

Temporary Pavement licence renewals under the Business and Planning Act 2020

Date: 15th December 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

Brief summary

To consider the renewal of Temporary Pavement Licences until 30th September 2023 under the amended Business and Planning Act 2020 to operate on the highway

Recommendations

- a) Note the contents of the report; and
- b) Approve the application for an extension to temporary pavement licences on identical terms to the original licence from premises listed in Appendix 2, to operate a street café on the highway, which will expire on 30th September 2023 when the current provisions of the Business and Planning Act 2020 come to an end.

What is this report about?

- 1 To consider the renewal of Temporary Pavement Licences until 30th September 2023 under the amended Business and Planning Act 2020 to operate on the highway
- 2 In order to support the Covid-19 business recovery phase plans have were put in place to issue Temporary Pavement Licences where appropriate. The extended temporary licences will be issued to be in place until no later than 30th September 2023 under the provisions of the amended 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
- 3 The applications comply with the Temporary Pavement Licence Rules & Regulations.
- 4 Temporary Pavement Licences 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 support businesses with growth and investment by allowing them the opportunity to have a Temporary Pavement Licence, which can make them more visible and cater for customers who wish to sit outside.
- 5 The Temporary Pavement Licence Rules & Regulations policy has been amended to recommend that licenced premises limit the use of single use plastics. And we are currently reviewing incentives for licenced premises 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 businesses on climate change on such issues.

What impact will this proposal have?

- 6 Approval of the Temporary Pavement licence will enable more people to enjoy being sat outside while enjoying the hospitality that Leeds has to offer.
- 7 Temporary Pavement licences have no impact on capital funding. The business will pay a fee of £99 for the licence.
- 8 An Equality, Diversity, cohesion and integration screening document has been completed and an impact assessment is not required. The document is attached at Appendix 1

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 9 Temporary Pavement Licences 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 having the street café, which can make them more visible and cater for customers who wish to sit outside.
- 10 The Temporary Pavement Licence Rules & Regulations policy has been amended to recommend that licenced premises limit the use of single use plastics. And we are currently reviewing incentives for licenced premises 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 businesses on climate change on such issues.

What consultation and engagement has taken place?

Wards affected: **Beeston & Holbeck, Chapel Allerton, Guiseley & Rawdon, Headingley & Hyde Park, Horsforth, Hunslet & Riverside, Little London & Woodhouse, Morley North, Morley South, Otley & Yeadon, Pudsey and Wetherby**

Have ward members been consulted? Yes No

- 11 Consultation was undertaken with the street café working group on the 17th August 2022, which include Highways Officers, West Yorkshire Police and Licencing Officers to ensure that the temporary pavement licence could continue to operate under the provisions of the Business and Planning Act 2020. Any comments on additional operation actions can be found in appendix 2.
- 12 The relevant portfolio holders for highways and the city centre have been briefed on the provisions of the Business and Planning Act 2020 and the granting of the Temporary Pavement licences.
- 13 Site notices were posted in accordance with the Business and Planning Act 2020 requirements and no comments were received. See Appendix 2 for site notice dates.

What are the resource implications?

- 14 Temporary Pavement licences have no impact on capital funding

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

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

What are the legal implications?

- 16 The Temporary Pavement Licences are granted under the Business and Planning Act 2020

Options, timescales and measuring success

What other options were considered?

- 17 Not Applicable

How will success be measured?

- 18 By creating outdoor seating space for premises. Monitoring of the areas will be conducted weekly to ensure all rules and regulations are complied with.

What is the timetable and who will be responsible for implementation?

- 19 Once approval has been gained for the licence to be granted, under the Business and Planning Act 2020 the process of 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 – Equality and Diversity report
- Appendix 2 – List of Temporary Pavement 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:

Strategy / Policy

Service / Function

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 the renewal of 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

Site notices were posted onsite for 7 days to make all businesses and members of the public aware of renewal 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	27.09.2022

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	27.09.2022
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 licence renewals for approval

Districts:

Premises	Address	Ward	Date of Notice
North Bar	24 New Briggate, Leeds, LS1 6NU	Little London and Woodhouse	13/9/22
Dollhouse	11-15 Hirst's Yard, Leeds, LS1 6NJ	Hunslet and Riverside	26/9/22
Lucky Days	12a Albion Place, Leeds, LS1 6JS	Little London and Woodhouse	21/9/22
Global Tribe	18 Swan Street, Leeds, LS1 6LG	Little London and Woodhouse	12/9/22
Call Lane Social	38 Call Lane, Leeds, LS1 6DT	Hunslet and Riverside	16/9/22
Duck and Drake	43 Kirkgate, Leeds, LS2 7DR	Hunslet and Riverside	12/9/22
Northern Guitars	41 Call Lane, Leeds, LS1 7BT	Hunslet and Riverside	13/9/22
I Am Doner	14A Infirmary Street, Leeds, LS1 2JP	Little London and Woodhouse	22/09/22
O'Niells	40 Boar Lane, Leeds, LS1 5DA	Hunslet and Riverside	22/9/22
Bar Fibre	168 Lower Briggate, Leeds, LS1 6LY	Hunslet and Riverside	06/10/22
The Decanter	17 Park Row, Leeds, LS1 5JQ	Little London and Woodhouse	22/9/22
Thewlis	18 Park Row, Leeds, LS1 5JA	Little London and Woodhouse	22/9/22
Wax Bar	20 New Briggate, Leeds, LS1 6NU	Little London and Woodhouse	30/9/22
Howl Bar	112 Vicar Lane, LS2 7NL	Little London and Woodhouse	12/9/22
Gaucho	21-22 Park Row, Leeds, LS1 5JF	Little London and Woodhouse	12/9/22
Santiago Bar	1-3 Grand Arcade, Leeds, LS1 6PG	Little London and Woodhouse	26/9/22
Box	15 Infirmary Street, Leeds, LS1 2JS	Little London and Woodhouse	13/9/22
Eat Your Greens	42 New York St, Leeds LS2 7DY		22/9/22
Thai a Roy Dee	120-122 Vicar Lane, Leeds, LS2 7NL	Little London and Woodhouse	23/9/22
Caffe Nero	58 Boar Lane, Leeds, LS1 6HW	Little London and Woodhouse	12/9/22
Jakes Bar	29 Call Lane, Leeds, LS1 7BT	Hunslet and Riverside	13/9/22
Pie Minister	15-17 Duncan Street, Leeds, LS1 6DQ	Little London and Woodhouse	012/9/22
Mommy Thai	110 Vicar Lane, Leeds, LS2 7NL	Little London and Woodhouse	23/9/22
Head of Steam	7 Park Row, Leeds, LS1 1NX	Little London and Woodhouse	23/9/22
Grindhouse	22 New Briggate, Leeds, LS1 5HU	Little London and Woodhouse	22/9/22
Queens Hotel Grand Pacific	City Square, Leeds, LS1 1PO	Little London and Woodhouse	16/9/22
Mommy Thai	Unit 3, 7 Duncan Street, Leeds, LS1 6DQ	Little London and Woodhouse	23/9/22

Le Chalet	31-32 Park Row Leeds, LS1 5JD	Little London and Woodhouse	07/10/22
Sarto	Munroe House, Leeds, LS9 8AG	Little London and Woodhouse	13/9/22
Revolution	48 Call Lane, Leeds LS1 6DT	Hunslet and Riverside	13/9/22
Jam Rock	42 Call Lane, Leeds, LS1 6DT	Hunslet and Riverside	23/9/22
Brooklyn Bar	50 Call Lane, Leeds, LS1 6DT	Hunslet and Riverside	16/9/22
Itsu	36-38 Commercial Street, Leeds, LS1 6EX	Little London and Woodhouse	12/9/22
Wasabi	Unit 202, 9A Albion Street, Trinity Leeds LS1 5AY	Little London and Woodhouse	27/9/22
The Templar	Templar Street, Leeds, LS2 7NU	Little London and Woodhouse	13/9/22
Vape Socials	10 Kirkgate, Leeds LS1 6BY	Little London and Woodhouse	16/9/22
Outlaw Yacht Club	38 New York St, Leeds LS2 7DY	Little London and Woodhouse	16/9/22
Brew York	72 New Briggate, Leeds LS1 6NU	Little London and Woodhouse	13/9/22
Wapantake	92 Kirkgate, Leeds LS2 7DJ	Little London and Woodhouse	24/10/22
Pizza Punks	37 Bond St, Leeds LS1 5BQ	Little London and Woodhouse	16/9/22
Pastel	95 Kirkgate, Leeds LS2 7DJ	Little London and Woodhouse	24/10/22
Roxy Lanes	44-48 The Headrow, Leeds LS1 8TL	Little London and Woodhouse	13/9/22
Old Red Bus Station	104 Vicar Ln, Leeds LS2 7NL	Little London and Woodhouse	16/9/22
Greggs	34 Bond St, Leeds LS1 5BQ	Little London and Woodhouse	16/9/22
Dunkin	33 Bond St, Leeds LS1 5BQ	Little London and Woodhouse	13/9/22
Kino	34 New Briggate, Leeds LS1 6NU	Little London and Woodhouse	16/9/22
Doghouse	93 Kirkgate, Leeds LS2 7DJ	Little London and Woodhouse	23/9/22
Honest Burgers	2 Cloth Hall St, Leeds LS1	Hunslet and Riverside	13/9/22
Pomfrets	9 The Shambles, Wetherby, LS22 9NG	Wetherby	21/9/22
The Old Cock Pub	11-13 Crossgate, Otley, Leeds, LS21 1AA	Otley & Yeadon	9/9/22
Tomfoolery	179 High Street, Boston Spa, Leeds, LS23 6AA	Wetherby	20/9/22
Olivers	46-48 Otley Road, Guiseley, LS20 8AH	Guiseley & Rawdon	27/9/22
The Hop Shack	135 New Road Side, Horsforth, LS18 4QD	Horsforth	20/9/22
The Old Kings Arms	The Green, Horsforth, LS18 5JB	Horsforth	4/10/22
Jino's Thai Café	38 North Lane, Leeds, LS6 3HU	Headingley & Hyde Park	4/10/22
Cucina Café Bar	106A Queen Street, Morley, LS27 9EB	Morley South	13/9/22
The Picture House	117/117A Queen Street, Morley, Leeds, LS27 8HE	Morley South	12/9/22
Oranaise Café	1 The Crescent, Leeds, LS6 2NW	Headingley & Hyde Park	27/9/22

Coffee On The Crescent	2 The Crescent, Leeds, LS6 2NW	Headingley & Hyde Park	14/9/22
Mumbai Village	4-6 The Green, Guiseley, Leeds, LS20 9BT	Guiseley & Rawdon	16/9/22
The Fenton	161 Woodhouse Lane, Leeds, LS2 3ED	Little London & Woodhouse	21/9/22
Mistreci	8 The Crescent, Hyde Park Corner, Woodhouse, Leeds, LS6 2NW	Headingley & Hyde Park	4/10/22
Resident	23 Queen Street, Morley, LS27 8EG	Morley South	27/9/22
Oscars	2a Queen Street, Morley, LS27 9DG	Morley South	15/9/22
The Royal	2 Station Rd, Morley, LS27 8JW	Morley South	12/9/22
Bean & Gone	27 Lidget Hill, Pudsey, Leeds, LS28 7LG	Pudsey	20/9/22
Otley Tap House	66 Boroughgate, Otley, LS21 1AE	Otley & Yeadon	23/9/22
The White Swan	68 Boroughgate, Otley, LS21 1AE	Otley & Yeadon	20/9/22
Prospect	1 Queen Street, Morley, Leeds LS27 9DQ	Morley South	20/9/22
The Albert	High Street, Yeadon, LS19 7TA	Otley & Yeadon	12/9/22
Otto Bar	3 Brunswick Street, Morley, LS27 9DJ	Morley South	14/9/22
Seven Hills	1 Brunswick Street, Morley, LS27 9DJ	Morley South	22/9/22
Bacchus	131 Queen Street, Morley, LEEDS, LS27 8HE	Morley South	16/9/22
BAE Coffee	22 Market Place, Wetherby, LS22 6NE	Wetherby	21/11/22
NEST	1 Silver Lane, Yeadon, Leeds, LS19 7ZX	Otley & Yeadon	7/11/22
Station Hop	6 Station Road, Morley, Leeds, LS27 8JW	Morley South	22/11/22
The Gourmet Café	5/7 The Shambles, Wetherby, LS22 6NG	Wetherby	21/9/22