

**Report to the Chief Officer (Highways and Transportation)**

**Date: 17 February 2015**

**Subject: Street Café Licensing in Yeadon – Clothiers Arms (c/o JD Wetherspoon PLC) – 56 High Street, Yeadon, Leeds, LS9 7PP**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Otley and Yeadon	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. This report seeks approval of a Street Café Licence application for Clothiers Arms (c/o JD Wetherspoon PLC) 56 High Street , Yeadon on Harper Lane, Yeadon
2. Plans showing the proposed layout of the street café area are shown in the attached unnumbered drawing.
3. There are some particular local requirements which are highlighted in the report and incorporated into the draft licence attached.

**Recommendations**

4. The Chief Officer (Highways and Transportation) is requested to;
  - i) note the contents of the report; and
  - ii) approve the application from JD Wetherspoon PLC, for a licence to operate a street café on the highway at Harper Lane, Yeadon ,as shown on the attached unnumbered drawing, to expire on the 31st March 2016 and that future licences be renewed annually, subject to satisfactory operation, and with approval from The Chief Officer (Highways and Transportation).

## **1 Purpose of this report**

- 1.1 To consider an application for a licence under Section 115E of the Highways Act 1980 to operate a street café on the highway on Harper Lane, Yeadon.

## **2 Background information**

- 2.1 Whilst it is acknowledged that street cafes enhance the attractiveness and vitality of the city or district centres, it is important that they are properly administered and managed, in particular, that they do not obstruct the highway or create a hazard for pedestrians, especially for the visually impaired and pedestrians with mobility issue.
- 2.2 In recognition of the need to ensure that street cafés are satisfactorily controlled, the City Centre Committee, in 1990 approved a detailed street café policy which requires street cafes to be licensed by Leeds City Council under Section 115E of the Highways Act 1980.
- 2.3 This same policy is adopted for the licensing of street cafes in other areas outside of the city centre.

## **3 Main issues**

- 3.1 Obstructions on the public highway can be particularly problematic for visually impaired pedestrians and pedestrians with mobility issues. The visually impaired need to be confident that obstacles can be easily located and avoided. Street cafes which are enclosed and managed in accordance with the approved guidelines will help facilitate access and keep the area safe for all.
- 3.2 Adequate circulation space is to be maintained within the street cafes to allow access for all users including those using wheelchairs and walking aids.
- 3.3 This application relates to The Clothiers Arms (c/o JD Wetherspoon who propose to place tables and chairs on an area of Harper Lane, Yeadon adjoining their own premises only. The application is for 7 tables and 14 chairs.
- 3.4 Please see attached proposed street café layout plan (unnumbered drawing), a photograph of the frontage of the building and a draft of the proposed licence.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Highways and Transportation Officers have been consulted on the proposed application and no issues were raised.
- 4.1.2 Highways Development Services Officers have been consulted on the proposed layout. Issues were raised regarding the remaining width of the footway left clear for pedestrians. It was agreed that least 2m must remain clear at all times. All plans were amended to reflect this. The initial application had a termination time

of 22.30. Concerns were raised that this was too late. It has now been agreed that the close of operations will be 21.30.

- 4.1.3 Access officers were consulted and no issues were highlighted. It has been made clear to the licensee that the entrance opening should be increased to a width of 1.8m. The layout plan has been amended accordingly.
- 4.1.4 Notices were posted on the highway adjacent to the proposed street café area on 1<sup>st</sup> October 2014 for the stipulated 28 days and no objections were received.
- 4.1.5 West Yorkshire Police have been consulted and no problems were identified.
- 4.1.6 Elected members for Otley and Yeadon were also consulted and in general were supportive of the application. They did however raise the following issues;
  - i) Concerns over the possibility of 'enthusiastic' patrons moving the barriers/tables/chairs and obstructing the path. A trial exercise where the street café was set up in accordance with the submitted plans. The barriers are of a high quality with a heavyweight base. Once the barriers were connected it formed a robust structure which would be difficult to move. It was demonstrated that they would be suitable for the intended use. The outside area will be inspected regularly as part of the applicant's general table inspection regime
  - ii) The initial proposal showed the enclosure being too close to the fire exit. This has now been amended so that start of the enclosure will be at least 1.8m away from the fire exit
  - iii) Concerns were raised over litter and the complete removal of the barriers/tables and chairs overnight. There are specific conditions within the licence that govern these issues.

**4.1.7** Markets Services have been informed and have no issues

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 An 'Equality, Diversity, Cohesion and Integration' screening document has been completed, and an impact assessment is not required. The document is attached to this report.
- 4.2.2 The street café policy is reviewed annually and changes made to the policy should any comments/feedback be received which causes a sufficiently negative affect on the operation of the street café, and street users.
- 4.2.3 Consultation with the Leeds City Council Accessibility Officer takes place to ensure proposals do not negatively impact on disabled and visually impaired users, when applications are received.
- 4.2.4 Street cafés must always be enclosed with barriers and with tapping rails attached to assist the visually impaired.

- 4.2.5 The street café policy is reviewed annually and changes made to the policy should any comments or feedback be received which causes a sufficiently negative affect on the operation of the street café, and street users.
- 4.2.6 Continued promotion of positive impact of street cafes so that more street café applications will be received, if it is shown that they do not cause any obstructions and that they are welcomed by street users in the area that they are located.

### **4.3 Council policies and City Priorities**

- 4.3.1 This application complies with the street café guidelines as laid out in the Street Café Policy 2014/15.
- 4.3.2 Improving vitality and attractiveness of the city and contributing to becoming the 'Best City'.

### **4.4 Resources and value for money**

- 4.4.1 Street Café Licensing has no impact on capital funding.
- 4.4.2 Fees accompanying applications are based on the administration and legal costs incurred in the preparation and issue of the licences. From the 1<sup>st</sup> April 2011 both application and renewal fees are based on the business's rateable value and size of both the premises' internal area and the proposed external street café area. Each business's fee will therefore be different.
- 4.4.3 The change is designed to reflect the value of the outside space, so that business's in fringe areas of the city pay less per square metre than business's in more high profile areas.
- 4.4.4 The application fee will be £800. A street café licence renewal fee is payable annually on the 1<sup>st</sup> April and will be no less than the fee paid on application.
- 4.4.5 There will be an additional cost of Network Management Officers time in ensuring that licensees comply with the conditions of the street café licence. As there are not expected to be many street cafes operating outside of the city centre, this can be absorbed into the normal day to day duties of these officers.
- 4.4.6 Currently the income accrues to Network Management to offset administration costs. Any associated Legal costs can be recharged by Legal Services

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 The street café licences are granted under Section 115E of the Highways Act 1980.

### **4.6 Risk Management**

- 4.6.1 The application contains no request to use items determined as risky in the Street Café Policy and as such no risk assessments have been requested.

## **5 Conclusions**

- 5.1 All relevant consultations have taken place and the site layout of the street café has now been agreed to be acceptable. It is now recommended that the Chief Officer (Highways and Transportation) consider approval of the application.

## **6 Recommendations**

- 6.1 The Chief Officer (Highways and Transportation) is requested to;
- i) note the contents of the report; and
  - ii) approve the application from JD Wetherspoon PLC, for a licence to operate a street café on the highway at Harper Lane, Yeadon, as shown on the attached unnumbered drawing, to expire on the 31st March 2016 and that future licences be renewed annually, subject to satisfactory operation, and with approval from The Chief Officer (Highways and Transportation).

## **7 Background documents<sup>1</sup>**

- 7.1 The Clothiers Arms Layout Plan including Street Café plan
- 7.2 Site 'mock-up' image
- 7.3 Equality, Diversity, Cohesion and Integration screening document

---

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.





# Appendix 1

## Equality, Diversity, Cohesion and Integration Screening



As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality, diversity, cohesion and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion and integration.
- whether or not equality, diversity, cohesion and integration is being/has already been considered, and
- whether or not it is necessary to carry out an impact assessment.

<b>Directorate:</b> City Development	<b>Service area:</b> City Centre Management
<b>Lead person:</b> Andrew Smith	<b>Contact number:</b> 0113 2474719

**1. Title:** The Street Café policy within the City Centre

Is this a:

**Strategy / Policy**
                 
  **Service / Function**
                 
  **Other**

**If other, please specify**

**2. Please provide a brief description of what you are screening**

The Council's Street Café policy within the city of Leeds.

**3. Relevance to equality, diversity, cohesion and integration**

All the council's strategies/policies, services/functions affect service users, employees or the wider community – city wide or more local. These will also have a greater/lesser relevance to equality, diversity, cohesion and integration.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, carers, disability, gender reassignment, race, religion or belief, sex, sexual orientation and any other relevant



characteristics (for example socio-economic status, social class, income, unemployment, residential location or family background and education or skills levels).		
<b>Questions</b>	<b>Yes</b>	<b>No</b>
Is there an existing or likely differential impact for the different equality characteristics?	X	
Have there been or likely to be any public concerns about the policy or proposal?	X	
Could the proposal affect how our services, commissioning or procurement activities are organised, provided, located and by whom?		X
Could the proposal affect our workforce or employment practices?		X
Does the proposal involve or will it have an impact on <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing equality of opportunity</li> <li>• Fostering good relations</li> </ul>	X	

If you have answered **no** to the questions above please complete **sections 6 and 7**

If you have answered **yes** to any of the above and;

- Believe you have already considered the impact on equality, diversity, cohesion and integration within your proposal please go to **section 4**.
- Are not already considering the impact on equality, diversity, cohesion and integration within your proposal please go to **section 5**.

<p><b>4. Considering the impact on equality, diversity, cohesion and integration</b></p>
<p>If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.</p>
<p>Please provide specific details for all three areas below (use the prompts for guidance).</p>
<ul style="list-style-type: none"> <li>• <b>How have you considered equality, diversity, cohesion and integration?</b> (<b>think about</b> the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)</li> </ul> <p>This policy has been developed in consultation with the Council’s Access team, Highways Services and City Centre Management. It aims to ensure that street cafes encourage city centre users with mobility issues to more easily access and enjoy living, working and/or visiting the city centre. As such, this policy positively advances equality of opportunity and further detail of this is provided below:</p> <p>Consultations have taken place with Highways Officers, Leeds City Council Access Officers, Elected Members, and Leeds City Council Partnership Board on developing the Policy.</p> <p><u>Application Process</u></p>

The existing policy ensures that applications for street café licences will be available in alternative formats and any reasonable requests to supply in alternative formats will be met.

A generic street café inbox is available for any communication, and any comments/queries with regards to street café licences.

Visits to new applicants to discuss any proposals and to assist with any information that may be needed, where English may not be the first language or literacy issues arise, to make the application process more effective and to answer any queries or comments.

### Application Assessment

All plans are assessed and consultation takes place with highways officials to ensure that circulation around the street café is always available for those with limited mobility, wheelchairs and pushchairs.

Site notices are posted onsite for 28 days to make all businesses and members of the public aware of application proposals, with copies of the application and proposals made available for viewing, in line with Leeds City Council Policy, allowing anyone to comment.

Leeds City Council Access Officers represent all groups and are made aware of site notices being posted. If the street café is approved and we receive negative feedback from visually impaired or disabled users after approval than action would be taken to resolve any issues or concerns raised.

Site notices will also be posted on the City Centre Leeds website.

Any adverse comments or feedback will be taken on board and actioned, including potentially suspending or removing a café licence where required.

Consultations with the Leeds City Council Accessibility Officer takes place to ensure proposals do not negatively impact on disabled and visually impaired users, when applications are received.

### Granting Applications

As part of the licence process Highchairs must be available in all café's that are granted a licence.

Street cafes must always be enclosed with barriers and with tapping rails attached to assist visually impaired city centre users.

Dependant on the location and to prevent any obstacles, the street café will either be in line with other street furniture in the area, 2 metres away from the building or the street café will be placed at the building line to assist with accessibility for all users.

The street café policy insists that at least 1/3 of the street café is completely smoke free, so that users can choose which area they wish to use.

The street café policy is reviewed annually and changes made to the policy should any comments/feedback be received which causes a sufficiently negative affect on the operation of the street café, and street users.

- **Key findings**

**(think about** any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

Street café 's are welcomed into the city centre, with consultation taking place with the applicants and Leeds City Council Highways Officers to ensure that the street café is in a location that will not affect any other street users and will not cause any obstruction or access issues to anyone who visits, works or lives in the City Centre.

- **Actions**

**(think about** how you will promote positive impact and remove/ reduce negative impact)

Continued promotion of positive impact of street cafes so that more street café applications will be received, if it is shown that they do not cause any obstructions and that they are welcomed by street users in the area that they are located.

Should an application be approved, and negative feedback be received once the street café is in place then all necessary actions required to resolve the situation would be taken, including suspension of the street café licence.

**5. If you are not already considering the impact on equality, diversity, cohesion and integration you will need to carry out an impact assessment.**

Date to scope and plan your impact assessment:	N/A
Date to complete your impact assessment	N/A
Lead person for your impact assessment (Include name and job title)	N/A

**6. Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening

Name	Job title	Date
John Ebo	Deputy Head of Service, CCM	18.01.2012

**7. Publishing**

This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the

screening document will need to be published.

Please send a copy to the Equality Team for publishing

<b>Date screening completed</b>	
<b>Date sent to Equality Team</b>	
<b>Date published</b> (To be completed by the Equality Team)	