



Glasgow City Council
City Administration Committee

Item 4

17th November 2022

**Report by Cllr Angus Millar, Convener for Climate, Glasgow
Green Deal, Transport and City Centre Recovery**

Contact: George Gillespie Ext: 79106

NEW CITY CENTRE TEMPORARY STREET CAFE POLICY

Purpose of Report:

To seek approval for the proposed changes to the City Centre Temporary Street Cafe (TSC) Policy.

Recommendations:

It is recommended that Members:

- (i) Consider the contents of this report.
- (ii) Approve the proposed changes to the current policy.
- (iii) Note that the policy will be reviewed as the emerging work by Scottish Government on development regulations, including Permitted Development Rights, is completed

Ward No(s): 10

Citywide:

Local member(s) advised: Yes No consulted: Yes No

1. INTRODUCTION

- 1.1 Members will recall that the draft Temporary Street Cafes (TSCs) policy was previously presented to the Neighbourhoods, Housing and Public Realm City Policy Committee in March 2020. The report can be viewed [here](#).
- 1.2 The intention was to then take the report to the City Administration Committee for approval; however the Covid-19 pandemic interrupted this plan. Outdoor cafes have played a key part in the recovery of Glasgow city centre, particularly with the extended restrictions placed on many sectors including hospitality. This report therefore revisits the intention of March 2020 in the context of the emerging recovery.
- 1.3 By way of background, Members will be aware that the Glasgow City Centre Strategy 2014-19 (CCS) was approved in 2013 with an ambitious 55 actions aimed at attracting investment, new development and footfall. Given the impact of the pandemic this was updated by the adoption of the City Centre Recovery Plan 2022 to 2024, with the same overall aims.
- 1.4 One of the actions was the development of an updated policy for city centre outdoor street cafes. The growth of outdoor cafes over the course of the pandemic has further justified the need for an updated approach. The purpose of this report is to provide the background to the proposed changes and outline the new process, timescale, and review plan.

2. BACKGROUND

- 2.1 Since 2014 the vibrancy of Glasgow city centre has benefited from the growth in restaurants, bars, cafes, and other class 3 (food and drink use) businesses. These businesses add value to the city centre experience, especially at a time when there may be a significant behavioural shift and a change in how the city centre is used.
- 2.2 Prior to the pandemic a positive outcome of the increase in food and beverage premises was the growth in Temporary Street Cafes (TSCs). These have grown incrementally and now occupy space throughout the city centre. During the pandemic regulations were relaxed and more space created to allow businesses to attract people back to the city centre. In both instances businesses and visitors were better able to benefit from a city centre environment.
- 2.3 A TSC refers specifically to a site that occupies a section of the public road or footway to enable an existing business to provide additional tables and chairs. While the permits and consents issued under the current system enable the operator to occupy the space for a year or more, all the equipment authorised to be on site must be removed at the end of each day.
- 2.4 Prior to the pandemic the impact of TSCs had been largely positive, however a review of the policy was deemed necessary due to consistent feedback from residents and businesses that improvements could be made.

2.5 The resident feedback obtained from city centre community councils focused upon the following points and largely concentrated on the need for TSC operators to act as good neighbours:

- (i) **Cleanliness:** too many examples of TSCs that were not being kept clean during the day, or properly cleaned at the end of the day
- (ii) **Compliance with operating hours:** in many cases operators were not adhering to the approved operating hours
- (iii) **Storage of equipment:** when not in use equipment (tables, chairs, stations) is often being stored onsite, contrary to conditions that require all equipment to be removed from the external area outwith operating hours
- (iv) **Footway occupation:** in some cases, operators of TSCs are not complying with permitted boundaries which is impeding the public footway and restricting space for pedestrians

2.6 The feedback from the business community (collated by Glasgow Chamber of Commerce) identified the following concerns:

- (i) **Too onerous:** the application process is too complicated and takes too long
- (ii) **Opening Hours:** the opening hours are not long enough
- (iii) **Clarity:** Confusion over obligations and requirements for operators including a perceived lack of consistency

2.7 The proposed changes to the policy are intended to collectively address these concerns and to improve the overall experience for all parties.

3. CURRENT PROCESS

3.1 The current system requires TSC operators to have the following permits:

- (i) Planning permission: which is required for the change of use of the footway. Town and Country Planning (Scotland) 1997. Applications take up to 8 weeks to process
- (ii) Roads consent: which relates to permission to occupy the public road or footway under section 59 of the Roads (Scotland) Act 1984. Applications take up to two weeks.
- (iii) Appropriate Alcohol Licence – either a Premises Licence or Occasional Licence (if alcohol is to be sold or consumed in the area)

3.2 The above processes are completed by the applicant sequentially meaning that it currently takes a TSC operator at least 10 weeks and two separate processes to obtain the necessary permissions.

3.3 It should be noted that:

- (i) Neighbourhoods, Regeneration and Sustainability (Planning Services) currently issue consents for the change of use of public space and some of these have been issued *in perpetuity*.
- (ii) Neighbourhoods, Regeneration and Sustainability (Roadworks Control) issue an annual section 59 permit to occupy the space to a specific business/named individual. If either business or named individual change, a new application has to be submitted. All permits have to be renewed on an annual basis.
- (iii) Licensing has not been considered as part of these proposals.

4. PROPOSED CHANGES TO CURRENT POLICY

4.1 To address the concerns raised by business and residents it is proposed to introduce the following changes, which are further detailed in a separate scheme guidance note. The overarching expectation is that TSCs will act as good neighbours to surrounding businesses and communities.

4.2 **Clarity:** The new TSC scheme guidelines can be accessed through the link at the end of this report. They clearly list the responsibilities and obligations on those who operate TSCs. The proposed changes will involve a greater commitment to enforcement to ensure operators do act as good neighbours.

4.3 **Opening Hours:** The new TSC scheme guidelines include extended hours. TSCs would be able to serve customers from 07:00hrs until 22:00hrs. In addition, operators will have an hour to set-up and an hour to take down equipment. This is reflected on a map at a link accessible at the end of this report (**Appendix 1**) and relates to the local servicing requirements. However, in the main pedestrianised areas at Buchanan Street, Gordon Street, Royal Bank Place and Exchange Place, different opening hours will operate. In these areas operators will be able to serve customers from 11:00hrs to 22:00hrs. These timings will apply throughout the full week.

4.4 **Good neighbour:** To underpin the intention that TSC operators act as good neighbours there will be a greater commitment to enforcement:

- (i) All operators will have to display signage on-site showing the space they have been given permission to occupy, including the number of tables and chairs
- (ii) This element of the new policy will focus on the issues raised by community councils, namely the points around cleanliness, compliance with operating hours, storage of equipment, and footway occupation. The new TSC guidelines set out how failure to act as a good neighbour will be recorded and how decisions on loss of the permit and/or confiscation of equipment will be made.
- (iii) Additionally, there will be changes to the website to ensure that the process to raise issues about the way in which TSCs are being operated is clear.

4.5 **Too onerous:** this will be addressed through the following changes to existing policy:

- (i) Glasgow City Council will apply for planning consent to use designated public land in the city centre for TSCs (assuming the use of that land is in accordance with the TSC operating guidelines) on the streets outlined on the map at **Appendix 1**. The detailed coverage for each street will emerge through the formal planning process.
- (ii) This change would mean that each new applicant within the core city centre areas detailed above would only have to apply for a permit under section 59 of the Roads (Scotland) Act 1984 to occupy the public road. On the designated streets there will be no requirement for the operator to apply for individual planning consent.
- (iii) Businesses in the designated area would therefore have a shorter process and one point of contact for all TSC matters
- (iv) Applications outwith these core streets will still be subject to the existing planning process. The other changes within the new TSC policy will still apply.
- (v) The application process will be moved from a manual system to an online system in 2023.

4.6 **Summary:** Businesses will benefit from a shortened application process, the removal of the planning fees, longer opening hours and an online application system. Both business and residents will benefit from a clear set of guidelines which will encourage operators to act as good neighbours.

4.7 In terms of fees, the section 59 permit will still be required.

5. DELIVERY AND GOVERNANCE

5.1 The changes to the TSC process and guidelines will go live from March 2023.

5.2 The system will be administered and enforced by NRS Roadworks Control.

5.3 It is recognised that the primary pedestrianised areas of Buchanan Street, Gordon Street, Royal Bank Place and Exchange Place, which contain the highest number of TSCs, offer opportunities to take a different approach in terms of layout and operation. It is proposed that once the planning consent process is completed, council officers will work with stakeholders to develop an approach that satisfies the operator's requirements and meets the quality aspirations for these important city centre streets. Progress on this will be reported back to committee in due course.

5.4 The performance measures of the new policy will include business and community perceptions, the number of complaints received, and the impact of enforcement activity. In addition, there is a need to understand the emerging findings and any change to policy that flows from the work ongoing within Scottish Government in relation to permitted development rights (PDRs). The outcome of this work may influence this policy, and will be considered when information is available.

5.5 Another consideration as the new policy is implemented will be how to increase the number of city centre locations in which operators do not have to apply for planning permission. At the moment it is felt that the most efficient and effective option to progress this would be to continue the new model proposed in this report, with Glasgow City Council applying for further individual planning permissions to use designated public land in the city centre for TSCs (assuming the use of that land is in accordance with the TSC operating guidelines). However again, this will be considered in the context of the Scottish Government work on PDRs.

5.6 **Appendix 2** provides an outline programme for introducing the new policy.

6 Policy and Resource Implications

Resource Implications:

| | |
|---------------------|--|
| <i>Financial:</i> | There are no costs associated with this stage of the project. |
| <i>Legal:</i> | There are no significant risks. |
| <i>Personnel:</i> | There are no direct personnel issues. |
| <i>Procurement:</i> | There are no procurement issues arising from the project at this time. |

Equality and Socio-Economic Impacts:

| | |
|---|--|
| <i>Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.</i> | Yes. The project will help deliver Outcome 1 and 9 by providing employment opportunities for younger people and by making it easier for people with protected characteristics to move around the city centre. |
| <i>What are the potential equality impacts as a result of this report?</i> | Positive impact: the standards required by those operating TSCs will be more explicit in terms of accessibility. |
| <i>Please highlight if the policy/proposal will help address socio-economic disadvantage.</i> | While the TSC might not directly address socio economic disadvantages, it supports the vibrancy of a sector which provides employment to predominately younger people and one that attracts visitors to the city centre. |

Climate Impacts:

| | |
|---|---|
| <i>Does the proposal support any Climate Plan actions? Please specify:</i> | No |
| <i>What are the potential climate impacts as a result of this proposal?</i> | The impacts are minimal and centre on the digitalisation of the application and administration processes. |
| <i>Will the proposal contribute to</i> | No |

*Glasgow's net zero
carbon target?*

**Privacy and Data
Protection Impacts:**

A DPIA is required by law where the processing of personal data is likely to result in a high risk to the rights and freedoms of individuals. The project will not collect personal data except through the provision of contact details of the purposes of administering the permit system or community engagement. Permission for any other use, or any ongoing use, will be sought at the point at which contact details are provided.

7 Recommendations

7.1 It is recommended that Members:

- (i) Consider the contents of this report.
- (ii) Approve the proposed changes to the current policy.
- (iii) Note that the policy will be reviewed as the emerging work by Scottish Government on development regulations, including Permitted Development Rights, is completed

Enclosures

Appendix 1:

[Link to the GCC-consented streets and Extended Operating Hours Zone](#)

[Temporary Street Cafes Permit Application](#)

Appendix 2:

Outline timetable (overleaf)

Appendix 2: outline programme

| Temp Street Café Programme | | 2022 | | 2023 | | | | | | | | | | | |
|---|-------------|-------------|----------|-------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Activity | Lead | N | D | J | F | M | A | M | J | J | A | S | O | N | D |
| Issue 2023/24 Guidelines inc site maps, etc | CCRG | | | | | | | | | | | | | | |
| Comms to business | Corp Comms | | | | | | | | | | | | | | |
| Issue to renewals and new applicants | Roads | | | | | | | | | | | | | | |
| Update existing weblinks | Roads | | | | | | | | | | | | | | |
| Move the application process and payment online | Roads | | | | | | | | | | | | | | |
| Identify key stakeholders for pedestrainised areas | CCRG | | | | | | | | | | | | | | |
| Work with stakeholders consider options for new layouts | CCRG | | | | | | | | | | | | | | |
| Group identified streets for planning applications | Planning | | | | | | | | | | | | | | |
| Submit planning applications | Planning | | | | | | | | | | | | | | |
| Upload agreed planning locations to application process | Planning | | | | | | | | | | | | | | |
| Comms to business generally | Corp Comms | | | | | | | | | | | | | | |