

SHOP



STAY



# Supporting Westminster's hospitality sector

Advice for the hospitality sector on outdoor dining

UPDATED 19 March 2021



City of Westminster



## Introduction from the Leader (March 2021)

Our restaurants, cafes and pubs have been among the businesses hardest hit by lockdown. After weeks of closed doors and shutters down, we now look forward to at least partial opening to serve customers outside.

A thriving hospitality trade is good for not only the visitors who come from across the UK and internationally to enjoy our city. It also benefits our residents who know that busy bars, cafes and restaurants are part of the mix that keeps the West End economy buoyant and our neighbourhood high streets vibrant. Hospitality is a major employer, supporting 80,000 jobs across Westminster alone, and helping this industry back to life will benefit everyone.

Westminster City Council stands behind our hospitality businesses. That is why we are resuming our popular temporary al fresco dining schemes when outdoor hospitality re-opens from 12 April. The successful measures seen in the summer and autumn last year will return to the same locations as before.

The key reason for introducing these schemes is to help venues offer the safest experience for their customers – outside – where there can be greater social distancing and the risk of transmission is lower. That's why we will support al fresco hospitality until the end of September to provide a safer environment for customers.

Businesses and local people have backed this initiative. After an extensive consultation with 1,400 companies and residents, we received an overwhelming amount of support for these temporary measures. A survey last year found three quarters of businesses and residents supported the measures and four out of five felt positive about the council's efforts to help the economy.

This evidence, combined with localised findings from each of these areas, will be used to inform our overall approach to the scheme.

The council will do everything it can to support businesses to re-open safely. However, given the need to keep access for emergency vehicles open and to accommodate residents and other businesses, we are unlikely to be able to have additional road closures or new pavement extensions at this time.

We are encouraging businesses which have sufficient space in front of their premises to apply for a pavement licence. Businesses which can't operate until indoor seating is allowed should view our [business support services](#).

You can contact the team with any questions or suggestions about our al fresco schemes at [alfresco@westminster.gov.uk](mailto:alfresco@westminster.gov.uk).

**Cllr Rachael Robathan,  
Leader of Westminster City Council**



## Supporting hospitality

The council has been active in supporting the hospitality sector to reopen after periods when they have been forced to close due to the implementation of restrictions to reduce the spread of COVID-19. The council has implemented measures to assist the sector to operate with social distancing measures in place. These measures have included temporarily widening of pavements, closing roads, introducing a fast-track tables and chairs process, and providing businesses owners with information and support on additional licensing applications.

The Government has set out a roadmap over the coming five months that will gradually lift the restrictions on the hospitality sector. The steps in the lifting of restrictions are defined within the Government's [COVID-19 Response – Spring 2021](#).

The first lifting of restrictions will be to enable hospitality businesses to provide outdoor food and drink. The council is committed to assist the hospitality sector to prepare and operate with the appropriate social distancing rules in place.

It is essential that businesses continue to operate in a responsible and COVID-19 secure way.

Businesses should have reviewed and implemented the Government's guidance on minimising the risks and operating safely. This document provides information and guidance to businesses within the hospitality sector. It should not be read in isolation and businesses are encouraged to continue to take note of Government's, other agencies' and industry associations' advice.

### Summary of key actions for businesses

- An up to date COVID-19 secure risk assessment has been carried out and appropriate mitigation measures identified to enable the safe operation of the business.
- All staff are provided with a copy of the COVID-19 secure risk assessment and understand the mitigation measures that the business has put in place.
- Review your licences and assess if there are any restrictions or conditions on how you are required to operate.
- Ensure you are aware of the current Government guidance and restrictions that are applicable to your business, further information can be obtained via [gov.uk](https://www.gov.uk)
- If you need additional permissions to remove some restrictions, or need to apply for permissions to use, for example, additional outside space, you should make an application to the council.
- Protect staff wellbeing by ensuring safety and hygiene measures are in place as well as ensuring workers are complying with health advice and are not unwell.
- Have provisions in place, via the official QR code and app, to record visitor and patrons' contact details on booking or entry (either inside or outside the premises, with an exception only made for takeaway customers), with a name and contact number (the details of every visitor are not required, but at least one person from each party's contact information must be recorded).



- Undertake a regular deep clean of the premises and implement additional hygiene and cleaning measures and practices. City Inspectors will be working with our communities and businesses to ensure our visitors and residents remain safe as the number of people
- Ensure each venue continues to adhere to any newly assessed capacity limits and that physical distancing of individuals and groups is possible. The minimum safe social distancing for the venue must be 2 metres unless this is not possible. In that case 1 metre with appropriate mitigation is acceptable.
- Ensure patron awareness of, and compliance with, requirements (including collection of contact information).
- Be ready to work with the council's Public Health department and the NHS in the event of a case of coronavirus (COVID-19) in a staff member or patron, or an outbreak affecting your business.
- Complete and consider displaying the 'Staying COVID-19 Secure in 2020' notice provided in the Government's guidance: Keeping workers and customers safe during COVID-19 in restaurants pubs, bars and takeaway services.
- Provide signage to customers at your venue relating to social distancing, payment, queuing, hand cleansing, toilets, capacity and that customers should not enter if they have any coronavirus (COVID-19) symptoms.
- If you are operating al fresco dining in an a residential area, please put up signage urging customers to be considerate of residents.

## Preparing to reopen

### Risk assessments

All businesses must undertake a risk assessment to ensure they are operating as a COVID-19 secure business. This is to protect both staff and customers from infection, or the potential spread of infection from asymptomatic people. The Government has produced a [webpage](#) that explains how you can write your risk assessment.

The risk assessment is key to understanding how you can open safely while protecting yourself, your staff and your customers from coronavirus. It should be written and then shared with your staff. It should be a dynamic document which can be amended, initially after each shift, so that you can reflect and adjust your working practices and update the risk assessment to suit. For example, you might find that your customers ignore markings on the floor, but will follow signage instead. Or that rearranging furniture may be more helpful. Make sure your staff know what the risk assessment says and where a copy of it is kept. You may be asked for it by a police officer or council enforcement officer.

Part of your risk assessment should detail how you will manage the entry of customers, and the number of customers at a venue, so that all indoor customers (once allowed) are seated with appropriate distancing, while outdoor customers have appropriately spaced seating or standing room. Managing entry numbers can be done through reservation systems, social distancing markings, having customers queue at a safe distance for toilets, or by bringing payment machines to customers.



## Capacities and groups

There is no specific maximum capacity you are allowed. Instead your capacity should be based on the number of people you can host whilst maintaining the measures set out in the guidance. This will vary based on the profiles of each group in your premises. If you have a Pavement Licence, a capacity for the outdoor dining space is listed on that licence. If you exceed that capacity, you risk having your Pavement Licence revoked.

## Staff

It is important to protect your staff from coronavirus. The best protection for your staff is regular handwashing and to maintain a 2m distance from other staff and customers where possible, and 1m with mitigation where it isn't. Staff should travel separately to work and not car share, should follow all safety measures on public transport and have a change of clothes for the workplace. It is recommended that regular shifts are organised, so people are working with the smallest number of different people as possible.

Make sure your staff are aware of the measures you've set out in your risk assessment, including the wearing of PPE. Have a staff debrief at the end of the night – what went well, what went wrong, how do you need to change it?

You are required by law to report if a member of staff tests positive for coronavirus. You may need to ask all your staff to self-isolate if one becomes infected so reiterate the advice to stay at home if they feel unwell, have a temperature or cough. You can report if a member of staff has tested positive for coronavirus by [submitting a form](#) on the Health and Safety Executive's website.

## Queues

It is your responsibility to manage the queues that form outside your premises and to ensure that customers are maintaining social distancing. This is 2m, or 1m with mitigation where 2m is not viable. You are required to manage your own queues and ensure compliance with the social distancing rules. The council has produced guidance for [Queue Management with Social Distancing](#). Businesses should review this guidance document when undertaking their assessments and planning the operation of their establishments.

### Key considerations include:

- The premises will be responsible for enforcing social distancing amongst patrons.
- Physical queuing is to be avoided where possible. Bookings and reservations via online platforms or by telephone should be encouraged to prevent prolonged dwelling.
- Where queuing and waiting is unavoidable the premises will be responsible for the safety and management of the queuing/ waiting area and the queue size should be limited to the number of people that can safely stand within the premises' frontage while abiding by social distancing regulations.
- Markings should be put in place to provide direction to patrons – see [Signage toolkit on page 6](#).
- Queuing must only occur within the boundary set by the premises' frontage. Queues should not impact upon neighbouring premises. You should take this into account when determining how much outdoor space you wish to allocate to tables and chairs.
- Ensuring that you consider inclusive mobility by factoring in how disabled people will be able to safely navigate around whatever measures you wish to put in place.



## Signage toolkit

The council has produced a signage toolkit for use by Westminster businesses to help them open and operate safely. This includes a variety of stickers and signage to help enforce social distancing, manage queues and highlight sanitizer points. [Download the toolkit here.](#)

## Door staff

You should risk assess how many door staff you think you will need for inside your premises, to manage outdoor areas and any queues that may form, and to prevent entry to people who have not booked or when the premises have reached full capacity. It may be the number you assess to be sufficient is less than your licence condition due to your capacity being greatly reduced.

The council's guidance on [Queue Management with Social Distancing](#) sets out further advice on security arrangements for businesses including the management of queues.

## Service and storage

Tables, chairs, umbrellas and space heaters that are used by businesses must be taken within the premises. If tables, chairs, umbrellas and/or space heaters are unable to be taken within the premises, they must be safely stored and locked within the street. Table service must be provided to all patrons to ensure social distancing is complied with.

Premises will be responsible for street maintenance and cleanliness of the street trading area unless the responsibility is accepted by a BID or landowner.

Premises must ensure that they are appropriately covered with insurance.

## Off-sales

The Licensing Act 2003 (2003 Act) was amended by the Business and Planning Act 2020 to include a new section (section 172F) that automatically grants premises with a licence for on-sales only permission to provide off-sales for customers to take away, without the need to apply or notify the council. There are some exemptions to this extension, for example premises that have previously had an application for off-sales refused, or where permission for this revoked. Businesses with club premises certificates are also excluded from this.

If you have any questions relating to the relaxation of off-sales for alcohol licensed premises, please contact the Licensing Service on 020 7641 4141 or email [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk).

Businesses should ensure that customers remain seated in all fresco dining areas and that off-sales do not encourage vertical or street drinking. Pavement Licences may be revoked if outdoor diners do not remain seated at all times.



## Roadmap to reopening hospitality

The Government, in its [COVID-19 Response– Spring 2021 document](#) has set out a road map that sets out four steps for easing the restrictions that have been put in place to prevent the spread of COVID-19. These steps have been introduced based on the scientific advice and as a result of the successful deployment of the national vaccination programme.

The majority of outdoor businesses and attractions can also reopen from 12 April, including outdoor hospitality, zoos, theme parks, drive-in cinemas and drive-in performances events. The rules on social contact outdoors will apply in these settings. Large venues and events will not be permitted to open at this step, see Step 4.

The guidance within this document sets out the key actions and considerations that hospitality businesses should consider and implement for each step.

## Outside hospitality and entertainment, no earlier than 12 April

No earlier than the 12 April, hospitality venues will be able to open for outdoor service, with no requirement for a substantial meal to be served alongside alcoholic drinks, and no curfew (premises licence and Pavement Licence permission will still apply). The requirement to order, eat and drink while seated ('table service') will remain. Businesses offering outdoor drinking and dining must offer access to indoor toilets for outdoor customers. Premises not offering access to indoor toilets may see their pavement licences revoked.

All hospitality businesses must abide by the social contact rules. The restrictions will continue to be enforced and businesses will be required to demonstrate robust strategies for managing the risk of transmission and to ensure social distancing rules are followed.

The council and the police will continue to provide support and advice to the hospitality businesses as they reopen so to ensure that they operate safely. Where businesses do not follow the rules, the council will take the appropriate enforcement action.

Further mitigations measures may be required such as workforce testing and continued social distancing guidance. All businesses must ensure that they continue to monitor government guidance on additional mitigation measures.

The requirements for reopening at Step 2 will remain in place from the date that they are permitted until such time as they are removed by the Government.



## Use of outside space (Pavement Licences)

The Business and Planning Act 2020 also introduced a temporary licensing regime for Pavement Licences, which enables food and drink businesses to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink, or for people to sit at to consume food and drink.

This licensing regime runs parallel with the tables and chairs licensing regime under the Westminster Act 1999. If you have a licence that is expiring under either regime, please consider applying in advance for a new licence to ensure there is no gap between the old licence expiring and a new licence being issued.

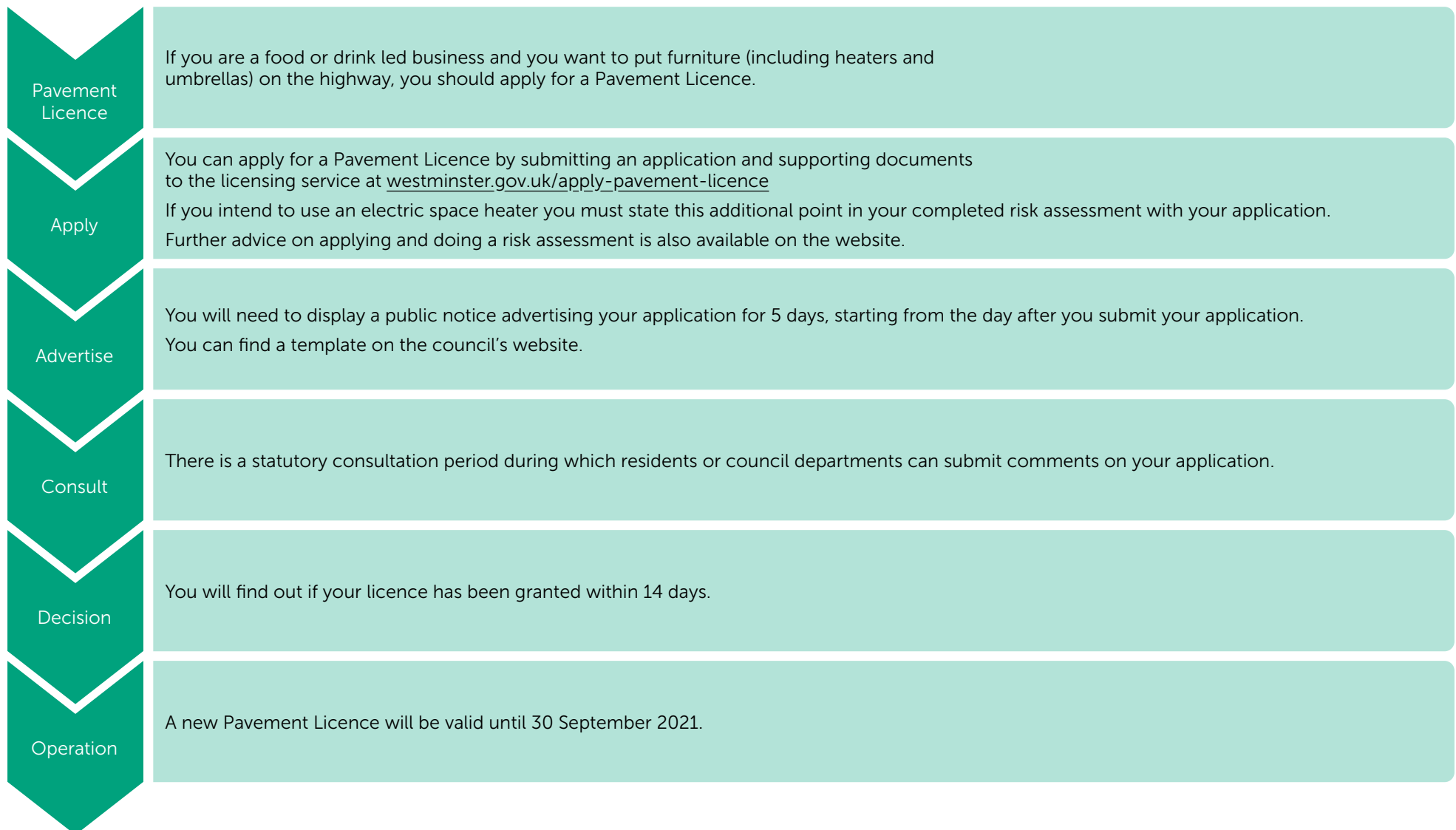
Most Pavement Licences issued in Westminster will expire on 30 April. Therefore, if a business has a Pavement Licence that is due to expire and wishes to continue to use the outside space they must make a new application. There is a 14-day determination period for Pavement Licence applications. Businesses that wish to continue to use the outside space without interruption must ensure that they apply to the council for a new licence at least 14 days before the expiry of their current Pavement Licence. For Pavement Licence standard conditions, please see [Appendix 1 on page 17](#). Those not adhering to Pavement Licence conditions, in particular capacity, ensuring seated service and preventing nuisance will be issued with remediation notices and may have their licences revoked

The Government has produced guidance to accompany the legislation on the Pavement Licensing regime. If you have any questions relating to pavement or tables and chairs licences, please contact the Licensing Service on 020 7641 4141 or email [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)





## Tables and Chairs process flow chart





## Tables & Chairs Licence

You will need to have a valid licence in order to use outside tables and chairs on the public highway. If you already have a valid Tables & Chairs licence under the City of Westminster Act or a Pavement Licence, then you will be able to trade outdoors on 12 April until its expiry date.

If you do not have a valid licence, and you would like to open on 12 April, then you must submit a valid application for a Pavement Licence by 26 March to ensure there is sufficient time to process the application.

If you do not have a licence but are not reopening until 17 May (Step 3 on the Roadmap) then you must apply by 30 April.

If you wish to 'renew' an existing licence expiring on 30 April then the last date to apply is 16 April.

## Alcohol in open containers

If you are providing alcohol in open containers, you may want to consider the use of non-glass containers. Westminster has a city-wide Controlled Drinking Zone under a Public Spaces Protection Order. This Order makes it an offence for anyone who, without reasonable excuse, fails to surrender any alcohol in their possession when asked to do so by a police officer, police community support officer, or authorised person from the council. If you intend to provide alcohol for consumption off the premises in unsealed containers, you may need to apply for a Pavement Licence or tables and chairs licence to allow people to drink outside your premises. Alcohol in open containers must only be consumed while seated in line with the licensing conditions.

## Furniture

As all furniture and equipment must be removed and stored at night, use tables and chairs which are easily folded or stacked. Choose furniture which is strong, stable and durable enough for heavy use and is easily wiped down and dried after rain or cleaning.

## Umbrellas & Gazebos

We realise that as throughout the year there is the risk of adverse weather, heaters and umbrellas may help businesses to successfully use the extra space available for tables and chairs. We have therefore adopted a presumption in favour of requests to use safe, low-carbon electric heaters and appropriate umbrellas for outdoor tables and chairs, while always respecting the needs of local residents. Where we find that things aren't working in specific locations, we'll quickly change our approach.

Umbrellas & gazebos are permitted but they should not interfere with vehicle sight lines and traffic signs. Umbrellas & gazebos should be free of advertising, be in a plain canvas material, be capable of being folded down and removed when weather permits, and be stable enough to withstand strong winds. Umbrellas & gazebos must be removed from the street and stored inside the premises when the premises closes.



## Space heaters

Space heaters will generally be permitted on the street. Businesses should consider the following:

- The type of space heater that is the most appropriate for the location and the local environment.
- Completing a risk assessment for their use and implement appropriate controls for their use.
- The heater will be located in an area that does not pose a safety concern to people passing or an obstruction of the highway.
- Limiting the number and location of the heaters to reduce overcrowding around them, and enable social distancing measures at all times.
- The type of space heater that is the most appropriate for the location and the local environment, but the council is strongly recommending the use of electric heaters.
- To safely remove the heaters from the street and store them securely when the business closes.

The council is committed to improving air quality and supporting businesses to reduce their overall environmental impact. The council recommends that the use of heaters be avoided as much as possible, however where absolutely necessary, the council insists that businesses use electric heaters as these are more efficient and produce 85% less CO<sup>2</sup> than LPG heaters. These heaters can also include a passive infrared or time lag switch to operate the heaters when they are needed rather than have them on all the time. LPG heaters produce significant amounts of nitrogen dioxide (NO<sup>2</sup>) and particulate matters (PM<sup>10</sup>) which are particularly harmful to air quality.

A guide to the council's expectations on the management and use of space heaters is set out in [Appendix 2 on page 19](#). The council may impose conditions on tables and chairs or Pavement Licences to ensure the safe use of space heaters within the outside licensed areas.

## Crime prevention

If you provide outside tables and chairs, then crime prevention measures need to be considered and implemented. Every table should be fitted with Chelsea Hooks to reduce the potential for bag snatches and dippers. Signage must be present at all establishments warning patrons of the risk of bag thefts and dipping. These should be displayed where they are clearly visible to all members of the public. Staff must be trained and directed to actively warn customers of the risks of crime and advise customers to move any bags hanging on the backs of chairs or on the floor to use the Chelsea Hooks. The council has a limited amount of hooks available to your business by contacting your local City Inspector.

## Toilets

Under the business's COVID-19 secure risk assessment (specific to each business), use and access (including queuing) of the WCs should also be reviewed. WCs should be made accessible to customers in line with the risk assessment. [Please see the Government's website for further advice.](#)

it is important that during the outdoor dining period (12 April-16 May) that access to indoor toilets is maintained for outdoor diners.

## Waste

You should have arrangements in place to remove waste and litter and make sure it won't accumulate from customers outside the premises. Any area used by customers outside should be swept and washed. You will need to make sure you are following the refuse storage arrangements for your business.



## Noise

It is anticipated that there is likely to be additional noise generated across the city from businesses operating outside spaces and with queuing. Businesses should ensure that noise levels are kept to a minimum. Businesses will be required to take proactive steps to minimise the noise disruption from their operation. You should make sure that no noise coming from the premises could cause a nuisance. As well as entertainment causing an issue, customer noise can also cause a disturbance – especially later into the evening. Please ensure that any customers drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff to ensure that there is no public nuisance. Please also ensure your customers leave in an orderly manner. Businesses may also wish to consider making their manager's telephone number easily available if neighbours have reason to complain to encourage a good line of communication.

We recommend that signage is put up around premises reminding patrons to be considerate to the local resident population and an example is included in the [Signage toolkit on page 6](#).

Council officers will be monitoring complaints and where these complaints are linked with businesses, the council will actively engage with them to advise on the need to reduce the noise nuisance. If businesses continue to generate a public nuisance then the council may take more formal enforcement action depending on the severity of that nuisance. If neighbours do suffer with problems, they can report noise and anti-social behaviour via our [Report It](#) webpage. Reports can be made 24/7 and will enable our officers to attend and witness the noise levels.

## Lighting

Where localised lighting is required for businesses for either practical reasons or safety considerations, the following should be considered:

- Avoid any cables on the footpath/street. Cable covers will be required in all locations.
- Overhead cables should be avoided. In instances where they are needed, the height of these will need to ensure it does not impinge on emergency vehicle access and be high enough from pedestrians' reach.
- The direction and height of the lighting will need to be considered so that it does not cause any light pollution into residential premises.
- If required, free-standing lighting should be suitable secured.
- If electrically powered, these will need to be suitable for outdoor use.
- Ideally, plastic covered lights are to be used to prevent breakages as these will encounter a lot of wear and tear.



## Health Act 2006

Any business operating will need to comply with the Health Act 2006 and ensure any outdoor smoking area is not considered substantially enclosed. Further advice can be found in the guide from Smoke Free England. Businesses should also be mindful of where customers are allowed to smoke as, if permitted directly under a residential window, this may cause an annoyance or nuisance to the occupier.

If your business will utilise a Pavement Licence, then you will also need to comply with the national smoke-free condition or any locally set condition imposed on that licence. The national condition is:

“Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.”

## Operating your business responsibly

It is important that you continue to operate responsibly. Licensed premises must ensure that they promote the Licensing Objectives and that any changes to the operation of their business does not adversely impact them in any ways. The licensing objectives are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

We want businesses to operate safely but also to be mindful of the impact of reopening on residents and other businesses in the area.

You should take steps to make sure that any customers drinking and/or smoking outside the premises are behaving in an orderly way and are supervised by staff and/or security. This will help prevent any public nuisance or obstruction of the public highway.

## Enforcement

Our key focus is to ensure the hospitality sector operates safely, that businesses are supported, and that the needs of our residents are at the heart of our plans.

### Key principles of our enforcement plan will include:

- Ensuring premises comply with the conditions and times of their various authorisations.
- Reviewing social distancing measures implemented by premises, including customer management.
- Enforcing on waste collections and litter to keep streets clean.
- Managing Noise and Public Nuisance, both from the premises using tables and chairs and those providing off-sales which leads to people drinking on the street.
- Addressing congestion caused by road closures or unlicensed street trading (tables and chairs).

Our enforcement approach will be in line with our corporate enforcement policy, and we aim to support businesses getting back on their feet. We will use an escalating enforcement model, where we are accurately capturing the details of the premises causing complaints and the actions taken. Businesses will initially be given advice and guidance on how they should operate to comply, and they will be given the opportunity to implement the advice or make necessary changes. If premises persistently fail to comply or are generating large numbers of complaints or concerns, we will look at enforcement action.

The lead enforcement officers will be the city Inspectors. Shifts will be altered to better allocate resources at busy times and Inspectors will be proactively monitoring locations that are expected to be busy or receiving complaints. Complaints can be made via the [council's online reporting system](#).



## Planting

Any additional planter boxes and planting introduced by businesses must be agreed with WCC Highways to determine required specification and must also be maintained in good condition.

## Advertising and signage

Any new advertising and signage applied to barriers which enclose tables and chairs, or any other area on the highway, will require express advertisement consent from Westminster City Council. The display of unauthorised adverts is a criminal offence and any breaches will be investigated by the Planning Enforcement Team. Westminster City Council will not be providing any advertising guidance as part of the Hospitality Scheme. The display of unauthorised adverts is a criminal offence and any breaches will be investigated by the Planning Enforcement Team. Should businesses wish to apply for advertisement consent [they can do so here](#).

As a rule, advertising must not be illuminated in any way and will be subject to the standard conditions in Schedule 2 of the Government's guidance on outdoor adverts Regulations. These are:

- No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land).
- No advertisement is to be displayed which would obscure, or hinder the interpretation of official road or rail signs, or otherwise make hazardous the use of these types of transport.
- Any advertisement must be maintained in a condition that does not impair the visual amenity of the site.
- Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public.
- If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.



## **Indoor hospitality and entertainment, no earlier than 17 May**

No earlier than the 17 May indoor hospitality, with no requirement for a substantial meal to be served alongside alcoholic drinks will be permitted to open. There will be no curfew and businesses will be able to operate to their normal trading hours. The requirement to order, eat and drink while seated ('table service') will remain.

Indoor and outdoor entertainment, (excluding defined venues, large venues and large events, see Step 4) such as theatres cinemas and museums will be able to open subject to maintaining the governments guidance on social distancing.

The Government's COVID-Secure guidance will remain in place and premises must not cater for groups larger than the legal limits. The legal limits for indoors will be a maximum of a group of six people or two households.

### **Seating in restaurants or bars**

All seating should be arranged to comply fully with Government social distancing guidelines. Currently this is 2m which can be reduced to 1m+ if mitigation measures (such as screens between diners) can be effectively introduced.

### **Entertainment indoors**

Entertainment, where permitted will be possible inside a premises as long as sufficient controls are in place to ensure that transmission of COVID-19 is limited. Businesses must ensure that they follow the government guidance on social contact and the number of groups permitted in the premises.

## **Nightclubs and large events, no earlier than 21 June**

No earlier than the 21 June nightclubs and large events, including theatre above the Step 3 capacity restrictions will be permitted to open. These venues will potentially need to implement testing to reduce the risk of infection. The Government will provide further guidance on the measures that these larger venues will need to take to reduce the risk of transmission of COVID-19 before this step occurs.



## Useful links

- Advice can be found on issued Penalty Charge Notices (PCNs) via the council's [parking ticket webpage](#).
- To apply for suspensions of bays for removal vehicles, skip deliveries, building materials deliveries visit the council's [parking suspension webpage](#).
- The council's [Oversize/Abnormal Loads advice](#).
- The [London Lorry Control Scheme \(LLCS\)](#) that grants permits for overnight and weekend access and deliveries.
- TfL's [guidance on deliveries across London](#) which includes a useful link to receive TfL's weekly Freight bulletin.
- [The Driver's Guide to Loading and Unloading in England and Wales, FTA publication \(PDF\)](#).
- [Reopening Westminster's hospitality sector](#).
- [The Government has issued very comprehensive guidance about how business should operate from 4 July](#).
- [GOV.UK has a webpage that will help you to write your risk assessment](#).
- [UK Hospitality have provided guidance for pubs and bars](#).
- [The Health and Safety Executive has produced further information and guidance on COVID-19 risk assessments](#).
- [You can report if a member of staff has tested positive for COVID-19 by submitting a form on the Health and Safety Executive's website](#).
- [Allowing people to drink in public spaces near your premises may be problematic due to the city-wide Controlled Drinking Zone](#).

## Contacts

For any licensing enquiries contact the Licensing Service:

Tel: 020 7641 4141 | Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk) | Web: [westminster.gov.uk/licensing](http://westminster.gov.uk/licensing)

For any highway's management enquiries:

Email: [askhighways@westminster.gov.uk](mailto:askhighways@westminster.gov.uk)





# Appendix 1

## Standard conditions applicable to Pavement Licences Part 1 of the Business and Planning Act 2020

### National conditions:

- The Licensee must ensure that clear routes of access along the highway are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired persons are provided at all times the licence is in operation.
- Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted

### Local conditions:

- This licence only permits the use of table and chairs or other authorised furniture on the highway in the area designated on the plan attached to the licence.
- Any tables and chairs or other authorised furniture for use pursuant to this licence is only authorised in connection with an adjacent premise which is to be used for the sale of food or drink for consumption on or off the premises.
- No alcohol is to be sold or consumed from the designated area identified unless that sale and/or consumption is approved under the Licensing Act 2003 which includes any temporary authorisations for the sale of alcohol permitted pursuant to the Business and Planning Act 2020.

- No furniture may be placed within the designated area identified on the plan other than that expressly permitted by the licence.
- This Licence does not allow the use of loudspeakers, amplification or other similar equipment.
- All furniture approved for use, including tables, chairs, barriers and heaters must be safe for public use and must be kept in good repair and condition.
- Operators are required to manage their premises and outdoor seating areas in accordance with current social distancing measures and government guidance.
- The Licensee must ensure that good order and behaviour is maintained at all times by people using any tables and chairs or other authorised furniture pursuant to this licence and that no nuisance is caused to residential or business neighbours.
- The number of persons seated in the licensed area shall not exceed either the maximum capacity stated in the application form or on the Pavement Licence or the total number identified in the Covid-19 risk assessment, whichever is the lowest.
- All customers consuming refreshments within the licensed area shall be seated.
- The number of tables and chairs or other authorised furniture detailed on the Pavement Licence shall not be exceeded.
- If a Pavement Licence is deemed to be granted, the number of tables and chairs or other authorised furniture shall not exceed the number specified in the application form and the licence must not exceed any other limitations on use that have been specified in the application form.



- The trading area shall not exceed the dimensions specified on the Pavement Licence or any limits marked on the ground during trading hours.
- The layout of tables, chairs and other authorised furniture must be in accordance with the plan appended to the licence at all times that the licence is in use.
- All tables and chairs and other authorised furniture shall be removed immediately from the highway when reasonably required by Westminster City Council, Metropolitan Police, emergency services, or any statutory undertaker or utility.
- The tables and chairs and other authorised furniture shall not be placed on the highway before the time specified and is to be removed no later than 23:00 hours. Service at the tables should cease at 22:30 hours in order for this to be achieved. Trading may only take place on the days and during the times specified on the licence.
- All tables and chairs and other authorised furniture that is used in connection with a Pavement Licence must be removable which means that it is not a permanent fixed structure and is able to be moved easily and stored away at the end of use for the day.
- A copy of the licence shall be displayed during the hours of trading in a prominent position agreed by the council, either in the front window of the premises or nearby so as to be clearly visible from the outside to anyone wishing to inspect it.
- No fixtures to or excavation of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed.
- The Licensee shall not use this licence unless it has public liability insurance cover in the sum of not less than £2 million and has provided a copy of that policy to the Licensing Authority.
- All tables and chairs and other authorised furniture permitted by this licence must be completely removed from the licensed external area by the terminal hour permitted for the licence and stored inside the premises or stored in a designated area away from noise sensitive properties. Tables and chairs and other authorised furniture must be stored in such a way that they cannot be moved or used overnight.
- Staff must regularly monitor the licensed area to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable.
- If a Pavement Licence is deemed to be granted, it will be subject to these standard local conditions.
- The council reserves the right to add additional conditions to individual licence applications where it is appropriate to do so.



## Appendix 2

### Risk Assessments for Electric Heaters

As an employer, you are required by law to protect your employees, and others, from harm.

Under the Management of Health and Safety at Work Regulations 1999, section 3, the minimum you must do is:

- identify what could cause injury or illness in your business (hazards)
- decide how likely it is that someone could be harmed and how seriously (the risk)
- take action to eliminate the hazard, or if this isn't possible, control the risk

Assessing risk is just one part of the overall process used to control risks in your workplace.

A risk assessment is required for the use of **electric** heaters (portable or fixed).

The links below will help you compose this risk assessment.

[hse.gov.uk/simple-health-safety/risk/index.htm](https://www.hse.gov.uk/simple-health-safety/risk/index.htm)

[hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm](https://www.hse.gov.uk/simple-health-safety/risk/risk-assessment-template-and-examples.htm)

The risk assessment should identify the following:

- the activities that are involved in use of heaters (setting up, use of, cleaning and maintenance);
- the potential hazards;
- the persons affected by the activity – (think about who could be at risk);
- the risk, which should include the probability/likelihood of harm, the severity of injury and numbers of persons affected;
- the control measures that could include, removal of the activity or if this isn't possible, the measures that are required to reduce the risk.

The **hazards** you will need to consider are as follows:

- Fire
- Electrocutation
- Burns
- Manual handling
- Trips and slips
- Instability (including attached heaters)

This should be submitted as a separate document when applying for a licence for furniture on Westminster land.



## Appendix 3

### Test and Trace

Businesses must retain information about their customers for 21 days in case NHS Test and Trace needs it.

Venues must ask every customer and visitor for the following details (unless they have 'checked in' using the NHS COVID-19 app):

- The name of the customer or visitor. If there is more than one person, then you can record the name of the 'lead member' of the group (of up to six people) and the number of people in that group.
- A contact phone number for each customer or visitor, or for the lead member of a group of people. If a phone number is not available, you should ask for their email address instead, or if neither are available, then postal address.
- Date of visit, arrival time and, where possible, departure time.
- The name of the assigned staff member, if a customer or visitor will interact with only one member of staff (for example, a hairdresser). This should be recorded alongside the name of the customer or visitor.

Recording both arrival and departure times (or estimated departure times) will help reduce the number of customers or staff needing to be contacted by NHS Test and Trace. We recognise, however, that recording departure times will not always be practicable and this is not required by law.

All designated venues must also keep a record of all staff working on the premises on a given day, the time of their shift, and their contact details. This covers anyone providing a service or activity including volunteers. Venues must keep these records of staff, but staff can choose to check in using the NHS QR code poster in addition, if they wish.

By maintaining records of staff, customers and visitors, and displaying an official NHS QR poster, you will help NHS Test and Trace to identify and notify people who may have been exposed to the virus.

You must register for an official NHS QR code and display the official NHS QR poster.

The NHS COVID-19 app has a feature that allows users to quickly and easily 'check in' to your venue by scanning the code. The information stays on the user's phone. You do not have to ask people who choose to 'check in' using the official NHS QR code to provide their contact details. If there is an outbreak associated with a venue, a message will be sent to the relevant app users with the necessary public health advice.

Several businesses have asked us if they can do this in light of the General Data Protection Regulation (GDPR). The answer is yes you can, but you must make sure you keep the data confidential and secure. You cannot use the information for any purpose other than assisting NHS Test and Trace and cannot share it with anyone other than those people authorised by the Government to collect the information for the purposes of preventing the spread of coronavirus.

The [Information Commissioner's website](#) has more information.



# Appendix 4

## Waste management

Westminster City Council will continue to offer a full waste and recycling collection service from outside premises throughout this period. Where the council's larger trucks cannot gain direct access, collections will be made via smaller electric vehicles that can work safely in the closed-off streets. Up-to-date information on waste and recycling collections in your area [can be found via the council's website here.](#)

### To assist us, business and residents are requested to:

- Whenever possible, the use of other collection time bands outside of 11am–11pm is encouraged. Most streets have two or three collections every day.
  - Households should also continue to present their waste and recycling in the agreed locations during the existing collections times and outside of 11am–11pm whenever possible.
  - Request suppliers take items such as pallets, kegs, shrink wrap, empty boxes and crates back when they deliver supplies.
  - Where possible, change the times when cleaners or contractors operate in your building, avoiding the need to present waste in the 11am–11pm closure period.
  - Switch from using single-use plastic waste and recycling bags to wheelie bin collections. Bins should be stored in a suitable in-door storage space, not on the street. These bins can be collected outside the 11am–11pm closure.
- Avoid presenting waste and recycling bags where it can cause obstruction. Waste should not be thrown onto big mixed piles. Please keep different coloured waste bags (red, blue, etc.) separate from each other.
  - Businesses and residents are encouraged to reduce the need for waste and recycling collections in the first place. [Please click here for advice on waste reduction.](#)

Customers using private waste collection services need to speak to their contractor so that they can ensure that their waste will be collected. This conversation needs to consider the changes to road layouts/closures and agree a suitable location and time for the waste to be collected from. The collection times for these locations needs to be adhered to. When using marked waste or recycling bags (unmarked waste bags will be enforced against as fly tipping), these must not be over-filled and must be secured in a way that waste does not escape from the bag or cause staining on the highway.



City of Westminster