

Report of City Centre Management

Report to Chief Officer (Highways and Transportation)

Date: 10 March 2020

Subject: Street Café Licence in Leeds City Centre – El Gato Negro – 34-35 Park Row, Leeds, LS1 5JL

Are specific electoral wards affected? If yes, name(s) of ward(s): Little London and Woodhouse	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<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
Will the decision be open 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

1. Main issues

- This report was drafted before the COVID-19 crisis. To expedite matters, no changes have been made at this stage but future reports will more fully reflect the current and ongoing situation.
- This report seeks approval of a Street Café Licence for El Gato Negro, 34-35 Park Row, Leeds, LS1 5JL, to operate a street café on Bond Court.
- Plans showing the proposed layout of an additional seating area for the street café as shown in the attached unnumbered drawing.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Street cafes aim to improve vitality and attractiveness of the City Centre and contribute to the best Council Plan.
- Supporting businesses with growth and investment by providing areas that can be used by all.

3. Resource Implications

- Street café licensing has no impact on capital funding.

- Fees accompanying applications are based on the administration and legal costs incurred in the preparation and issue of the licences.
- The application fee will be £1219.00. A street café licence renewal fee is payable annually on the 1st April and will be no less than the fee paid on application.

Recommendations

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

- a) Note the contents of the report; and
- b) Approve the application from El Gato Negro, for a licence to operate a street café on the highway at Bond Court, Leeds, from 08.00 to 23.00pm as shown on the attached unnumbered drawing, to expire on the 31st March 2020 and that future licences be renewed annually, subject to satisfactory operation, and with the 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 at Bond Court

2. Background information

- 2.1 Whilst it is acknowledge 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 cafes are satisfactorily controlled, the City Centre Committee, in 1990, approved a detailed street café policy which requires street cafes to be licenced 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 application relates to El Gato Negro, 34-35 Park Row, Leeds, LS1 5JL, who propose to place tables and chairs on an area of Bond Court outside their premises. This application is for 9 tables 18 chairs.
- 3.4 Please see attached proposed street café layout plan unnumbered and a photograph of the frontage of the building.

- 3.5 Amendments have been made to the proposal after comments relating to the area, particularly the decking. The premises, have met with highways colleagues and Councillors to discuss the proposal and have added the below conditions and comments in the hope of securing approval, it was agreed that it is a fundamental principle of licensing that each case be determined on its own individual merits.
- On a daily basis all tables and chairs will be removed and the refreshment area swept and thoroughly washed within 30 minutes following the end of the refreshment period.
 - Other equipment including umbrellas and planters will be secured without any public access to the decking outside of the refreshment period.
 - On a weekly basis decking and other equipment shall be removed from the refreshment area such that the pavement will be swept and thoroughly washed.
 - Use of the refreshment area will be restricted to days between the 1st April to the 30th September.
 - Any request to remove the refreshment area will be complied with in short notice.
 - The unique feature of the proposed street café is that it is located on the Bond Court elevation just off Park Row. Bond Court is presently a rather sterile and uninteresting area. Access is from Russell Street and observe that there are fixed posts preventing vehicle access from Park Row onto Bond Court.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Highways & Transportation officers and Access officers were consulted on the proposed layout on the 30th August 2019. Concerns were originally raised with the regards to the plan to use decking in the area and whether this would be removed at the end of the day, the premises confirmed that the decking is removable and will be broken down at the end of each day, concerns were also raised regarding the parasol size, a check was completed to ensure that this would not affect CCTV coverage in the area, LeedsWatch confirmed that this would not be an issue. Level access to the area would also be included. The premises have been informed that should any maintenance needs arise then the licence would be suspended to ensure that the decking and street café area would not be placed out.
- 4.1.2 Legal Site notices were posted on the 13th September 2019 and expired on the 11th October 2019. No comments were received.

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 on-board 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 that proposals do not negatively impact on disabled and visually impaired users, when applications are received.
- 4.2.4 Street cafes 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 cafes 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 the Best Council Plan

- 4.3.1 This application complies with the street café guidelines as laid out in the Street Café Policy 2019/20
- 4.3.2 Street cafes support the Best Council Plan, in particular Health and Wellbeing by allowing users to sit and relax outside, in areas of the City Centre that may not offer seating, and supporting businesses with growth and investment by allowing them the opportunity to have a street café, which can make them more visible and cater for customers who wish to sit outside.

Climate Emergency

- 4.3.3 We have recently amended the street café policy to recommend that street cafes we licence, limit the use of single use plastics, and we are currently reviewing incentives for licensed street cafes who show that they are working to limit the use of single use plastic. Additionally we are part of the single use plastic working group, looking at how we can assist street cafes and work together on climate change.

4.4 Resources, procurement and value for money

- 4.4.1 Street Café licencing 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 1st April 2011 both application and renewal fees are based on the businesses rateable value and size of both the premises' internal area and the proposed external street café area. Each businesses fee will therefore be different.
- 4.4.3 This change is designed to reflect the value of the outside space, so that businesses in fringe areas of the city centre pay less per square metre than businesses in more high profile areas.
- 4.4.4 The application fee will be £1,219.00. 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 Officers time in ensuring that licensees comply with the conditions of the street café licence, but this forms part of their normal day to day work.
- 4.4.6 Currently the income accrues to 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 All relevant consultations have taken place.

6. Recommendations

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

- a) Note the contents of the report; and
- b) Approve the application from El Gato Negro, for a licence to operate a street café on the highway at Bond Court, Leeds, from 08.00am to 23.00pm as shown on the attached unnumbered drawing, to expire on the 31st March 2020 and that future licences be renewed annually, subject to satisfactory operation, and with the approval from The Chief Officer Highways and Transportation.

7. Background documents

7.1 None

8. Appendices

8.1 Layout Plan

8.2 Equality, Diversity, Cohesion and Integration screening document.

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.

Directorate: City Development	Service area: City Centre Management
Lead person: Andrew Smith	Contact number: 0113 3787753

1. Title: El Gato Negro – 34-35 Park Row, Leeds, LS1 5JL		
Is this a:		
<input checked="" type="checkbox"/> Strategy / Policy	<input type="checkbox"/> Service / Function	<input type="checkbox"/> Other
If other, please specify		

2. Please provide a brief description of what you are screening
The screening focuses on the report seeking approval for a licence for El Gato Negro – 34-35 Park Row, Leeds, LS1 5JL

<p>3. Relevance to equality, diversity, cohesion and integration</p> <p>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.</p> <p>The following questions will help you to identify how relevant your proposals are.</p> <p>When considering these questions think about age, carers, disability, gender</p>
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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>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.</p> <p>Consultation has been carried out with:</p> <ul style="list-style-type: none"> • Highways Officers • Leeds City Council Access Officer • West Yorkshire Police • Accident studies (road accidents) <p>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.</p>

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)

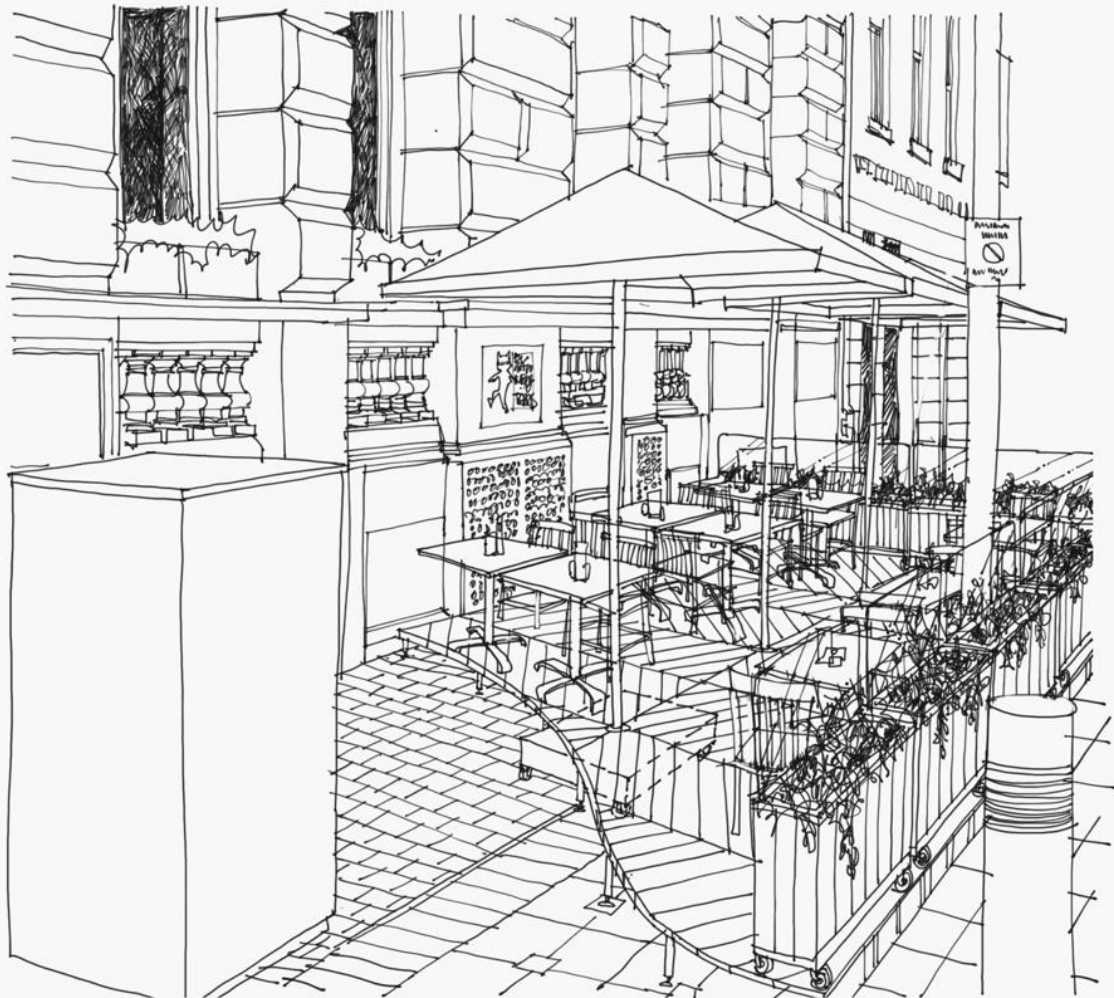
5. If you are **not** already considering the impact on equality, diversity, cohesion and integration you **will need to carry out an impact assessment.**

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

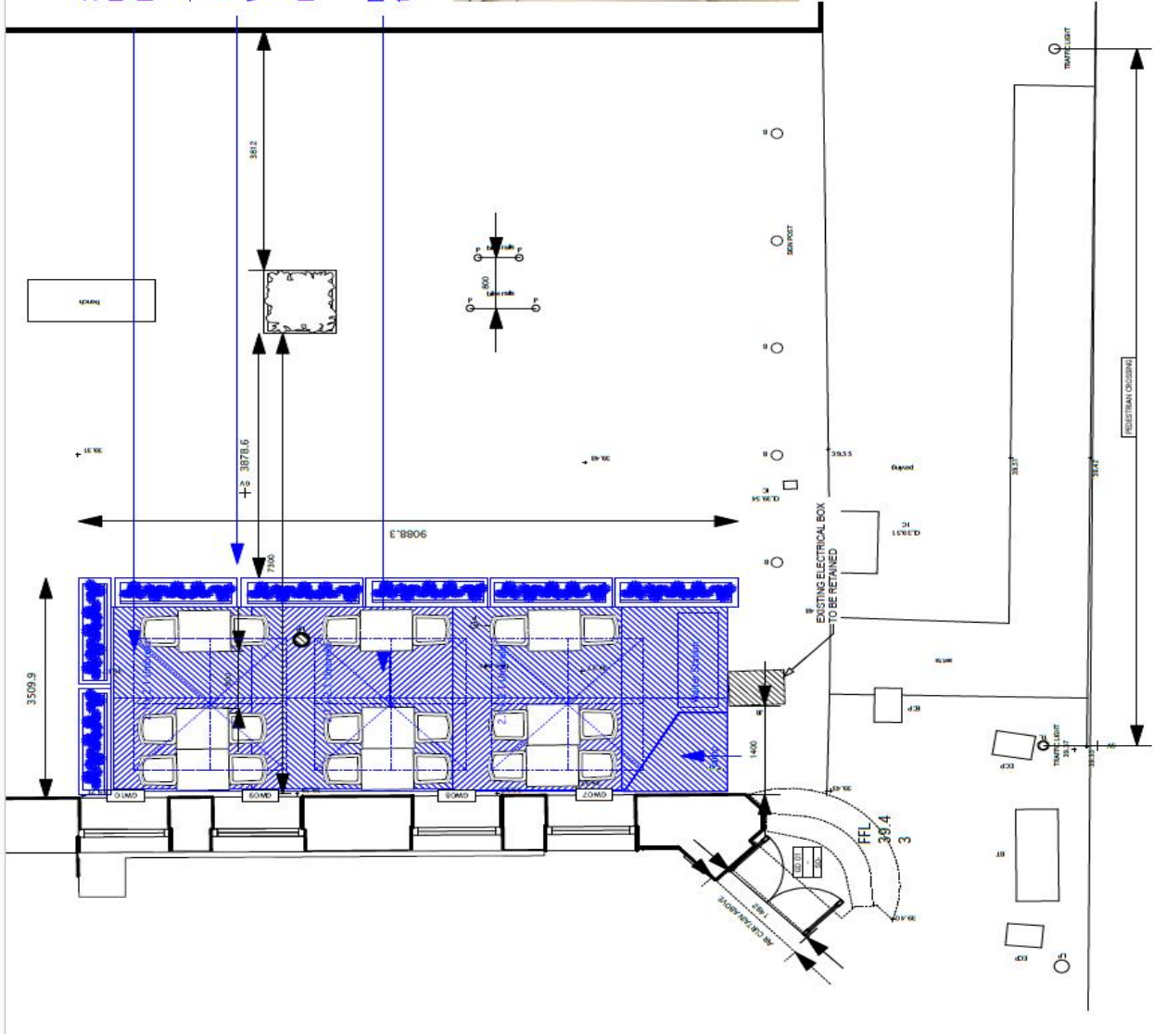
6. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening		
Name	Job title	Date
John Ebo	Head of Service City Centre Management	10.09.2019

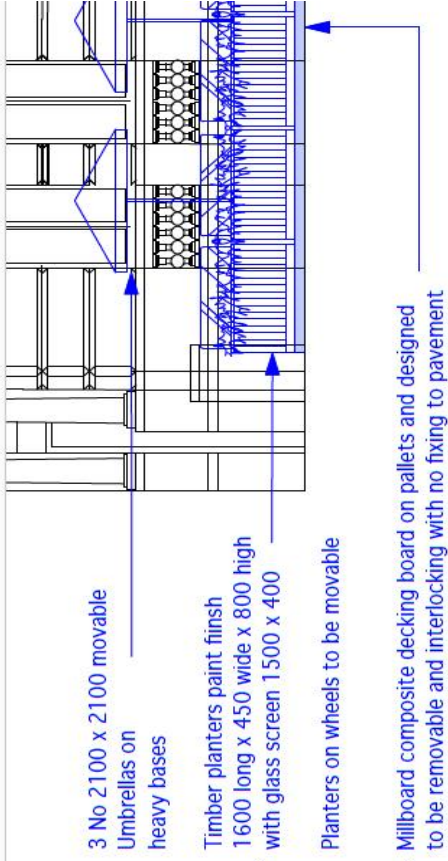
<p>7. Publishing</p> <p>This screening document will act as evidence that due regard to equality and diversity has been given. If you are not carrying out an independent impact assessment the screening document will need to be published.</p> <p>If this screening relates to a Key Delegated Decision, Executive 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.</p> <p>A copy of all other screenings should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).</p>	
Date screening completed	10.09.2019
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	



Plan shows a part-section of how the close boarded non-slip flooring would be on adjustable legs and lock together to make a temporary platform of approximately 150mm high. The decking will incorporate an accessible ramp. The whole structure is designed to be removable. The planters which sit on the deck would also have casters so are removable if and when required. It is proposed that these planters will have glazed screens for wind protection and security. The 3 umbrellas would be secured to weighted bases under the decking. Additionally these bases would have wheels for mobility.



PARK ROW



3 No 2100 x 2100 movable
Umbrellas on
heavy bases

Timber planters paint finish
1600 long x 450 wide x 800 high
with glass screen 1500 x 400

Planters on wheels to be movable

Millboard composite decking board on pallets and designed
to be removable and interlocking with no fixing to pavement



3 No 2100 x 2100 movable
Umbrellas on
heavy bases

18 No hardwood chairs

