

Report to the Chief Officer (Highways and Transportation)

Date: 19 July 2016

Subject: Street Café Licensing in Leeds City Centre – Merrion Street East Scheme

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 Merrion Street (East) is a short section of one-way street in the north east of the city centre, which is part of the ‘Grand Quarter’. It is currently one of the most popular clusters of bars in Leeds, with Mojo, Reform, Verve and the Pit creating a buoyant evening economy. It is adjacent to the Grand Arcade and Grand Theatre. The scheme to regenerate this street is one of the eight projects identified by CDD as part of a drive to regenerate the Grand Quarter.
- 2 The scheme to close the street to traffic will be completed in July 2014, offering the opportunity for adjacent businesses to make shared use of the carriageway and apply for street café licences.
- 3 This report seeks approval of Street Café Licence applications for :-
 - Miah’s Kitchen – 6-8 Merrion Street, Leeds, LS1 6PQ.
- 4 Plans showing the proposed layout of the street café area are shown in the attached unnumbered drawing.

Recommendations

The Chief Officer (Highways and Transportation) is requested to:

- i) note the contents of the report; and

- ii) approve the application from Miah's Kitchen – 6-8 Merrion Street, Leeds, LS1 6PQ For a licence to operate a street café on the highway at Merrion Street East, as shown on the attached unnumbered drawing 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

- 1.1 To consider an application for a licence under Section 115E of the Highways Act 1980 to operate street cafés on the highway at Merrion Street East.

2 Background information

- 2.1 Merrion Street (East) is a short section of one-way street in the north east of the city centre, which is part of the 'Grand Quarter'. It is currently one of the most popular clusters of bars in Leeds, with Mojo, Reform, Verve and the Pit creating a buoyant evening economy. It is adjacent to the Grand Arcade and Grand Theatre. The scheme to regenerate this street is one of the eight projects identified by CDD as part of a drive to regenerate the Grand Quarter.

- 2.2 In December 2013 Strategic Investment Board recommended a contribution of £48,000, in addition to a private sector contribution from adjacent businesses, to progress a scheme to close the street to traffic, with a view to:

- creating a better quality pedestrian environment;
- improving safety for pedestrians;
- extending the vibrant street café scene in Leeds; and
- Attracting businesses to empty units in the area, in turn increasing business rates revenue.

- 2.3 With the street closed to traffic, adjacent businesses are able to share the newly pedestrianised carriageway to operate street cafes. The addition of street cafes in this area will enhance the area and improve the transition between day time and night time economy.

- 2.4 Furthermore, the operation of street cafes on the closed highway will provide a visual reminder to vehicles that the street is closed to traffic.

3 Main issues

- 3.1 Merrion Street East is a narrow street currently used as a 'rat run' for vehicles between New Briggate and Vicar Land. This creates a poor quality pedestrian environment and increases the risk of pedestrian injury accident, particularly in the evening and at night. Highways works to close the street will make the street inaccessible other than to deliveries and emergency vehicles.

- 3.2 With the street closed to traffic, adjacent businesses are able to share the newly pedestrianised carriageway to operate street cafes. As such, the layout of cafes

for all premises on the street must consider shared use of the available space on the carriageway and adjacent businesses are working together as well as with the council to ensure the success of the scheme. As a consequence, this report brings together applications for the five premises applying for a licence to be considered jointly given their shared use of the space and similar considerations.

- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 This application relates to Miah's Kitchen – 6-8 Merrion Street, Leeds, LS1 6PQ, who propose to place tables and chairs on an area of Merrion Street East, outside their own premises only. The application is for 4 benches and 32 seats
- 3.8 Please see attached proposed street café layout plan unnumbered drawing and a photograph of the frontage of the building.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Given the unique nature of the proposed scheme for street cafes, which requires shared use of the highway, consultation has been ongoing with a number of stakeholders and officers.
- 4.1.2 Initial consultation with highways officers and emergency services including:
These areas have been considered and mitigated with:
- A 3.3m metre gap for emergency vehicle access left clear at all times between building frontages and the start of cafes. Please see the attached plan for detail.
 - Applicants have been instructed to give specific consideration to adequate space for pedestrian movement, furniture specification and modification needed for the

environment and storage. These details will be overseen and monitored by the Street Café licencing officer

- 4.1.3 Further consultation with access officers, via highlighted the need for adequate accessibility to ensure the new street café offer in street is equally accessible to all. This will be considered and mitigated with the inclusion of dropped kerbs at more than then recommended interval of 100m.
- 4.1.4 Consultation has taken place with all adjacent businesses, affected by the changes and proposed cafes. In depth consultation with those applying for street café licences has taken place to reach a joint decision regarding layout on the carriageway, which is acceptable to all and can therefore be managed successfully in the future. In addition, layout and management of spaces will continue to be monitored by Street Café Licencing Officer,
- 4.1.5 In January 2014 elected ward members for City & Hunslet were consulted and no issues were identified. In addition, further consultation has taken place, Executive member for Development and the Economy who is also supportive of the scheme.

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 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 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 centre 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 1st 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 centre pay less per square metre than business's in more high profile areas.

4.4.4 The application fees will be £1,195. A street café licence renewal fee is payable annually on the 1st April and will be no less than the fee paid on application.

4.4.5 There will be an additional cost of City Centre Liaison Officers time in ensuring that licences 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.

4.4.6 Currently the income accrues to Legal Services and City Centre Management to offset administration costs.

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 The scheme to close Merrion Street East to traffic and the subsequent opportunity for adjacent businesses to apply for street café licences, is not only part of a larger scheme by CDD driving the regeneration of the Grand Quarter, but also presents an opportunity to improve the quality of the pedestrian environment, expand Leeds offer as a city and increase the attractiveness of empty properties in the area.

5.2 The addition of street cafes in this area will enhance the area and improve the transition between day time and night time economy.

5.3 Furthermore, the operation of street cafes on the closed highway will provide a visual reminder to vehicles that the street is closed to traffic.

5.4 In depth consultation has taken place with a number of internal and external parties and all concerns considered and mitigated. The site layout of the street café has been agreed to be acceptable after site visits by all departments

consulted. It is now recommended that the Board 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;
- ii) and approve the application from Miah's Kitchen – 6-8 Merrion Street, Leeds, LS1 6PQ for a licence to operate a street café on the highway at Merrion Street East, LS1, as shown on the attached unnumbered drawing, 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 ¹

7.1 Layout plan unnumbered.

7.2 Photograph of frontage of the premises.

7.3 Equality, Diversity, Cohesion and Integration screening document.

¹ ¹The 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.

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.

Directorate: City Development	Service area: City Centre Management
Lead person: Andrew Smith	Contact number: 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 Centre.

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).		
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"> • Eliminating unlawful discrimination, victimisation and harassment • Advancing equality of opportunity • Fostering good relations 	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).
<ul style="list-style-type: none"> • 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) <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>

Application Process

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 literary 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 then 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

Date screening completed

Date sent to Equality Team

Date published
(To be completed by the Equality Team)

