

Report of City Centre Programme Manager

Report to Chief Officer, Highways and Transportation

Date: 22nd March 2020

Subject: Blayds Bar on Blayds Mews

Are specific electoral wards affected? If yes, name(s) of ward(s): Hunslet and Riverside	<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 checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> No

Summary

1. Main issues

- Blayds Bar on Blayds Mews wishes to have an outdoor street café from 12th April 2021. Due to Covid guidelines, if the business cannot have an outdoor area, it cannot open. Government have asked Local Authorities to support applications for outdoor seating and “*make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public*”
- An online petition in support of the street café, hosted at Change.Org, received 944 signatures of support for the proposals.
- This report provides a summary of considerations that have taken place to examine whether Blayd’s Mews could be closed to vehicular traffic which will enable the operation of a street cafe in that location, for certain hours of the day/week. The report has been prepared in order to provide a summary to support a decision, as unlike other applications for a road closure to enable a street cafe, Blayd’s Mews has a complex history which provides important context. Consideration has also been given to matters of concern raised in the process of consulting or that may have been envisaged in bringing forward the proposal by the applicant.
- There is a need for an expedited decision, following a period of suspension of the street café licence application in order for full and final considerations to be examined, and in view of the continuing severe impact of COVID-19 on businesses.

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

- Supporting a Freedom Quarter business to open would support the Council's ambition for safe, strong communities.

3. Resource Implications

- No significant resource implications

Recommendations

1. The Chief Officer, Highways and Transportation is requested to approve a street café licence for Blayd's Bar, based on:
 - Operating hours of 5.15pm – 11pm, seven days per week
 - From 12th April to 17th May 2021, with a review point at 10th May 2021, to see whether it is appropriate to continue it beyond 17th May.
2. The Chief Officer, Highways and Transportation is therefore requested to approve:
 - A. The advertising and subsequent implementation of a Temporary Traffic Regulation Order to prohibit vehicle access to Blayd's Mews from 5pm – 11.15pm, Monday to Sunday.
 - B. Vehicular access shall be fully maintained for all intended highway purposes at all other times.
 - C. That this arrangement is reviewed on 10th May alongside the review of the Street Café Licence.

1. Purpose of this report

- 1.1 To update the Chief Officer Highways & Transportation on proposals to close Blayds Mews to facilitate at Street Café at Blayds Bar.

2. Background information

- 2.1 Blayd's Mews (often called Blayds Yard) is a cul-de-sac adopted highway with vehicular access off Heaton's Court. Blayd's Yard/Heaton's Court are one way streets running from Swinegate to Briggate. A public footpath also leads into Blayd's Mews from Lower Briggate.
- 2.2 The owners of Blayd's Bar at No.4 Blayds Mews have applied for a road closure of Blayd's Mews to support the use for a street café. There is general support from businesses for the application but there is one objection from the owner of No.3 Briggate.
- 2.3 There is a need for an expedited decision, following a period of suspension of the application in order for full and final considerations to be examined, and in view of the continuing severe impact of COVID-19 on businesses.

- 2.4 Government's 'Roadmap' published on 22 February 2021 stated that hospitality businesses could ONLY serve customers outdoors from 12th April 2021 until 17th May 2021. This means that if a business (such as Blayd's Bar) cannot operate outdoors, it cannot open on 12th April. This has obvious negative consequences in terms of the financial health of the business and in this case, the city's LGBT hospitality offering.
- 2.5 Robert Jenrick MP wrote to all Councils on 5 March 2021 to say *"Given the continuing importance of the outdoors to reduce transmission of the virus, I strongly encourage you to plan for outdoor dining and make all necessary changes to local high streets, squares and the public realm so this is as convenient as possible for businesses and members of the public."*
- 2.6 The letter also says that Government *"introduced these changes to provide much needed support to hard-hit hospitality businesses. It is vital that local authorities use these measures in a pragmatic way to help support the high street, businesses and jobs, once restrictions allow them to do so"*
- 2.7 Efforts have been made to add to the consultation that is listed in section 4.0. However due to the transient nature of the occupation of the properties (some of them are AirBnBs) a full response has not been possible.
- 2.8 It remains the case that one party - the owner of No.3 Briggate – is likely to object to the use of a Temporary Traffic Regulation Order and application for a pavement licence to facilitate a street café on Blayds Mews.

3. Main issues

- 3.1 The Business & Planning Act 2020 enables use of the highway for temporary street cafes.
- 3.2 With the current unprecedented challenges to the survival of businesses brought on by COVID-19, on July 22nd 2020 the government passed an act of parliament in the form of the Business & Planning Act 2020.
<https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted>
- 3.3 Part 1 of the act explicitly introduces a new form of temporary street cafe license for consumption of food and drink for bars, restaurants and the hospitality industry, specifically to maximise use of outdoor spaces. Part 1 sets out a presumption of approval by the Local Authority with a determination to be made quicker than normal. In straightforward cases a street café may be granted presumed consent in a short space of time. In making a determination the Council should take into account any representations made to it during the public consultation period, consult the highway authority for the relevant highway to which the application relates, where the local authority is not that authority, and consult such other persons as the local authority considers appropriate. There isn't a redress of appeal within the act.
- 3.4 The purpose of the enabling act is to provide applicants who wish to use the public highway the flexibility to operate a street café in hitherto unavailable locations. The reduction in capacity indoors brought on by Covid-19's need to maintain social

distancing meant this was a significant tool in helping hospitality businesses to continue to trade.

- 3.5 The new act has therefore enabled an application for a temporary road closure to be considered at Blayd's Yard, to support a street café application.

Temporary Traffic Regulation Order - The process

- 3.6 Under Section 14(1) of the Road Traffic Regulation Act TTROs can enable road closures to support Street Cafes in the city. This is in line with COVID guidance. The same approach has been used for Merrion Place (Belgrave Music Hall) and Call Lane (various bars). The TTRO enacted can only be used if there is a current street café licence in place. If the licence comes to an end or is revoked for any reason then the TTRO also ceases. It must be noted that S14(1) TTRO has a maximum life of 18 months. The TTRO is subject to a Notice of Intention and a Notice of Making. There is no legal right to object to a Section 14 TTRO.

- 3.7 The connected street café licence to the road closure application would only cover the highway outside the bar, and as there is insufficient space to turn vehicles round, Highways officers have suggested that Blayd's Yards would be closed from where it meets Blayd's Yard during the period of the TTRO.

Previous Highways intervention

- 3.8 In 2008, the Highways authority sought to instruct "No loading or waiting" designation of Blayd's Mews, primarily to prevent a hotel in another road, Heaton's Court from using Blayd's Mews as a loading area and impacting on businesses in Blayd's Mews. Following an objection from the owner of No.3 Briggate, the Highways authority moved the restriction further down Blayd's Mews by 4 metres in response to the objection, and in order to retain access for loading and unloading in Blayd's Yard.

- 3.9 The recommendation proposed in this report will not have any detrimental impact on that earlier decision as substantive access is provided throughout the normal 'working day' seven days a week.

3.10 Previous Blayd's Bar Street Café

- 3.11 In November 2015 the Council terminated a previously approved street café license operated by Blayd's Bar in Blayd's Mews which it had hitherto consented to, following a complaint from the property owner of No.3 Briggate which faces into Blayd's Mews. The substantive reason for that determination by the Council at that time was that it could not support the continuation of a street café in Blayd's Mews, as it was set on a designated carriageway where vehicles have a right to drive onto the area at all times, albeit actual vehicle movement was minimal. Street cafes were at the time, normally approved on footway, rather than vehicular carriageway for obvious safety and access reasons. Whilst vehicular traffic was considered minimal in this location, nonetheless the council conceded, following receipt of the complaint that in principle it should not approve a street café on a carriageway. However, the fact that businesses can ONLY open on an outdoor basis has changed the context, and for the reasons set out in this report, it is proposed that a street café licence is now approved, with a review point inserted in May 2021. Furthermore, it is now more commonplace for street cafes to operate on the carriageway (e.g. on Greek

Street) in Leeds city centre, and these examples have been positively received by businesses and the general public.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The Council set up a street café and road closures group to assess applications following the enactment of the new business & planning act 2020. The group are consulted on all applications and includes Highways authority officers, entertainment licensing officers, environmental protection team officers, West Yorkshire Police licensing officers, access officer and city centre management.

4.1.2 There are no objections to the proposed application of a temporary road closure and street café from any service in the operational group.

4.1.3 An online petition at Change.Org received 944 signatures of support for the proposals.

4.1.4 Stakeholders and businesses in Blayd's Mews have been consulted. One objection was received from No.3 Briggate, and officers have met with the owner to discuss options of a way forward, however the objection remains in place. The proposal for a temporary road closure on a trial basis takes into account the objection and therefore the hours of the proposed closure permits vehicular access through the whole 'working day' seven days per week. In respect of achieving a balance between highway and business needs, this proposal is similar to those brought forward on Greek Street, Merrion Street and Call Lane in the past few years.

4.1.5 The sole objector will be notified of the intention to implement these proposals, and of the review point at 10th May 2021.

4.1.6 Written support has been received from businesses in and around Blayd's Mews.

4.1.7 This matter has been discussed with the Leader of Leeds City Council, together with portfolio Lead Members for City Centre Management and Highways and Transportation, and they are supportive of the proposal to introduce a street café and TTRO at this location.

4.2 Equality and diversity / cohesion and integration

4.3 Blayd's Bar at Blayd's Mews is in the Freedom quarter. It provides a service predominantly to the LGBT community, but not exclusively so. An application to enable a temporary road closure and a street café supports the Council's aspirations of being inclusive by making Leeds a more diverse and welcoming city, as the street café will facilitate a more diverse offer.

4.4 Council policies and the Best Council Plan

4.4.1 Supporting a Freedom Quarter to business to open would support the Council's ambition for safe, strong communities.

Climate Emergency

4.4.2 No significant implications with this very localised intervention.

4.5 Resources, procurement and value for money

4.5.1 No significant resourcing implications

4.6 Legal implications, access to information, and call-in

4.6.1 No significant legal implications. The road closure will be facilitated through a Temporary Traffic Regulation Order.

4.7 Risk management

There is no formal process for objecting to the imposition of a temporary traffic regulation order. Any representations received will be considered as part of the aforementioned review process

5 Conclusions

5.1 A very detailed and judicious assessment has been made of the application to close Blayd's Mews temporarily to enable a street café. Council officers have consulted and conducted site visits as well as met with the single objector to the proposal. The concern of access requirements from the objection have been taken into account in putting forward a recommendation. The proposed recommendation provides vehicular access for the whole of the traditional 'working day'. It is also proposed that this is done as a trial for a fixed period, in order to provide the opportunity to review the proposal before determining next steps. These safeguards ensure that the proposal is equitable, fair and subjected to a review.

6 Recommendations

6.1 The Chief Officer, Highways and Transportation is requested to approve a street café licence for Blayd's Bar, based on:

- Operating hours of 5.15pm – 11pm, seven days per week
- From 12th April to 17th May 2021, with a review point at 10th May 2021, to see whether it is appropriate to continue it beyond 17th May.

6.2 The Chief Officer, Highways and Transportation is therefore requested to approve:

- o The advertising and subsequent implementation of a Temporary Traffic Regulation Order to prohibit vehicle access to Blayd's Mews from 5pm – 11.15pm, Monday to Sunday.
- o Vehicular access shall be fully maintained for all intended highway purposes at all other times.
- o That this arrangement is reviewed on 10th May alongside the review of the Street Café Licence.

7 Background documents¹

Appendix One

Appendix One – photographs showing layout of streets



Blayds Yard



Footpath to Lower Briggate



Single parking plot – unadopted.

¹ 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.