

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

**Date: 05 July 2016**

**Subject: Variation to existing Street Café License in Leeds City Centre – Hotel Chocolat – 55 Boar Lane**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): City & Hunslet	<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 Variation to a Street Café Licence for Hotel Chocolate – 55 Boar Lane, Leeds.
2. Plans showing the proposed layout of an additional seating area for the street café as shown in the attached unnumbered drawing.

### Recommendations

3. The Chief Officer (Highways and Transportation) is requested to:
  - i) note the contents of the report; and
  - ii) approve the Variation from Hotel Chocolat to their licence to operate a street café on the highway at 55 Boar Lane, Leeds, LS1, as shown on the attached drawing unnumbered to expire on the 31 March 2017 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**

To consider an application for a variation to a licence under Section 115E of the Highways Act 1980 to operate a street café on the highway at 55 Boar Lane, Leeds, LS1.

## **2 Background information**

- 2.1 Whilst it is acknowledged that street cafes enhance the attractiveness and vitality of Leeds City Centre, 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 blind, partially sighted and other disabled people.
- 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.

## **3 Main issues**

- 3.1 Obstructions on the public highway are particularly problematic for disabled and visually impaired people. Disabled people find it difficult to move in restricted areas and have difficulty turning when confronted with an obstacle. Visually impaired people need to be sure that obstacles can be easily located and thus avoided. Street Cafes which are enclosed and managed in accordance with the approved guidelines will facilitate access and increase the attractiveness of the city centre for these groups of people.
- 3.2 Adequate circulation space is to be maintained within the street cafes to allow access for all users including those in wheelchairs again improving the attractiveness of the city centre for these groups.
- 3.3 This Variation relates to Hotel Chocolat, 55 Boar Lane, Leeds, LS1, who propose to place tables and chairs on an area of Lands Lane, outside their own premises only. The application is for 3 tables and 6 chairs.
- 3.4 Please see attached proposed street café layout plan unnumbered, and a photograph of the frontage of the building.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 Highways Services Officers have been consulted on the proposed layout no issues were reported
- 4.1.2 Highways Development Services Officers have been consulted on the proposed layout, no Issues.

4.1.3 Access officers have been consulted on the proposed layout and it was agreed that the proposal on Boar Lane would only operate from 10am. No other issues were reported.

4.1.4 West Yorkshire Police have been consulted on the application and no issues were raised.

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

4.2.1 A Equality, Diversity, cohesion and Integration screening document as been completed, and an impact assessment is not required. The document is attached to this report.

4.2.2 Any adverse comments are taken onboard and actioned, including potentially suspending the licence or removing the street café where required.

4.2.3 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.

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

4.2.5 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.

4.2.6 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 Best Council Plan**

4.3.1 This application complies with the street café guidelines as laid out in the Street Café Policy 2016/17

4.3.2 Improving vitality and attractiveness of the city centre and contributing to becoming the 'Best City'

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

4.5.1 Street Café Licensing as no impact on capital funding.

4.5.2 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.

4.5.3 The change is designed to reflect the value of the outside space, so that business's in fringe areas of the city centre pay less per square metre than business's in more high profile areas.

- 4.5.4 The application fee will be £1,195.00. 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.
- 4.5.5 There will be an additional cost of City Centre Liaison Officers time in ensuring that licencees comply with the conditions of the street café licence, but this forms part of their normal day to day patrol work in the city centre.
- 4.5.6 Currently the income accrues to Legal Services and City Centre Management to offset administration costs.

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

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

#### **4.7 Risk Management**

- 4.7.1 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.

### **6 Recommendations**

- 6.1 The Chief Officer (Highways and Transportation) is requested to:
- i) note the contents of the report;
  - ii) approve the Variation from Hotel Chocolat to their licence to operate a street café on the highway at 55 Boar Lane, Leeds, LS1, as shown on the attached drawing unnumbered to expire on the 31 March 2017 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>**

- 7.8 Layout plan Unnumbered
- 7.9 Photograph of frontage of the premises.
- 7.10 Equality, Diversity, Cohesion and Integration screening document.

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<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 24 74719

<b>1. Title:</b> Hotel Chocolat – 55 Boar Land, Leeds, LS1			
Is this a:			
<input checked="checked" type="checkbox"/> <b>Strategy / Policy</b>	<input type="checkbox"/> <b>Service / Function</b>	<input type="checkbox"/> <b>Other</b>	
<b>If other, please specify</b>			

<b>2. Please provide a brief description of what you are screening</b>
The screening focuses on the report seeking approval for a licence for Carters - 34 Lands Lane, Leeds, LS1 6LB

<b>3. Relevance to equality, diversity, cohesion and integration</b>
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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).

Questions	Yes	No
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**.

#### 4. Considering the impact on equality, diversity, cohesion and integration

If you can demonstrate you have considered how your proposals impact on equality, diversity, cohesion and integration you have carried out an impact assessment.

Please provide specific details for all three areas below (use the prompts for guidance).

• **How have you considered equality, diversity, cohesion and integration?** (think about 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)

The licensing process involves a rigorous consultation stage and any negative feedback or concerns raised as a result of this consultation stage may result in adding specific terms or clauses to the licence or approving the licence on a temporary pilot basis.

Consultation has been carried out with:

- Highways Officers
- Leeds City Council Access Officer
- West Yorkshire Police
- Accident studies (road accidents)

Access officers have agreed there will be a pinch point for access at one point of the street café but does not predict any issues due to the low footfall on the street. As a precaution a caveat will be included into the licence to review the width of the street café if footfall increases following the completion of building works in the area.

Site notices were 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. These are also available on the City Centre Leeds website. No adverse comments have been received in relation to the application.

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.

- **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 Cafes add to the offering of a vibrant café culture by providing safe outdoor spaces for customers to enjoy, which is of particular benefit for disabled people and parents with young children, as this provision ensures that they do not have to negotiate steep steps / stairs that would otherwise be a potential barrier in accessing the services on offer.

Impacts identified from a street café on the highway are mitigated against by:

- Ensuring the street café area is located in a contained area surrounded by barriers. The barriers must have a lower tapping rail to help blind or visually impaired city centre users to navigate using a cane.
- Requiring adequate circulation space within the street café area that accounts for wheelchair users and pushchair users and people with mobility issues.
- Enforcing strict rules on public highway access that state minimum distances that must be left as pedestrian walkways, for pushchair and wheelchair users and for emergency vehicle access.
- Requiring at least 1/3 of the street café area is a designated non-smoking area which would be of particular benefit to children and people who have particular breathing issues.
- Requiring at least one highchair to be provided for use by children.
- Requiring that all street café furniture to be removed from the highway when not in use or when the street café is closed.

- **Actions**

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

**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

<b>Name</b>	<b>Job title</b>	<b>Date</b>
Fiona Moore	Economic Development Manager	13.04.2015

**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.

If this screening relates to a **Key Delegated Decision, Executive Board, full Council** or a **Significant Operational Decision** a copy should be emailed to Corporate Governance and will be published along with the relevant report.

A copy of **all other** screening's should be sent to [equalityteam@leeds.gov.uk](mailto:equalityteam@leeds.gov.uk). For record keeping purposes it will be kept on file (but not published).

<b>Date screening completed</b>	13.04.2015
If relates to a Key Decision - <b>date sent to Corporate Governance</b>	
Any other decision – <b>date sent to Equality Team (equalityteam@leeds.gov.uk)</b>	





Bear lane,

