

SHOP



STAY



Hospitality Sector

Permissions to enable the use of outside spaces from 4 July



City of Westminster

In order to support social distancing rules, even if they change, more space will be needed for customers. As a result, we are planning on temporarily widening pavements and closing some roads at certain times. A summary of these proposals can be found on our [website](#). Please note that these will be updated regularly as we work through the details with businesses and residents as to what is deliverable.

We're also providing licences to use tables and chairs outside premises.

We are working with Government to speed up the planning and licensing process. However, this may not be available until the end of July. In the meantime, we want to set out the ways in which businesses can attain the relevant permissions so they can start to trade from the 4 July.

Under this temporary scheme restaurants and bars will be able to apply for to use outside tables and chairs for up to three months for £100. If they need to provide alcohol to customers using that outside space they will be able to submit a temporary event notice and pay £21 to enable them to provide alcohol for up to seven days (subject to the statutory limitations on the use of temporary event notices per premises).





Tables and chairs

We have created a new fast track tables and chairs application process to enable businesses to provide outside tables and chairs for up to three months. Businesses will need to apply for a tables and chairs licence for any outside space that is not on private land belonging to those premises. This area can go beyond an individual business and in front of neighbours, provided that consent has been obtained from that business or landlord and it accompanies any application.

Businesses will need to explain within their application how they'll operate tables and chairs with minimal disruption to others. Applicants will also need to clearly show the operation will be managed responsibly, including the provision for safe queueing and social distancing. Seating capacity will be limited to what can be achieved within government social distancing guidelines. A key element of all applications will be to show how disruption for residents will be kept to a minimum.

Under this fast track application process businesses can only seek to apply for a tables and chairs licence within the hours of 11am and 11pm (with tables and chairs being removed by 11.20pm). Where road closures are required the hours must match the hours where road closures are in place. However, some lunchtime hours for tables and chairs may be possible depending on the road layout for that street even if the road is not subject to a road closure at the time. The proposed road closures are set out within the councils [Reopening Westminster's hospitality sector brochure](#).

The proposed space for tables and chairs must allow people to pass whilst keeping appropriate social distancing measures. From 4 July businesses should ensure that where possible a two metre gap should be in place for all tables and chairs and routes for people to pass. However, if that is not possible then this gap can be up to a minimum of one metre with appropriate mitigation. Businesses will be expected to undertake a risk assessment associated with the operation of the business and identifying any mitigation to reduce the risks to the public and staff. Businesses will need to comply with whatever the most up to date government guidelines says, in addition to complying with highway safety requirements.

As well as a tables and chairs licence, planning permission is also required for the placing of tables and chairs on private forecourts or public highway. We understand that obtaining planning permission will not be possible prior to 4 July due to the 21-day consultation period for all planning applications. Therefore, as long as a planning application for the area to be used for tables and chairs is intended to be made imminently, the council will process and issue a temporary tables and chairs licence. We are taking this approach to enable businesses to trade from 4 July.

If the application contravenes any planning requirements, particularly regarding residential amenity this may result in enforcement action being taken.

How to apply

Businesses can apply online for a tables and chairs licence for the area that will be used for tables and chairs [here](#). A special fast track tables and chairs fee of £100 will be required for our new fast track scheme. Applications will generally be granted within five working days if they meet the fast track application requirements.

In order for any application to be processed as quickly as possible, we would strongly recommend that it covers, in as much detail as possible, all the following issues:

- How the temporary tables and chair section will operate
- How the risk of potential local nuisance will be mitigated

Any application for hours beyond 11am–11pm, requests for additional paraphernalia, such as umbrellas or marquees will not be processed under the fast track scheme and will take longer than five days. Please note that any form of space heater and amplifiers for music **will not be permitted**.

The licence, if granted will be for a period of up to three months. A further extension of that licence can be applied for at the end of the initial three month period.



Temporary event notices

We are supportive of businesses using temporary event notices (TEN) to enable them to provide alcohol to customers seated at tables and chairs outside of their premises from 4 July.

Businesses that already have a premises licence that authorises off sales with no restrictions will generally not need to apply for any TENs. These proposals have no impact on licensed premises that already permit the sale of alcohol off the premises and consumption outside the premises.

TENs should be used to permit the sale of alcohol as part of utilising the additional and temporary outside space the council is creating to support social distancing. However, business using these outside spaces must not adversely impact crime or disorder, public safety, public nuisance or cause harm to children.

If businesses apply for a TEN it will enable them to sell alcohol for consumption in the defined outside space for up to a maximum period of seven days. However, we would wish to see businesses restricting sale of alcohol to those seated and the terminal hour for the sale of alcohol outside the premises should match the times when the tables and chairs licence is in operation.

The council is not supportive of TENs being used to permit outside music.

A TEN will be subject to an assessment by the Police and the council's Environmental Health Department. If there are concerns about whether the TEN would impact the licensing objectives, for example the hours requested are beyond that recommended above then the TEN could receive an objection. In such cases the matter would be referred to a public hearing which may have an impact on the business operating any outside space.

TENs can only be submitted by an individual. If the individual is a personal licence holder under the Licensing Act 2003, they can submit up to 50 TENs per calendar year for multiple venues. If the individual does not hold a personal licence, then they can only submit five per calendar year. A licensed premise can only have up to a maximum of 15 TENs per calendar year or up to a maximum of 21 days covered by TENs. There must be a 24-hour gap between each TEN. For example, if a business wanted to utilise TENs to provide off sales of alcohol to an outside space and hadn't had a TEN since 1 January 2020, they could use TENs in the following way:

Option 1					
1 st TEN		2 nd TEN		3 rd TEN	
Five days	24-hour gap	Five days	24-hour gap	Six days	16 (five days remaining to maximum reached)
Saturday 4 to Wednesday 8 July	Thursday 11 July	Friday 10 to Tuesday 14 July	Wednesday 15 July	Thursday 16 to Tuesday 21 July	



Option 2

1 st TEN		2 nd TEN		3 rd TEN		4 th TEN	
Two days	24-hour gap	Six days	24-hour gap	Six days	24-hour gap	Six days	20 days (one day remaining to maximum)
Saturday 4 to Sunday 5 July	Monday 6 July	Tuesday 7 to Sunday 12 July	Monday 13 July	Tuesday 14 to Sunday 19 July	Monday 20 July	Tuesday 21 to Sunday 26 July	

Once the maximum limits have been reached, either 15 TENs or 21 days in a calendar year by law the business cannot utilise any further TEN's until 1 January 2021.

How to apply

Businesses can apply online for a TEN [here](#). A fee of £21 per TEN is required. A TEN application should be made 10 clear working days before the start of that TEN. If the TEN is received between nine and five working days before the event, it will be considered a late submission and if it opposed by the police or Environmental Health, it will be refused automatically.

Friday 26 June 2020

Statutory deadline for a TEN if you want to make use of that TEN on 4 July.

Applications to vary existing premises licences to permit off sales or amend conditions to permit the use of an outside space for tables and chairs can be made in parallel with TENs. The TENs will enable businesses to trade as the variation applications are processed and determined.

Using communal space for pop-up style events

Some businesses will not have access to additional outside spaces as the road cannot be closed or footpaths widened. Therefore, businesses and landowners could seek the use of nearby communal areas or gardens for individual or groups of business. Businesses could then, for example, provide a pop-up service from these areas. Landowners and businesses will need to establish how the area would be used and managed. Any operation from a communal space or garden would need to be balanced with the impact on the residents who live nearby. A TEN can be used to enable businesses to sell alcohol in these areas as long as the capacity for the event is limited to 499 people or below.

To apply to use an outdoor space in this way you can contact the Licensing Service for more information.



Enforcement

If any businesses are found to be operating in contravention of their licence terms and conditions then the council may take enforcement action which would then result in a licence being revoked, further applications being refused, or criminal proceedings undertaken depending on the severity of any breach.

What will happen if legislation changes and I don't need these permissions?

We do anticipate that the government will change the law to allow for temporary relaxations associated with the hospitality sector. These changes are likely to make it easier to apply and get permissions to use outside spaces. The government is also likely to make it easier for councils to process and determine these applications. We do expect that the proposed changes to the legislation relating to tables and chairs will require a licence from the council under this scheme or any new scheme created through emergency legislation.

If the law does change relating to off sales of alcohol, then any TENs where the event period hasn't passed can be cancelled. The cancelled TEN and the days will be reimbursed to the business's annual entitlement. A business must notify the council in writing (e-mail) if it wishes to withdraw an application, surrender a licence or cancel a TEN.

What to do to prepare

- 1 Speak to your landowner and Business Improvement District representative. They may be able to help you open up safely.
- 2 Speak to your local amenity society or resident group. We need to ensure residents can support this new way of trading. If you have a good relationship locally it may make it easier to get a licence.
- 3 Prepare your queueing strategy, how you will keep the areas clean and how you will ensure social distancing takes place outside and within your business.
- 4 Register your business on our [Shop Local map](#). Also, if you want to promote special opening up offers, we can help you do this through our City Save newsletters to all our residents.

Products that could help you

- 1 [Westminster's Queueing Strategy](#) – a useful guide to how you can arrange safe queueing outside your premises.
- 2 [Westminster's proposed schemes](#) to help more businesses use tables and chairs is updated daily.
- 3 [Westminster's Business Information Unit](#) can help with advice and guidance about the future of your business.
- 4 [Download](#) our social distancing pavement stencils or our Shop Local posters to help you.



We need to work together

The approach we are taking is based on trust and common sense. We all want our businesses to get back on their feet. Our residents are making concessions to help with agreeing to some road closures. Residents are also aware and are willing to accept some potential noise and smells from these outside spaces. However, businesses that generate noise and other nuisances that adversely affect residents in the area will need to address these issues quickly. The council will act if the issues aren't addressed rapidly, which could result in the licence being revoked.

But we also need your help to make sure we can continue to strike the right balance between protecting our residents' rights to quality of life and the new way of conducting business outside your premises.

So please also give us a commitment to:

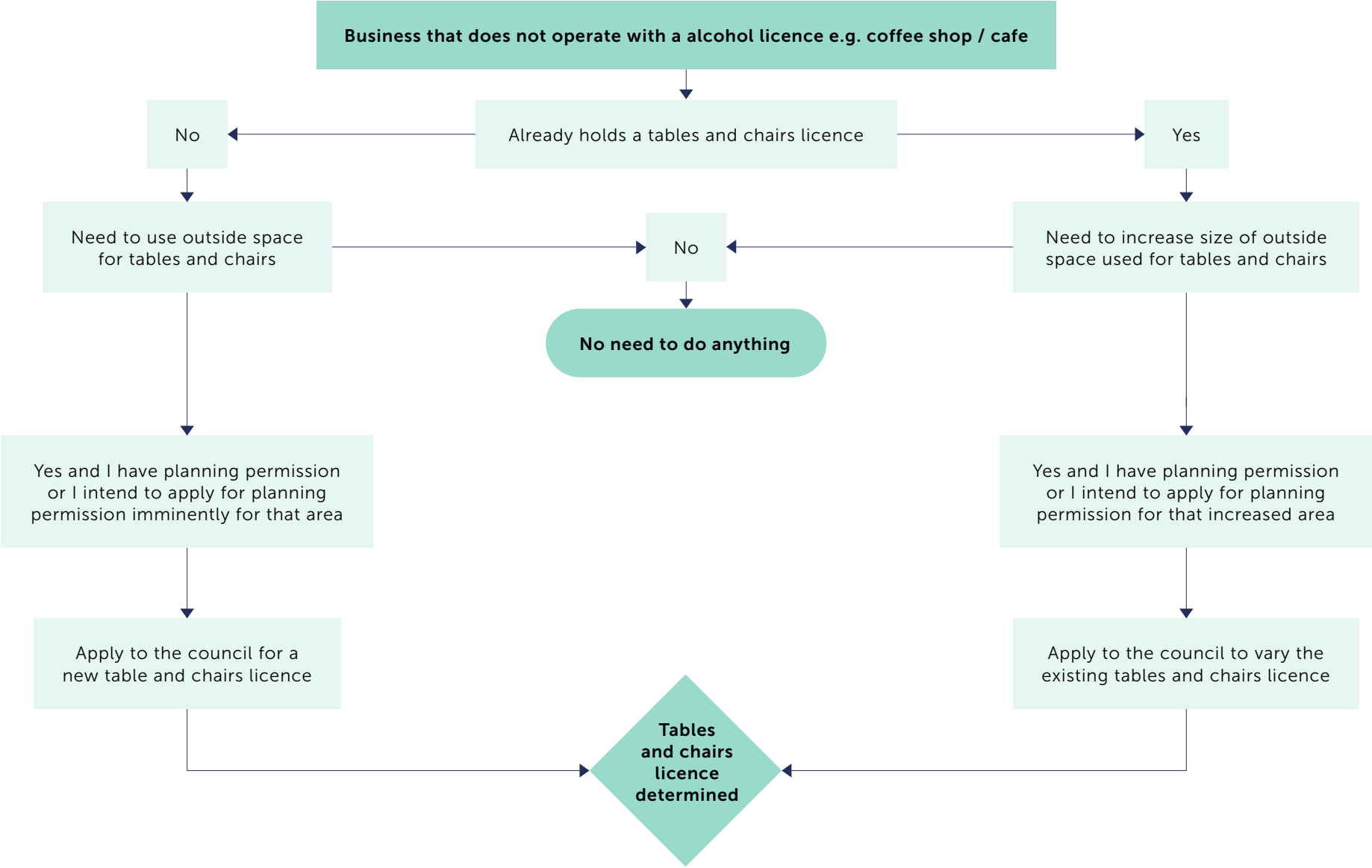
- 1 Ensure that your patrons maintain the appropriate social distance as all times (minimum of one metre with appropriate mitigation).
- 2 Ensure you keep the areas of business clean and tidy and that waste is appropriately stored and collected.
- 3 Keep noise under control particularly after 9pm.
- 4 Ensure that emergency vehicles can access the areas at all times.
- 5 Work with landowners and BIDs to marshal the queues and road closure at all times.
- 6 Build relationships with your local residents and help get through this together.

Contact

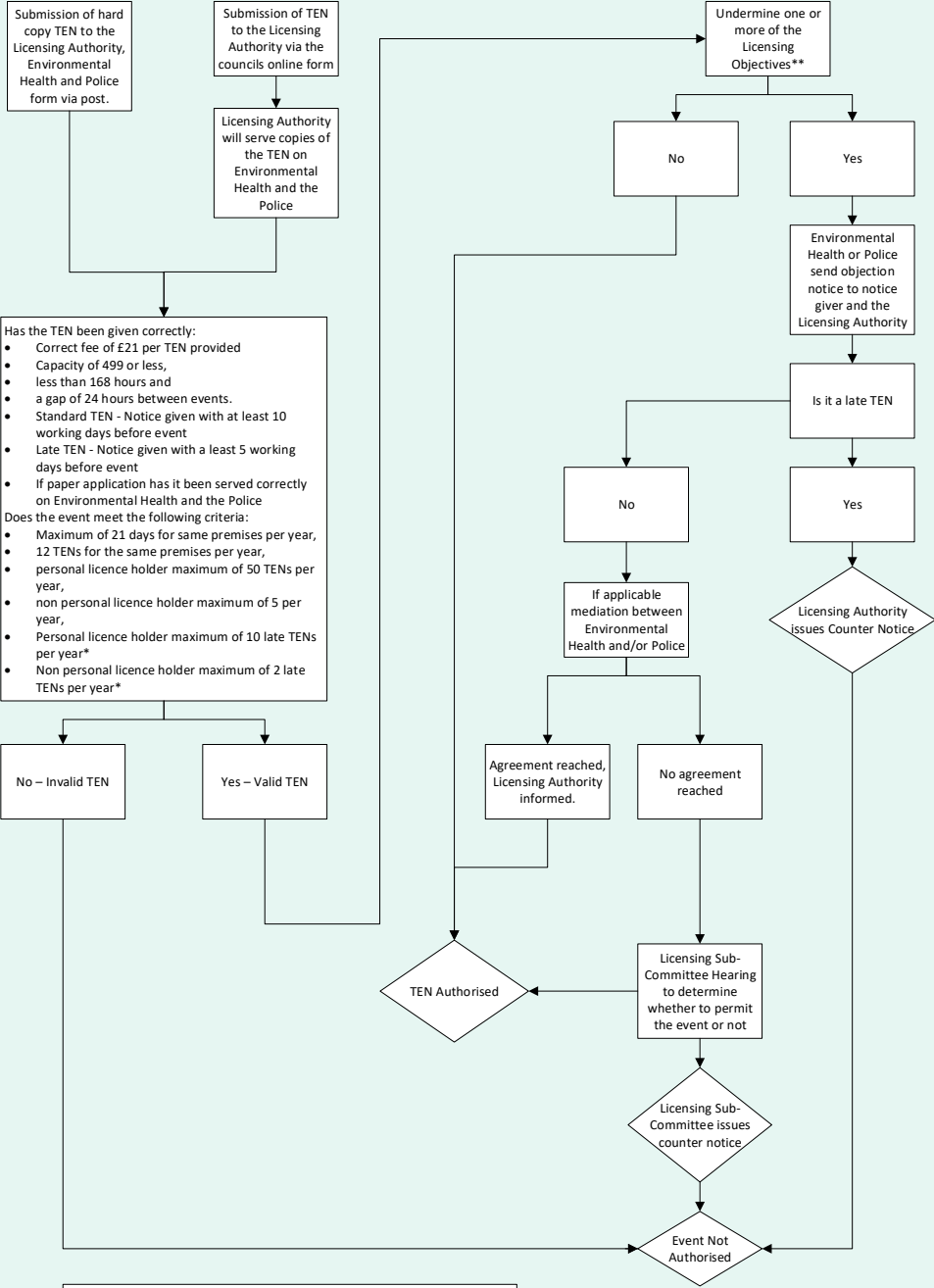
If you need advice on what you need to do to obtain a tables and chairs licence or TEN, please contact the council's Licensing Service via **020 7641 4141** or e-mail **licensing@westminster.gov.uk**

Further information on licensing is available on our website **westminster.gov.uk**

Tables and chairs licensing process



Temporary event notice process



* Late TENs count towards the total permitted number of TENs
 ** Licensing Objectives: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.



City of Westminster