

Requests for Temporary Pavement Licences

Date: 17 May 2022

Report of: City Centre Management

Report to: The Chief Officer (Highways and Transportation)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- To consider applications for a Temporary Pavement Licence under the Business and Planning Act 2020 to operate on the highway at during the recovery phase of the Covid-19 crisis.
- Due to the ongoing situation around COVID-19, businesses will only be able to operate if they show that the government's guidelines on social distancing can be followed. Licences will be suspended if social distancing guidelines are not met. This also includes areas in the adjacent public realm and any cumulative impacts associated with adjoining business activities where distancing is affected.
- This application complies with the Temporary Pavement Licence Rules & Regulations.
- 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.
- The street café policy has been amended to recommend that licenced street cafes 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 through the single use plastic working group the Council will work with street cafes on climate change on such issues.

Recommendations

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

- a) Note the contents of the report; and
- b) Approve the application for a temporary pavement licences from premises listed in the Appendix 2, to operate a street café on the highway, as shown on the attached unnumbered drawings, which will expire when current restrictions and the Business and Planning Act 2020 which are due to Government guidelines for COVID -19 are lifted.

Why is the proposal being put forward?

In order to support the Covid-19 business recovery phase plans have been put in place to issue Temporary Pavement Licences where appropriate. The temporary licences will be issued to be in place until no later than 30th September 2022, under the provisions of the Business & Planning Act. The Issue of a temporary licence does not signify that approval would be given to a permanent application at a later date. If required, this would be a matter for further application. Full diligence and site inspections continue to take place modified to reflect the timelines set for agreement of temporary pavement licence applications.

Obstructions on the public highway are particularly problematic for disabled and visually impaired people. It is important therefore that businesses: - Provide adequate circulation space for all users including those in wheelchairs again improving the attractiveness of the city centre for these groups; and are enclosed and managed in accordance with the approved guidelines which facilitate access and increase the attractiveness for these groups of people.

What impact will this proposal have?

Wards Affected: Morley South, Little London & Woodhouse,

Have ward members been consulted? Yes No

Approval of the temporary street café licence will enable more people to enjoy being sat outside while enjoying the hospitality that Leeds has to offer, assisting businesses to operate during Covid 19 restrictions.

Temporary pavement licences have no impact on capital funding. The business will pay a fee of £99 for the licence.

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 at Appendix 1

What consultation and engagement has taken place?

Consultation was undertaken with the street café working group between the 10th March 2022 to 7th April 2022, which include Highways Officers, West Yorkshire Police and Licencing Officers and to ensure that the temporary street café could operate under the restrictions imposed due to COVID-19 health emergency. Comments on additional operation actions can be found in appendix 2.

The relevant portfolio holders for highways and the city centre have been briefed on the provisions of the Business and Planning Act and the granting of temporary pavement licences.

Site notices were posted in accordance with Business and Planning Act requirements and no comments were received. See appendix 2 for site notice dates.

What are the resource implications?

Temporary pavement licencing as no impact on capital funding.

What are the legal implications?

The temporary pavement licences are granted under the Business and Planning Act 2020.

What are the key risks and how are they being managed?

The application contains no request to use items determined as risky in the Rules and Regulations and as such no risk assessments have been requested.

Does this proposal support the council's 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

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.

The street café policy has been amended to recommend that licenced street cafes 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 through the single use plastic working group the Council will work with street cafes on climate change on such issues.

Options, timescales and measuring success

a) What other options were considered?

Not Applicable

b) How will success be measured?

By creating an outdoor seating space for premises to assist with reopening hospitality and assisting with Covid 19 regulations. Monitoring of the areas will be conducted weekly to ensure all rules and regulations are complied with.

c) What is the timetable for implementation?

Once approval has been gained for the licence to be granted, under the Business and Planning Act 2020 the process for granting of a licence has been reduced to 2 weeks, should a licence not be approved without justifiable reason then the licence will be deemed to be granted.

Appendices

Appendix 1 – EDCI Screening

Appendix 2 – List of Temporary licences for approval and Layout plans.

Background papers

None

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: Premises listed in Appendix 2		
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 Temporary Pavement Licences for premises listed in Appendix 2

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).

- **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
- Licensing Officers

Site notices were posted onsite for 7 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 applications.

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
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Date to complete your impact assessment	N/A
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Lead person for your impact assessment (Include name and job title)	N/A
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6. Governance, ownership, and approval

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

Name	Job title	Date
Mark Durham	Head of Service City Centre Management	17.05.2022

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** screenings should be sent to equalityteam@leeds.gov.uk. For record keeping purposes it will be kept on file (but not published).

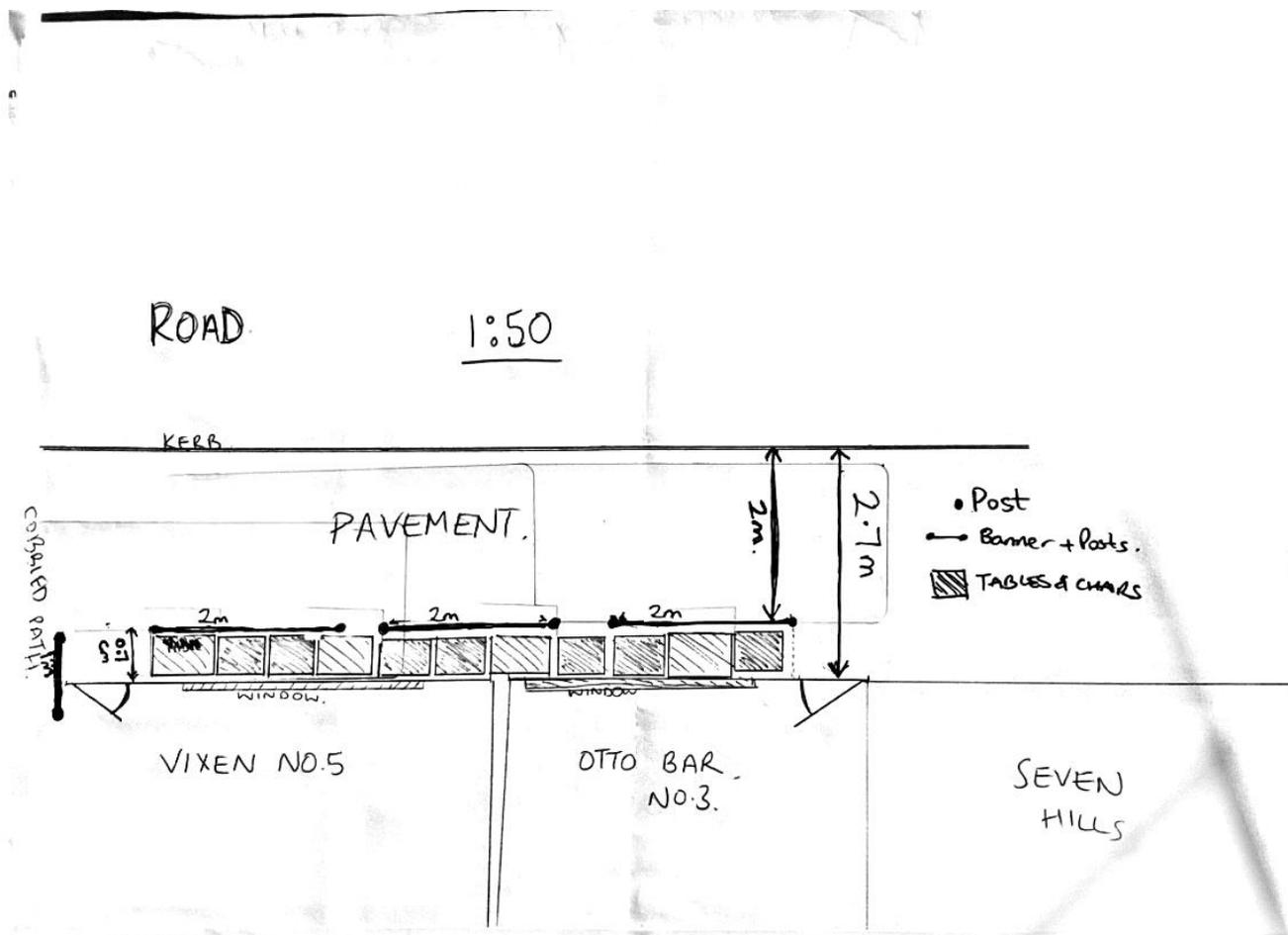
Date screening completed	07.04.2022
If relates to a Key Decision - date sent to Corporate Governance	
Any other decision – date sent to Equality Team (equalityteam@leeds.gov.uk)	

Appendix 2 – List of Temporary Pavement licences for approval

Premises Name	Location	Ward	Site notice date
Otto Bar	3 Brunswick Street, Morley, LS27 9DJ	Morley South	11/03/2022
Roxy Lanes	44-48 The Headrow LS1 8TL	Little London & Woodhouse	04/04/2022
Pastel	95 Kirkgate, Leeds LS2 7DJ	Little London & Woodhouse	07/04/2022

Layout Plans.

Otto Bar



Roxy Lanes



Pastel

