

Report of the Corporate Director of Place
Portfolio of the Executive Member for Transport and Executive Member
for Economy and Strategic Planning

City Centre Access – Action Plan Update

Summary

1. In November 2021 the Executive made the decision to remove as many vehicles as possible from accessing the footstreets during pedestrianised hours, following Police Counter Terrorist advice. That advice has not changed and the procurement for the hostile mitigation measures is currently underway. This procurement was due to be considered alongside this report, but due to the contractors requesting more time, the results of the procurement exercise will be considered at a future Executive meeting.
2. In making the transport related decision in November 2021, a suite of accompanying decisions were also made. Amongst these was a report on the “Strategic Review of City Centre Access”, which included an action plan to improve access. This report provides an update on the delivery of the action plan.
3. The current pavement café licences in the City were implemented under emergency legislation in response to COVID, in support of immediate economic support and the context “Eat out to help out” scheme. This emergency legislation removed the requirement for planning permission. This emergency legislation currently expires at the end of September 2022. There is no certainty over whether the Government will extend emergency powers to award licences without planning permission in October 2022.
4. The publication of the “Levelling Up and Regeneration Bill” proposes changes to pavement café licences which removes the requirement for planning permission for pavement cafes in the long

term. However, this is highly unlikely to be made law by the end of September this year.

5. As our City has returned to more normal post COVID operation the impact that emergency pavement cafes has had on specific access issues has become more apparent.
6. Whilst it is likely pavement cafes are here to stay in some form in the future, this is no longer as part of an emergency response. Therefore, a review is necessary of the guidance and conditions on when cafes are acceptable, recognising and limiting the impact they have on access.
7. The current historic infrastructure in the City Centre is not ready to accommodate pavement cafes in every location, especially on the pavement, without some impact on access or additional appropriate mitigations.
8. The Council approved a Long Term 10 Year vision city centre as part of My City Centre. It sets out a number of ambitions for the future of the City Centre, including creating a family friendly mid-week early evening economy, spreading events across the City Centre, and encouraging the outdoor café culture that has emerged during the pandemic in recent years in the footstreet areas.
9. The current temporary traffic regulation order which saw footstreets extended until 7:00 pm as part of the COVID emergency response, cannot be further extended temporarily. Executive have previously approved a statutory traffic regulation order consultation on a permanent change of pedestrianised hours to 7:00 pm.
10. Executive need to consider if now is an appropriate time to consult on a permanent change to 7:00 pm for pedestrianised hours of the footstreets, given;
 - The uncertainty over the pavement café license regulatory framework nationally,
 - The proposed review and implementation of new conditions of when pavement café license may be granted,
 - The progress on the City Centre Access – Action Plan and the recommendations in this report to allocate additional resource and bring further work forward,

Recommendations:

11. The Executive is recommended to:

- a) Approve the commencement of consultation on the proposed “City of York Guidance and Conditions for Pavement Cafes”.
- b) Request a report to the November Executive meeting on the outcome of the consultation. The new “City of York Guidance and Conditions for Pavement Cafes” considered by Executive in November would take effect in January 2023.
- c) To note that the Government regulatory framework for Pavement Cafes remains uncertain, as the current emergency legislation expires in September 2022 and the new legislation proposed is unlikely to be implemented by this date.

Reason: to ensure the decision making on pavement cafes reflects the current situation and the needs of all city centre users.

- d) Note the update on the “City Centre Access - Action Plan” Annex A.
- e) Note the planned commissioning of an Access Specialist Consultant and approve the prioritised work programme as laid out in the report.
- f) Note the programme of dropped kerbs for autumn this year and spring 2023.
- g) Bring forward the work to develop the feasibility of the City Centre Bus Shuttle in advance of the original funding source being received. This will be coproduced with stakeholders, including the look and feel of vehicles and will require input from an access specialist along with transport input. This will be funded from transport reserves.
- h) Ask officers explore if the reduction in vehicles within the City Centre enforced in the future through Hostile Vehicle Mitigation Measures would enable a kerb free design to be implemented in the footstreet area.

Reason: to accelerate the delivery of the “City Centre Access – Action Plan” including bringing forward the Feasibility Study of a City Centre Bus Shuttle in the absence of Bus Service Improvement Plan funding being available. If a kerb free design is possible in the footstreets, the Levelling Up bid for the City Centre, if successful, could help deliver elements of this.

- i) Consider if, taking into account the above decisions, now is an appropriate time to consult on a permanent change to 7:00 pm for pedestrianised hours of the footstreets. Having considered this officers feel that the following need to be taken into account:
 - i. uncertainty over the pavement café licence regulatory framework nationally,
 - ii. proposed review of the conditions of when York may approve a pavement café licence,
 - iii. progress on the City Centre Access – Action Plan and the recommendations in this report to allocate additional resource and bring further work forward,

These could all have a material impact on any consultation on 7:00 pm as an end time to the pedestrianisation of footstreets. Therefore, the recommendation is to postpone any decision to undertake statutory traffic regulation order consultation on a permanent change in footstreet hours to 7:00 pm until the Levelling Up and Regeneration Bill has passed through Parliament, and then consider progress in delivering the City Centre Access – Action Plan.

Reason: the major benefit of 7:00 pm is the extended hours in which pavement cafes can operate. Given the uncertainty over the national regulatory framework and the need to carry out work to implement local more accessible guidance, a consultation on footstreet hours is not appropriate and cannot be based upon facts.

- j) Approve extending the current pavement café licences issued under emergency legislation (subject to that

legislation being available post September 2022) free of charge until end of December 2022 but restricted to the footstreet hours. Note that footstreet hours will revert to their normal 5:00 pm in October 2022 but be temporarily extended to 8:00 pm in November for the Christmas Market to end of December 2022. Should emergency legislation not be extended then planning permission will be required for all pavement cafes, until the regulatory framework changes.

Reason: given the uncertainty over national legislation this recommendation adds a degree of assurance for pavement cafes and allows the Council time to consult on its own new guidance and conditions for pavement cafes.

Background

12. In November 2021, the Executive considered a number of reports including

- “City Centre Strategic Vision - Adoption of Vision and Next Steps”,
- “Strategic Reviews of City Centre Access and Council Car Parking”,
- “Consideration of Changes to the City Centre Traffic Regulation Order”.

Links to these are provided in the background documents at the end of the report.

13. The last of these reports was to give effect to the Police Counter Terrorist Advice to make the City Centre as car free as possible and install Hostile Vehicle Measures. A subsequent Executive Member for Transport decision removed the majority of exemptions that permitted access, this will come into effect at the end of September this year. The Police advice has not changed and the procurement for the hostile mitigation measures is currently live, the procurement timeline has been extended at the request of contractors and will be brought to a future Executive meeting.

14. The extra time required by bidders was granted as the risk was that no contractors would bid for the work causing significant delay. This, in comparison to the minor delay caused by extending the

procurement process, could be significantly longer if a new procurement process is required. As there is not a guarantee that works will be completed before Christmas 2022, some of temporary measures will be required during the Christmas market.

15. If temporary measures are required, the cost of which is estimated at £80k, this could be met through existing transport budgets.
16. The security guards that currently ensure compliance with the traffic regulation orders should be extended until the permanent Hostile Vehicle Mitigation measures are installed. This cost estimated at £40k, will continue to be met from within existing transport budgets.
17. In making the decision to remove vehicles from the footsreet area, the Executive recognised the access impacts of such a decision, particularly on blue badge holders. In response, Executive adopted actions (“Strategic Review of City Centre Access – Action Plan”) to improve and support access in and around the foostreets, as well as the “My City Centre Vision” as a long term ten year vision that would support an accessible and thriving city centre. Whilst some impacts could not be mitigated, the improvements to access within the action plan would improve access in the city centre.

City Centre Access – Action Plan

18. An update on the current progress of delivering actions in the Action Plan can be found in Annex A.
19. A number of the actions agreed at November Executive had significant dependencies. These are specifically updated as follows:

Access Officer Action

20. One of the first actions requested by the Executive was the creation of an Access Officer post. A number of subsequent actions were then assigned to the Access Officer.
21. A job description was developed in collaboration with Access Specialists and Disabled Residents.

22. A recruitment process took place but resulted in no suitable candidates being identified for the role.
23. A number of the actions in the plan are dependent on the Access Officer in developing solutions with representatives of the disabled community.
24. Officers have explored the option of commissioning an Access Specialist Consultant to support the delivery of pavement café licence consultation, priority actions in the plan, and support the next Access Officer recruitment process.
25. To ensure the commission of an Access Specialist Consultant succeeds it will be promoted with the National Register of Access Consultants (NRAC) and through local networks, as well as contacting other specialist provider agencies.
26. It is important in terms of priority that the Access Specialist Consultant is provided with a brief which includes a priority plan of the work programmes. The suggested priority order from the Action Plan is as follows:
 - i. Consultation about pavement cafes and access
 - ii. Benches in the City Centre
 - iii. City Centre Bus Shuttle
 - iv. York Standard
 - v. Identifying the two priority car parks for investment in Gold Standard access
27. Following the delivery of these actions, the role of Access Officer will be readvertised. The role will be promoted in the same way as the Access Specialist Consultant commission. In addition, specialist recruitment search activity will support the appointment to increase the likelihood of success.

Dropped Kerbs Action

28. The dependency for this action was funding. The programme of dropped kerbs was identified in the Action Plan as to be funded by a Department for Transport funding stream. Unfortunately this element of the funding bid was not successful. Despite this 8 additional dropped kerbs have been installed on Stonegate and the existing ones refurbished on Colliergate and Church Street. This highlighted the challenges of cellars and buried utilities can impose.

29. The Executive Member for Transport in March this year received a report detailing the approach to dropped kerbs. Due to the lack of funding from the Department for Transport, the council re prioritised to deliver a dropped kerbs programme to the same level of funding.
30. Since the funding was approved by in March 2021 the design work has commenced on a programme of dropped kerbs.
31. The indicative programme is that dropped kerbs on Fossgate, Low Petergate, Blake Street and Lendal. The approach that will be used was outlined in a report to the Executive member for Transport in March 2022 and is repeated here in Annex B.

City Centre Bus Shuttle Feasibility Action

32. Through the scrutiny process, a trial of a City Centre Bus Shuttle service was identified as a potential mitigation. This was included in the “City Centre Access – Action Plan” by Executive in November 2021. The Action Plan was clear that the first step as part of this action was coproduction with involvement of the access officer and potential services users to ensure their requirements shaped future proposals. This is particularly important given this mitigation emerged through scrutiny discussion rather than through direct engagement with blue badge holders, unlike the other actions in the action plan.
33. The Feasibility Study was dependent on the award of Bus Service Improvement Plan (BSIP) funding.
34. Whilst the Council has been told it will receive this funding and part of the bid has been specified to trial this service, to date the Department for Transport has not released any funding nationally. It is therefore unlikely that funding will be in place before the autumn, which is much later than originally anticipated.
35. By bringing forward coproduction on possible vehicle and service options, which would include the identification of specific user needs, review of the vehicle type and the physical experience of some different vehicles, a trial of the service could be brought forward sooner.
36. This report therefore recommends transport funds be used to accelerate the development and coproduction of a City Centre Bus Shuttle Feasibility Study so that this could commence despite the delay of the BSIP award being issued. The estimated funding

requires is £50k and will be met from transport reserves in advance of the BSIP award.

Pavement Cafes Licences

37. The current pavement cafes licences were issued under emergency legislation, developed by the Government in response to COVID and the restrictions on businesses operating during the pandemic, including the legal requirement for social distancing. The emergency legislation remained through the immediate economic recovery and particularly in the context of “Eat Out to Help Out” scheme. This legislation removed the requirement for planning permission. Without the planning permission process in place, the council needed to develop guidance in a very short amount of time, to set out the conditions which would need to be met before the pavement café licence was issued.
38. The current emergency legislation that licences pavement cafes without planning permission expires at the end of September 2022. There is, as yet, no certainty over whether Government will extend the emergency legislation to continue to award licences without planning permission.
39. The “Levelling Up and Regeneration Bill” proposes changes to pavement café licences which removes the requirement for planning permanently. It is however, unlikely this bill will be passed before the end of September, when the current emergency legislation expires. The bill is now at the Committee Stage in the House of Lords, where it will require a report stage and a third reading, before it progresses through the five stages in the House of Lords before being considered for Royal Assent.
40. As the city has returned to more normal post-covid operation, the impact of the emergency pavement cafes (especially those on pavements) has become more apparent. Given the rationale for pavement cafes is no longer the need for businesses to operate within restricted health guidance and the context of the pandemic, a review of the conditions and guidance is appropriate regardless of the national decision making context.
41. The table below is a proposed new “City of York Guidance and Conditions for Pavement Cafes” and looks at the different types of locations and details the current guidance/conditions, the

consequent impacts on access and the proposed new guidance/condition that could be offered to businesses and disabled residents for consideration, as part of the consultation. This draws on experience from other Councils who are facing the same challenges, such as Westminster.

City of York Guidance and Conditions for Pavement Cafes			
Types	Current guidance / conditions	Impact on access	Proposed new guidance / conditions
Pavement café in the carriageway	<p>Either in a parking bay, or in a footstreet or in a very low traffic street eg Fossgate.</p> <p>3m corridor for emergency access and authorised vehicles needs to be maintained on the carriageway</p>	Minimal access impacts as footway clearance maintained	<p>End to temporary arrangements, Exec Member Decision required to permanently convert the parking bays.</p> <p>Buildouts or protection are required as a matter of course and businesses would need to pay for the protection required for the café (planters, bollards, etc) when in a parking bay outside footstreets.</p>

Pavement café partial blocking of the footway	1.5 metre width must be maintained	Some impacts on busy streets and causes issues with turning some wheel chairs.	In high pedestrian footfall streets 2m with maintained
Pavement café in the footway blocking the whole footway	Only in a footstreet or in a very low traffic street eg Fossgate	Cafes which block the footway have the most impact, especially on streets with kerbs as dropped kerbs may not be present or even possible.	<p>Various options</p> <p>1) Require a maximum distance to the nearest dropped kerb.</p> <p>2) Should business pay for any additional dropped kerbs.</p> <p>3) Condition temporary dropped kerbs as part of the café. See annexe C</p>

42. It is therefore proposed to launch a public consultation to engage on the proposed new guidance/conditions. This will be a public consultation but targeted at disabled advocacy groups. The

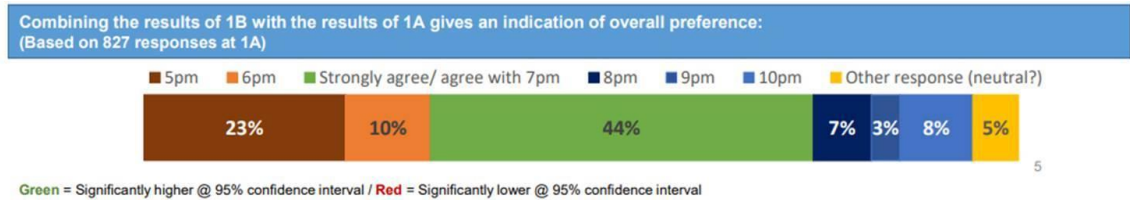
Access Consultant will further facilitate the consultation with these groups and disabled residents.

43. The consultation will also be circulated to all businesses who currently have a café licence and also to business representatives such as York Bid, Make it York, Retail Forum and the Chamber of Commerce.
44. Guidance, which focuses on improving access, will inevitably mean that a considerable number of businesses who currently hold a café licence will either need to change their arrangements or potentially lose their current pavement café licence.

My City Centre Vision

45. Executive approved the 10 year vision of “My City Centre” as a long term strategy. This has 8 key themes
 - Family friendly City Centre
 - Events, experiences & sustainable investment in public spaces
 - An attractive city offer at all times
 - Making tourism work for York
 - Embracing our riversides
 - A safe City Centre community, which is welcoming to all
 - Thriving businesses and no empty buildings
 - Celebrating heritage and making modern history
46. The approved “My City Centre Vision” sets out a number of ambitions for the future of the City Centre, including creating a family friendly mid-week early evening economy, spreading events across the City Centre, and encouraging the outdoor café culture that has emerged during the pandemic in recent years in the footstreet areas.

47. Footstreet operation times were explored as part of the public engagement on the “My City Centre Vision”. Results of this engagement can be seen in the table below:



48. The result was that 23% of respondents stated their preference for the footstreet hours to end at 5:00 pm. 44% supported them ending at 7:00 pm, and 18% supported the hours ending even later. On that basis Executive approved the commencement of the statutory traffic regulation order consultation on changing the Footstreet Hours.
49. In approving the “City Centre Access – Action Plan”, Executive committed to consulting on a permanent change to pedestrianised hours to 7:00 pm in the footstreets. This has not yet happened as officers focused on removing the majority of the exemptions that permitted access to the footstreets and progressing with the delivery of mitigations.
50. Executive are being asked to consider if the progress made against the access improvement action plans is sufficient, also taking into account the current legislative context, to warrant the statutory traffic regulation order consultation on a permanent change of pedestrianised hours to 7:00 pm.

Current City Centre Operation

51. As detailed above the emergency pavement cafes remain in place. There are currently 115 pavement cafes across the city. This is roughly double the number that existed prior to COVID with the requirement for planning permission.
52. The decisions taken by Executive in November have removed the vast majority of vehicles from the City Centre, in the future this will be physically enforced through Hostile Vehicle Mitigation Measures. The government previously issued guidance <https://assets.publishing.service.gov.uk/government/uploads>

/system/uploads/attachment_data/file/749116/ministerial-letter-about-shared_space.pdf relating to kerbless designs of public realm. This highlights the risks of a kerbless design when vehicles are present. Now that the vehicle numbers are significantly reduced, a review of the appropriateness of a kerbless design for the pedestrianised streets could take place, being mindful that they are only pedestrianised for part of the day.

53. The pedestrianised footstreet hours currently operate until 7:00 pm under a temporary traffic regulation order, this has already been extended with the Secretary of State's permission and cannot be extended.

Options

54. The new "City of York Guidance and Conditions for Pavement Cafes" - could either be:
 - Adopted and approved by Executive,
 - Rejected and leave the rules as they are,
 - The proposals could be consulted upon.
55. Pavement Café Licences – at the moment these expire at the end of September 2022. The options are therefore to:
 - If the legislation permits, extend Pavement Café Licences (except Castlegate parklets on which a decision has already been made), through to end of December 2022,
 - Require new applications in October based upon the rules in place at that point in time.
56. Executive therefore need to consider, in the context of the above, whether the statutory traffic regulation order consultation on footstreet hours being extended to 7:00 pm should:
 - Commence,
 - Postpone,
 - Cancel.

Analysis of Options

57. The Outdoor Eating and Café Culture created by Pavement Café Licences is an integral part of the “My City Centre Vision” adopted by Executive in November 2021. They remain an important part of the City Centre economy, especially in light of the longer term economic impact of COVID and the current cost of living crisis.
58. The “My City Centre Vision” and the emerging national legislation sees pavement cafes as the future. It is therefore likely pavement cafes are here to stay in some form but the national regulatory framework remains very unclear.
59. The lived experience of pavement cafes reported to the council during this period as we emerge from COVID has identified areas where the accessibility of pavement cafes can be improved, or they may be inappropriate due to the access impacts.
60. The proposed “City of York Guidance and Conditions for Pavement Cafes” has been developed in response to this lived experience as per the table above.
61. The impact on access of pavement cafes, particularly on the pavement, was tolerated during COVID and the immediate Economic Recovery.
62. Rather than just adopting the “City of York Guidance and Conditions for Pavement Cafes”, it is recommended that a consultation is carried out on the proposals to ensure they address the lived experienced, identified access issues as well as business needs in the post-covid economic context.
63. Whilst the commitments made by the Executive as part of the “My City Centre Vision” remain relevant and important, the City’s historic infrastructure is not ready to facilitate pavement cafes in some locations. The Council will need to continue to work with business and disabled people to ensure that pavement cafes can support accessible trading.
64. While this consultation takes place it is proposed that, if legislation is brought forward which permits it, then the pavement café licences are extended to the end of December 2022 free of charge

whilst the new “City of York Guidance and Conditions for Pavement Cafes” is consulted upon and formally adopted.

65. Given the uncertainty on the future national regulatory regime and the proposed new local guidance for pavement cafes, it is impossible to say how many pavement cafes there are likely to be in the future.
66. A major benefit of a permanent change to pedestrianised footstreet hours to 7:00 pm is that it allows pavement cafes to operate into the early evening.
67. This report recommends Executive launch a consultation on the proposed “City of York Guidance and Conditions for Pavement Cafes”. Executive would in the future need to consider the consultation responses before adopting as policy the new “City of York Guidance and Conditions for Pavement Cafes”. Only when this future decision is made will it be possible for businesses to understand the impact on their operations and for the public to understand any improvement to their access of the footstreets.
68. In November, Executive approved the commencement of a statutory traffic regulation order consultation on a permanent change to footstreet hours to 10:30 am to 7:00 pm. The reason was to give effect to the “My City Centre Vision”, which has an aspiration for long term footstreet hours that run until 7:00 pm. This was supported in the “My City Centre” consultation. This statutory consultation has not commenced whilst officers focused on the removal of the majority of exemptions and the City Centre Access – Action Plan.
69. It would not be proportionate to commence or cancel the consultation, given the uncertainty over national legislation for pavement cafes, or what the impact and details of the new “City of York Guidance and Conditions for Pavement Cafes” is likely to be.
70. The same uncertainty also makes any consultation on 7:00 pm very difficult. For this reason it is proposed that the consultation is postponed until national legislation for pavement cafes as proposed in the “Levelling Up and Regeneration Bill” is passed.
71. A combination of the Government legislation and improvements to the “City of York Guidance and Conditions for Pavement Cafes” (for access improvements) will then determine the number of pavement cafes. Only with this information can the relative merits of a 7:00

pm end to the pedestrianised footstreet hours be considered with all the facts.

72. This means that footstreet hours will revert to their normal 5:00 pm in October but be temporarily extended, as usual, in November for the Christmas Market to end of December to 8:00 pm.
73. It is recognised that reverting to normal footstreet hours will impact upon businesses within the city Centre, particularly those with pavement cafes. It also means that elements of the My City Centre Vision will not be delivered until a change is made to 7:00 pm.
74. It is proposed new “City of York Guidance and Conditions for Pavement Cafes” will be considered by Executive in November and would likely take effect in January 2023.
75. The new guidance will need to be considered alongside the Government Legislation that is in place in January 2023, at the moment it is not possible to confirm if planning permission will or will not be required in the future.

Council Plan

76. The proposals are well aligned with the aims of the Council’s Plan 2019-2023.
 - Well-paid jobs and an inclusive economy
 - Getting around sustainably
 - Safe communities and culture for all
 - Creating homes and world-class infrastructure

Implications

Financial

77. The £80k cost of the hostile vehicle mitigation temporary measures for Christmas 2022 and the £40k ongoing security for TRO

compliance until permanent measures are completed will be funded from within existing transport budgets. The one-off £50k funding required for the city centre bus shuttle feasibility can be met from transport reserves.

78. There is an income budget of £24k relating to pavement café licences. Central government funding has previously been received to support the shortfall in this budget due to the free licences. Once there is more certainty, the ongoing position of this income budget will need to be considered as part of the future report to Executive.

Equalities

79. The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). There are no equalities implications identified in respect of the matters discussed in this report. The process of co production detailed in this report will identify any equalities implications and these will be addressed in future reports.
80. The Action Plan captured the mitigations for the decision to remove the exemption for blue badge holders from the City Centre Footstreets that was considered under a detailed equality impact assessment.
81. The decision on whether to consult on 7:00 pm changes to footstreet hours was also considered under the previous equalities impact assessment.
82. However, as detailed proposals come forward, such as the results of the consultation on pavement cafes and the City Centre Shuttle Bus Study Feasibility, they would need a specific equality impact assessment of its own.

Legal

Pavement Café Licences

83. Pavement café licences are usually granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities and there is a minimum 28 calendar day consultation period.
84. The Business and Planning Act 2020 (BPA) implemented a cheaper, easier and quicker process for businesses to obtain pavement café licences to aid Covid economic recovery. The fee for applying for a licence under the BPA process is capped at £100 and the public consultation period is 5 working days (excluding public holidays), starting the day after the application is sent electronically to the authority. If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted.
85. The licences are granted by the Local Planning Authority for not less than three months and, originally, no later than 30 September 2021. Where no date was specified in the licence the licence expired on 30 September 2021.
86. The 30 September 2021 automatic expiry date was extended by Regulation 4 of the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 to 30 September 2022, but only for pavement café licences applied for on or before the date these Regulations came into force (20 July 2021). The auto expiry date of 30th September 2021 remained applicable to any / all pavement licences not applied for prior to 20 July 2021.
87. As noted in this report, the government have plans for a permanent system, which is set out in the Levelling Up and Regeneration Bill, but this is unlikely to come into force before 30 September 2022. There is a general consensus among licensing practitioners that there will be a further amendment to the BPA to adjust the 30 September 2022 auto expiry date to allow the Levelling Up and Regeneration Bill to go through its stages. It is likely this would allow the current system of pavement café licences to continue until the Levelling Up and Regeneration Bill comes into force.
88. Pavement café licences, whether granted under the Highways Act 1980 or under the Business and Planning Act 2020, allow businesses to place removable furniture over certain highways and

to use that furniture to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises. Licences can only be granted in respect of highways listed in section 115A(1) of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

Traffic Restriction Orders

89. The Council's power to make a permanent TRO is set out in Section 6 of Part 1 Road Traffic Regulation Act 1984. Before a TRO is made, the Council should ensure that the relevant statutory procedures set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 (LATOR) are complied with including the requirement for formal consultation and advertisement in the local press. Where objections are received, there is a duty on the Council to ensure that these objections are duly considered.

Risk Management

90. Co production ensures the risk that the proposals do not meet the needs of intended users.
91. The delay of BSIP funding nationally delays the development of the City Centre Bus Trial.

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**Report
Approved**



Date 20/07/2022

Wards Affected: *Guildhall, Micklegate, Fishergate*

All

For further information please contact the author of the report

BACKGROUND PAPERS

Executive - 18 November 2021

- My City Centre Strategic Vision - Adoption of Vision and Next Steps
- Strategic Reviews of City Centre Access and Council Car Parking
- Consideration of Changes to the City Centre Traffic Regulation Order

Officer Decision 19 September 2021

- Pavement cafes: enforcement and accessibility (under Business and Planning Act 2020)

Annex

Annex A – Strategic Review of City Centre Access – Action Plan update

Annex B – Dropped Kerb Methodology

Annex C – Picture of Temporary Dropped Crossing as part of Pavement café

Annex D - Access in York Leaflet - Information for disabled residents and visitors to York city centre