

Executive

22 November 2022

Pavement café licence update

Annex D – Access consultants’ terms of reference

The brief provided to access consultants to invite them to tender for this work is reproduced below. Five access consultants were invited to tender for the work through the Council’s procurement process.

BRIEF PROVIDED TO CONSULTANTS

City of York Council have identified your organisation to, hopefully, provide a quote for services required by the Council. Please see below the outline of the brief and supporting information and links.

I would be grateful if you could please confirm if this is something your organisation would be interested in and provide a proposed approach and costings for this work. This would need to be itemised to show your day rate fees as well as the overall cost.

Access to the footstreets

City of York Council needs the services of an access consultant to support the coproduction of guidance on pavement cafes, and a review of seating and parking facilities for York’s city centre (footstreets area).

Background reading is available from the Executive Report available here:

[\(Public Pack\)Agenda Document for Executive, 18/11/2021 17:30 \(york.gov.uk\)](#)

We would draw your attention to the Strategic Review of Access which starts at page 235 (note pdf page numbers are different). There is an action plan at page 258. Straight after this there is the Strategic Review of Council Car Parking starting at page 265. With an action to identify two priority car parks.

The current guidance on pavement café licensing is available here:

<https://www.york.gov.uk/PavementCafeLicences>

This piece of work has three key outcomes and needs to be completed by the end of October 2022.

Consultation about pavement cafes to update licensing guidance

This is not included in either action plan listed above, but needs doing as soon as possible as the Council is currently issuing short term licences to cover the Oct-Dec2022 period only and will need a decision on the updated guidance for pavement café licensing in November. This will then be used to issue new licences under the updated guidance in December 2022 for a start in January 2023.

The Council's Executive adopted the [My City Centre Vision](#) as a long term (ten year) vision, with outdoor eating and growing the early evening economy as one of its themes. This would build on temporary arrangements under Covid legislation, as the Government issued temporary legislation for pavement cafes, which temporarily removed the requirement for planning approval. The Government is intending to make this permanent under the Levelling Up and Regeneration Bill.

Under the temporary licensing regime (under the Business and Planning Act), the number of pavement cafes doubled in York. Nearly all the current pavement cafes licences were issued under emergency legislation in response to Covid and Economic recovery and in the context of "eat out to help out". The current emergency legislation that licenses street cafes falls away at the end of September 2023.

As the city has returned to more normal operations, the impact of the temporary pavements cafes on specific access issues has become more apparent, but we recognise that the problems and impacts are different for different people. This reflects the fact that York is a historic city, with narrow streets and footways and uneven surfaces in some locations, and that many of these streets only benefit from a limited number of crossing points and dropped kerbs.

Street cafes are here to stay in some form, but the Council has recognised the need to review the guidance on when/where licensing cafes is acceptable now that pavement cafes are not an emergency response any longer, recognising the need to balance access requirements with the economic impact of withdrawing the licences.

Proposals were made to mitigate some of the issues within the Executive report available here:

<https://democracy.york.gov.uk/documents/g13288/Public%20reports%20pac>

[k%20Thursday%2028-Jul-2022%2017.30%20Executive.pdf?T=10](#) (see from page 25, and more specifically the table from page 34).

This part of the commission aims to explore those mitigations, identify other mitigations measures where applicable, and consult on when pavement cafes are and aren't appropriate, focusing on city centre areas where the streets are [pedestrianised during the day](#) or have very low levels of traffic (such as Fossgate). Some of the key challenges include a lack of dropped kerbs and crossings (which can take significant time and resources to implement due to engineering challenges), narrow streets and footways, and the need to retain access for emergency vehicles and other authorised vehicles during the pedestrianised period.

Please propose and cost a methodology to review the existing guidance document and propose changes and mitigations measures where required, including engagement with disability groups and the Council's pavement café licensing team and highway teams.

2/ Review of benches and rest areas in the city centre

The lack of benches and seating/resting facilities in the city centre and the design of existing benches were raised as a barrier to access for those living with a disability when we removed blue badge access to the pedestrianised streets (see background reading above).

This review applies to the footstreets and to the route to the pedestrianised area from the main car parks and Blue Badge parking areas (see here for background info: www.york.gov.uk/BlueBadgeParking).

This part of the commission aims to conduct a review of existing seating /resting facilities, to identify:

- Locations where resting facilities are missing or where existing benches are of inappropriate design
- Suitable designs for seating/resting facilities to be installed

Please propose and cost a methodology to identify suitable locations and designs, including engagement with disability groups and the Council's highway teams.

Identifying the two priority car parks

As per the Action Plan and background documents provided above (specifically page 285 of the document available here:

<https://democracy.york.gov.uk/documents/g12797/Public%20reports%20pack>

[%20Thursday%2018-Nov-2021%2017.30%20Executive.pdf?T=10](#)), the Council committed to “work with disabled groups to identify two car parks within the hierarchy for priority investment for improvement of disabled parking facilities and onward access routes in to the city centre”.

This part of the commission aims to identify two Council run car parks for priority investment for improvement of disabled parking facilities and onward access routes into the city centre.

Please propose and cost a methodology to identify these car parks, including engagement with disability groups as well as discussions with the Council’s parking team.