

Tables and Chairs in the West End for COVID recovery

It is clear that there is a strong desire from the hospitality industry and its various landlords to be able to trade in the street to greater extent than currently permitted.. This could be market style (buying takeaway food to consume in the area) or street trading with tables and chairs outside premises. It could also be a combination of these where premises sell food for takeaway but there are tables and chairs provided in the street for customers to use, either by individual premises or communally, similar to a food court or street party.

In some cases this can be achieved by extending the pavement into the carriageway and allowing tables and chairs on part of the increased area. In others it might require streets to be closed for part of the day.

Residents would mostly like to support local businesses, and recognise that relaxation of trading arrangements is needed for them in the short term. So there is support for some temporary provision of additional space for trading purposes up until 30/9/20.

But we are all aware that these activities can lead to noise and disturbance on the street, especially in the later part of the evening. We have set out below the basic requirements that businesses wishing to operate in this way should meet in order to make the situation viable for the whole community.

Please note that by proposing these requirements we are NOT supporting the closure of roads to enable street trading. The feasibility and desirability of closing roads to allow people to move through an area and allow street trading whilst maintaining social distancing is a separate issue. Any proposal needs to consider the impact on the wider area from displaced traffic as well as the impact on residents and businesses, as well as many other considerations. In some areas it may be possible to close roads, with suitable mitigation measures, and in others it may not be possible at all.

Basic requirements

1. Hours of use for tables and chairs should be restricted to a maximum of 11:00-22:00 Monday to Saturday, with 11:00-18:00 on Sunday to give residents one evening a week of respite.
2. The area customers can use must be clearly defined on a plan of the street/road provided to and agreed by the Council. The area must be in front of the premises which is intending to trade and must allow space for access to any adjoining premises or separate parts of the same building with sufficient space for social distancing. It will be marked by tape on the pavement/roadway. The tape will be renewed as needed so that it is visible to staff, customers and members of the public.
3. Premises define the number and locations of tables and chairs in a way which maintains SD in line with the latest Government Guidance both within their area and in relationship to any adjacent areas.
4. Premises selling food and drink must ensure that their customers have access to sanitary facilities and that these are managed in line with PHE guidance.
5. Premises must ensure that their customers behave responsibly and that they accept responsibility for any nuisance that they cause.
6. Premises must ensure that no music noise from inside their premises is audible in the street outside and will not play music in the outside area.

7. Premises must keep the area outside their premises clean and free from waste during trading. At the end of trading they must sweep and wash this area. This includes any adjacent area of roadway being used instead of the pavement.
8. Where tables and chairs are being provided communally, all the premises selling food and drink for takeaway will jointly take responsibility for their removal and for the cleaning of the area.
9. Premises will adhere to their usual licence conditions, treating the outside tables and chairs as if they were on the premises from the point of view of their licence conditions, other than hours.
10. No patio heaters are permitted to be used.
11. At the end time for the use of tables and chairs they must be brought inside the premises. If this is not possible they must be folded and placed in nominated parking/loading bays in the usually closed section of the street. This must be located away from noise sensitive properties. Tables and chairs will be secured in such a way that they cannot be moved or used overnight.
12. Premises selling food and drink for use at their own tables and chairs outside must use non-disposable crockery etc.
13. Premises selling food and drink for takeaway must use recyclable packaging and will provide facilities for it to be returned for recycling. Where communal tables and chairs are provided suitable bins will also be provided to allow for waste separation.
14. Premises must put in place a process to ensure that emergency services are able to access all parts of the street.
15. Premises which are already permitted to sell alcohol for consumption off the premises (e.g. pubs) will be permitted to continue to do so. However, the additional space they use in addition to that usually available outside will be subject to the same restrictions as for other premises. Ideally they should require customers to use tables and chairs to maintain social distancing. If not they must use SIA trained staff to ensure that this is maintained.
16. Premises must check and confirm that their use of the outside area is covered by appropriate insurance, including public liability insurance to the same extent as would be the case for their normal operation.
17. Premises must accept that a failure to comply with any of these rules may result in immediate withdrawal of their right to participate in the scheme. The burden of proof is on them to show that they have complied and the decision to withdraw permission can be made by the Council without any right of appeal.
18. Premises must publish in their window a confirmation that they will accept these rules and will comply with them, a plan for the area they are using, the activities which they will be carrying out in the area and a contact number which can be used by members of the public in case of issues at any time.

Responsibilities

Residents are aware that setting and agreeing rules is one thing, but ensuring that they are adhered to is another. It will be the responsibility of the Council as the Licensing, Planning, Highways, Environmental

Health and Trading Standards Authority to ensure that premises comply with the rules set out above. However we are aware that resources to do this are limited.

Local landowners, BIDS and individual operators within the West End have a crucial role to play. In this situation it is the responsibility of all those who are involved with carrying out business in the public realm to work together, and with residents and other businesses in the area, to ensure that problems are minimised and that any which do arise are dealt with quickly. It will not be possible for the Council to do this with its available resources. The Council and this group will then need to define responsibilities between them. If there is no business, BID or defined group of businesses which is willing to take responsibility for a specific street or area then it will not be possible for the Council to allow it to be used for trading in this way.

Gaining Approval

We recognise that a need for the Council to consult on and approve each application to operate will make the process very slow and cumbersome and so we support a “prior approval” style of process.

Step 1

The Council (as Highway Authority) defines the basic agreed layout for this purpose. If the street is to be closed this includes the location and width of the area which is required for pedestrian movement.

Step 2

If the area includes several businesses that wish to trade in this way, the organisation willing to take responsibility for the management of the area must be clearly identified.

Step 3

Premises notify the Council of their intention to operate in the street and declare:

- i. A plan for the area that they will use defined in item 2 above
- ii. A confirmation that they will comply with requirements 1-18 above
- iii. Agreement that they will work with and comply with the instructions of the business or organisation which has taken responsibility for the management of the space
- iv. Confirmation that they have notified the other occupiers of their building of their plans
- v. That they have appropriate insurance cover in place for the operation that they propose to carry out.

This notification should be recorded in the Planning and Licensing Register for the building/premises.

Unless the Council advises that the plan is not acceptable for some reason, then the business can operate in accordance with their plan.

If you have any questions on this document contact:

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