is reasonable.

4. Grant or refusal of licence

The intention of the Bill to support the development of pavement cafes is reflected by placing the onus on a district council to grant a pavement café licence (unless reasonable grounds for refusal exist).

Consultation with the PSNI where a premise has a pub licence is appropriate as visitors seek a welcoming and safe environment.

5. Form, duration etc. of licence

It may be helpful to recommend how long a licence should remain valid, to ensure a consistent approach and to facilitate businesses in the hospitality and tourism industries with premises in different locations across Northern Ireland.

6. Conditions of licence

The prohibition of consumption of alcohol at a café where the associated premises are licensed for off-sales underpins the policy objective to facilitate the controlled expansion of suitable premises such as cafes, restaurants and pubs. These play a key role in delivering a good visitor experience.

Renewal

7. Renewal of licence

NITB has nothing further to add.

Variation on application of licence holder

8. Variation of section 6(3) conditions or of area covered by licence

NITB has nothing further to add.

9. Variation by removal of alcohol prohibition

NITB notes this allows for flexibility by permitting a premise to apply to the council to request a current alcohol prohibition be reviewed. NITB has nothing further to add.

Applications: general provision

10. Applications: general provision

NITB has nothing further to add.

11. Notice of application to be displayed

NITB has nothing further to add.

12. Fees

NITB is aware of the challenges facing the tourism and hospitality industries to continue to deliver a high quality offering and remain competitive against the pressure of a rising cost base. NITB welcomes the stipulation that fees set by Councils should cover reasonable costs only (not for profit) and that a statement be issued showing how fees have been calculated, so as to address any potential perception that a pavement café might not be a viable commercial opportunity.

Change in persons carrying on business

13. Change in persons carrying on business

NITB has nothing further to add.

Revocation, suspension and compulsory variation

14. Revocation of licence

NITB has nothing further to add.

15. Suspension of licence

NITB has nothing further to add.

16. Compulsory variation of section 6(3) conditions

NITB notes that should a premise obtain an alcohol licence this permits opening hours of a pavement café to be aligned. NITB has nothing further to add.

17. Compulsory variation: prohibition of alcohol

As above NITB has nothing further to add.

18. Compulsory variation of area covered by licence

NITB has nothing further to add.

19. Notice of revocation, suspension or compulsory variation

NITB has nothing further to add.

Matters to be recorded in register

20. Matters to be recorded in register under Licensing Order

NITB notes that this provides particulars of pavement café licences to be recorded in the Alcohol Licensing Register if relevant. NITB has nothing further to add.

Appeals

21. Appeals

NITB has nothing further to add.

Powers of entry, removal, etc.

22. Powers of entry and inspection

NITB has nothing further to add.

23. Power to remove unlicensed furniture

NITB has nothing further to add.

24. Offence of obstruction

NITB has nothing further to add.

Supplementary

25. Service of notices and documents

NITB has nothing further to add.

26. Power to make further provision

NITB has nothing further to add.

27. Regulations

NITB has nothing further to add.

28. Consequential amendments

NITB has nothing further to add.

29. Byelaws

NITB welcomes the exemption of pavement cafes from byelaws prohibiting the consumption of alcohol in a particular place (e.g. on street drinking) if these are associated with pubs, hotels, restaurants or guesthouses.

30. Definitions

NITB has nothing further to add.

31. Short title

NITB has nothing further to add.

32. Commencement

NITB's understanding is that DSD has advised that the Bill's main provisions will come into operation on a date appointed in an order that DSD will make following liaison with councils. NITB looks forward to an implementation date being agreed in due course and for well regulated and attractive pavement cafes to appear in tourism destinations across Northern Ireland.

Schedule

NITB notes that the Schedule contains amendments to other legislation as a consequence of the introduction of the Bill including The Licensing (Northern Ireland) Order 1996.

NITB had previously sought information on the consumption of alcohol at pavement cafes and welcomes that the Bill clarifies that where alcohol consumption is permitted, relevant conditions of the liquor licensing legislation will apply.

Amendments to Articles 76A to 76E (Licensing Northern Ireland) Order:

NITB notes that the provision for the area where alcohol may be consumed will be extended to include a pavement café area but does **not** extend the area where liquor can be sold, which must remain within the main premises. From the perspective of the visitor being able to savour the local atmosphere outside over a drink will be facilitated.

NITB notes that a children's certificate, which permits access to an area where alcohol is consumed in certain circumstances, will also apply to the pavement café enabling families to enjoy this space.