

AGENDA SUPPLEMENT

Executive

To: Councillors Aspden (Chair), Ayre, Craghill, D'Agorne, Mason, Runciman, Smalley, Waller and Widdowson

Date: Tuesday, 22 November 2022

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

The Agenda for the above meeting was published on **14 November 2022**. The attached additional documents are now available for the following agenda item:

- 7. Pavement Café Licence Update** (Pages 1 - 6)
Additional annex (Annex E) outlining responses to further consultation carried out, as mentioned at the meeting.

This agenda supplement was published on **13 December 2022**.

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Pavement café licence update

Annex E - Update on consultation responses received following Executive

Consultation process with pavement cafés and business groups

1. Before Executive on 22 November, the following process was followed to invite representations from businesses:
 - An initial email was sent on 9 November 2022, explaining that the review of pavement café licensing guidance would be taken back to Executive on 22 November and presenting the options included in the Executive report (no information was provided on the report's recommendations at this stage). The email asked for feedback to be provided to CYC by 16th November 2022.
 - A reminder email was sent on 14 November 2022, reminding contacts of the 16 November deadline.
 - Finally, an update email was sent on 16 November, explaining that the report and annexes had been published on the website in advance of the meeting, providing the link to the meeting information (including participation) and a link to the associated press release:
www.york.gov.uk/news/article/1123/new-guidance-on-pavement-caf-licences
2. Representations received before the Executive meeting on 22 November can be summarised as follows:
 - Representations received from pavement café licence holders (6 venues) did not support a reduction in pavement cafe areas (against Option 1a). One detailed response supported the provision of additional dropped kerbs, with financial support from the Council, to support Option 1b.
 - One representation received from a business group (where business members do not hold pavement café licences) was not supportive of

any extension to pavement cafes and was against the Council investing in dropped kerbs and level access streets (like Coney Street) due to concerns with costs, including maintenance costs, and lack of return on investment.

3. Following the Executive decision to recommend changes to the current pavement café licensing guidance for approval by Full Council, a letter was sent by email to all pavement café licence holders, business and groups and other stakeholder groups to invite further representations on the proposed changes (see Appendix A). The information was issued on 28 November, with a deadline of 9 December for representations to be submitted.
4. Responses were received from five businesses, which currently hold pavement café licences. Representations received since the Executive meeting on 22 November can be summarised as follows
 - Loss of pavement café areas and additional costs to create permanent pavement café areas in on street parking bays (where possible) will have a significant impact on hospitality businesses, particularly at a time when rising wage and energy costs have all but wiped-out margins for some small businesses. Some businesses may not be viable without the pavement café area as the outside area can represent a significant proportion of daily revenue (one business quoted 20%).
 - Small businesses have invested in pavement café furniture and barriers and paid for insurance to cover these areas, which they will not be able to continue using now so this will have a financial impact on the businesses.
 - The development of street café culture is seen as a positive change for the city, changing the character of York and making it more desirable, vibrant, and inviting. Retail outlets have been in decline, but experiential outlets have been increasing in number, with 'eating & drinking' businesses increasing by 10% in York. Solutions must be found that do not stop the resurgence of independent businesses in their tracks.
 - In some streets which are more retail focused, having the tables outside mean that customers can easily identify café locations.
 - In a historic city like York, much of the infrastructure and buildings occupied by businesses were not designed to be accessible. In some instances, pavement cafés, which do not meet the criteria of the proposed guidance, in fact improve the access and utility people with

restricted mobility, and their removal will lessen the options available to them. This has also been beneficial for people with pushchairs, suitcases and/or dogs, providing more flexibility.

- Views that the Council should give equal weight to the needs of disabled people visiting the city and the needs of businesses, which contribute to the attractiveness of the city and attract visitors.
- Support for the Council lowering kerbs where required rather than requiring that 1.5m be left available on footways.
- A lot of customers still want to sit outside.
- Would it be possible to compromise and allow outside seating every other week?

Appendix A - Letter issued on 28 November 2022

Consultation on proposed changes to pavement café licensing guidance

On 22 November 2022, City of York Council's Executive considered proposed changes to the Council's pavement café licensing guidance. The changes recommended for approval by Full Council at the 15 December 2022 meeting are summarised overleaf.

Further information about the meeting is available here, see Item 7:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13292&Ver=4>. The webcast of the meeting can be accessed here, see "Executive - Tuesday, 22 November 2022 5.30 pm, Item 7": www.york.gov.uk/webcasts

The guidance is used by Council officers to assess pavement café licence applications under the fast-track licensing scheme introduced by government under the Business and Planning Act 2020.

This letter summarises the proposed changes and invites you to provide any comments or feedback you would like to submit for consideration by Full Council at the 15 December meeting.

If you are a business with a pavement café currently licensed on a footway/pavement or if you are considering applying for a licence on a footway, the proposed changes are likely to affect your business. If approved, these changes will take effect from January 2023.

Feedback can be provided until 9 December 2022, by email at

cafelicence@york.gov.uk or by post at Traffic Management – Café licensing, Economy and Place Directorate, West Offices, Station Rise, York, YO1 6GA.

Best regards,

Helene Vergereau
Traffic and Highway Development Manager
Place Directorate

City of York Council
www.york.gov.uk/PavementCafeLicences

Summary of changes recommended for approval by Executive on 22 November 2022

1. **Change to the rules on licensing cafés on footways** (pavement) in the pedestrianised area and on Fossgate.
If approved, this change will mean that cafés cannot be licensed on a footway (pavement) unless a clear 1.5m width remains on the footway for highway users to get past. This clear width requirement will be increased to 2m in high footfall areas (for example at busy junctions, pedestrian crossings or near bus stops).
The only exception to this rule would be in pedestrianised streets with level access between the footway and the carriageway (for example Coney Street), where licences may authorise cafés to cover the full width of the footway.
2. **Café areas** will only be allowed **in on-street parking bays** (for example on Micklegate) where sufficient parking and loading capacity remains and the café area can be protected from passing traffic (if required).
The licence holder will be required to cover all associated costs (for example changes to the permanent Traffic Regulation Order, changes to the kerb line/protection measures).
3. The named licence holder will be required to have completed the **Action Counters Terrorism (ACT) Awareness E-learning course**. The course is available free of charge online and takes approximately 45 minutes to complete.
4. The guidance document will be updated to include:
 - a. **Strengthened requirements for barriers** with tapping rails (a low level rail at the bottom of the barriers to guide blind or partially sighted pedestrians using a cane) to enclose pavement café areas;
 - b. **Access width requirement** within the pavement café area; **increased** from 1.2m to **1.5m** to enable access to the premises;
 - c. **Enforcement process to follow two letters** (notices) rather than three;
 - d. Reintroduction of the **£100/year licence charge**;
 - e. **Additional information** on how to set up the pavement café area to be provided with the guidance and support provided by council officers; and
 - f. **Additional information** to be provided **to licence holders on their duties under the Equality Act**.
5. Set up a **regular panel for York groups and communities to provide feedback** on their lived experience of pavement cafes in York.

For more information about the recommended changes and background information, please see the papers published for the Executive meeting at this link, see Item 7: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=13292&Ver=4>

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