

SHOP



STAY



Supporting Westminster's hospitality sector during the winter

Advice for the hospitality sector on outdoor dining

Published on 20 October, 2020
Updated on 27 November, 2020



City of Westminster



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Introduction from the Leader (November 2020)

As part of our ongoing commitment to support the city's world famous hospitality sector through the pandemic the council has now approved a number of winter al fresco hospitality schemes.

These schemes will begin operating as soon as national and local guidelines allow from 2 December.

We understand that these measures have been a vital lifeline for our cafes, pubs, restaurants and bars throughout this difficult year. In order to provide a greater level of certainty for businesses in these challenging times the winter schemes will be able to operate until 30 April 2021 and cover the whole of the city. I hope this clarity will be helpful to the business community when planning for next year.

The council is also allowing infra-red heaters and canopies to protect patrons from the worst of the weather, subject to all relevant licensing approvals being secured.

You will remember that we recently asked businesses to work with local residents to bring forward ideas for winter schemes that enjoy community support. Each proposal has been carefully reviewed and decisions have been taken on each. All businesses who are keen to deliver al fresco hospitality across the winter months in these agreed areas must ensure all the usual licensing permissions are in place before outdoor trading can recommence, including a built-in consultation with local residents on individual premises' plans.

Our City Inspectors will continue to engage proactively, providing a reassuring and visible on street presence to offer advice and support to businesses and the community to help ensure they are COVID-19 secure.

There's lots of updated and helpful information, including contact details, within this booklet and we hope you will find it useful.

You can still contact the team with your suggestions for seasonal event support and pavement licences at movementstrategy@westminster.gov.uk

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

What's new in November 2020

- Over 40 winter specific scheme applications have been approved.
- Guidance on serving substantial meals.
- Umbrellas and heaters will be allowed more widely, subject to appropriate permissions, via the proper application process.
- Fast track licences for outside tables and chairs will have expired on 31 October. Apply now for a new one.



Key actions and considerations for businesses

Here's a summary of key actions and considerations that hospitality businesses need to think about when we exit the national lockdown measures which apply up to 2 December. It's important to always take responsibility to ensure compliance with national and local regulations at all times:

- A 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.
- 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.
- Under [Tier 2: High Alert](#) level, hospitality venues can only serve alcohol with substantial meals.
- From Wednesday 2 December national lockdown restrictions will be replaced by Local Restriction Tiers. For full details on the regional approach, including all the exceptions, please visit the [GOV.UK guidance](#).
- 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, capacity and that customers should not enter if they have any coronavirus (COVID-19) symptoms.
- Read about our plans to allow umbrellas and electric heaters and how to apply for permission.
- Work with other local businesses and resident groups to bring forward new 'winter appropriate' al fresco dining proposals.
- Make sure businesses have the correct licences in place to allow for outside tables and chairs.

Section one

Winter support for al fresco hospitality

(November 2020)





Supporting hospitality

With the range of restrictions on the hospitality sector as a result of the COVID-19 pandemic, the council has implemented temporary measures to assist the sector to operate, when allowed, with social distancing rules in place.

These measures included temporarily widening of pavements, closing roads, introducing a fast-track tables and chairs process, and providing business owners with information and support on additional licensing applications.

This brochure consolidates a number of documents that were produced prior to the end of the first national lockdown, in preparation for the reopening of the hospitality sector. It has also been updated to reflect the new Business and Planning Act 2020 which relaxed the provision of off-sales in alcohol-licensed premises for the purposes of outside service and introduced a new fast-track Pavement Licensing regime.

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 seeks to provide 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.

Following the end of the National Lockdown measures, which apply up to Wednesday 2 December, the [Local Restriction Tiers](#) will come into force.

The council has now approved more than 40 schemes which are winter-appropriate and supported by residents, businesses and emergency services alike. We also want to ensure, wherever possible, a seamless transition between any summer and winter schemes.

A further decision was taken in October to permit umbrellas and electric heaters to support outdoor dining through the winter months, provided they can be located safely, and where tables and chairs are permitted using the new Pavement Licensing regime.

We want to hear your views about our proposals and plans to support local businesses. Contact us at movementstrategy@westminster.gov.uk



Winter al fresco schemes

The council has now approved a number of winter al fresco hospitality schemes. Each proposal has been carefully reviewed and decisions have been taken on each in light of the requirements set out in October.

For the full list of schemes that are approved as of 27 November, please view [Appendix two on page 28](#)

These schemes will begin operating as soon as national and local guidelines allow from 2 December. In order to provide a greater level of certainty for businesses in these challenging times the winter schemes will be able to operate until 30 April 2021.

All businesses who are keen to deliver al fresco hospitality across the winter months in these agreed areas must ensure all the usual licensing permissions are in place before outdoor trading can recommence, including a built-in consultation with local residents on individual premises' plans.

City Inspectors will continue to engage proactively, providing a reassuring and visible on street presence to offer advice and support to businesses and the community to help ensure they are COVID-19 secure.

The summer programme of temporary road closures and other measures that were introduced to support outdoor eating and drinking came to an end on 31 October, 2020.

Council support for winter schemes

The council has already spent well over £2m to date, on external non-recoverable costs, to support Westminster's hospitality businesses with al fresco dining. This included installation and removal of existing schemes and the council will continue to fund these costs for any new winter ones that are approved. The council will also continue not charging for any fresh design associated costs to support further local businesses.

This paragraph was updated on 23 October: We recognise that restaurants are facing desperate times which is why we introduced the summer al fresco dining scheme and have extended it to the winter. In view of additional central government funding, announced on 22 October, we are able to cover costs of the winter scheme so that restaurants and bars can serve customers without any extra cost being charged by the council.

Ideas for seasonal schemes

We also want businesses working with residents to bring forward ideas to identify other potential local schemes that could benefit specific locations at certain times throughout the year. This could include supporting events such as Christmas fairs or other seasonal events.

You can still contact the team with your suggestions for seasonal event support and pavement licences at movementstrategy@westminster.gov.uk



Use of outside space (pavement licences)

What you need to know and do

- You need a licence for outside tables and chairs.
- If you have a 'fast track' licence granted in the summer, it will have expired at the end of October 2020.
- Apply NOW for a new tables and chairs licence. Don't delay or put it off.
- If you're not sure, see the info on our website westminster.gov.uk/apply-pavement-licence

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 please apply in advance for a new licence to ensure there is no gap between the old licence expiring and a new licence being issued.

Further information and applications for [pavement licences](#) is available via the council's website. You can apply for a new licence on our website at westminster.gov.uk/tables-and-chairs-licence.

Prior to the introduction of the pavement licensing regime the council introduced a temporary fast track tables and chairs licence scheme to enable the the use of outside spaces when the hospitality sector was permitted to open on the 4 July. These licences were

issued for a period of three months. The council will not be offering a fast track scheme now that the pavement licence regime is in place.

Therefore if a business has either a fast track tables and chairs licence or a pavement licence that is due to expire but wish to continue to use the outside space **they must make a new application**. There is a 14-day determination period for pavement licence applications that includes a formal resident consultation. 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.

If you have a Tables and Chairs licence under the City of Westminster Act and temporary planning permission for tables and chairs, but they do not allow umbrellas or heaters, you could apply to vary your permissions through the normal licensing and planning processes. This may take up to eight weeks. However, a faster way would be to apply for a Pavement Licence and trade under that if granted.

Where an application has been submitted and the pavement dining does not rely on a road closure or causes any particular local issues, we will look to allow businesses to continue to provide al fresco hospitality until their new application has been determined.

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

We appreciate that this may appear complicated. So please see our tables and chairs flow chart on the following page as a guide to what you need to do.



Tables and Chairs process flow chart





Umbrellas

We realise that as the weather turns colder and wetter, heaters and umbrellas may help businesses to use the extra space available for tables and chairs. We will adopt a presumption in favour of requests to have appropriate umbrellas for outdoor tables and chairs that can operate in a safe way, 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 are permitted but they should not interfere with vehicle sight lines, highway lighting levels and traffic signs. Umbrellas 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 must be removed from the street and stored inside the premises when the premises closes. If there is no space within the premises the umbrellas must be stored in an alternative secure location. Any form of gazebo or temporary shelter will not usually be permitted. Limited exceptions may be made for fully collapsible gazebos if issues related to sightlines, natural surveillance and creating congregation points can be addressed to the Council's satisfaction. Awnings are not permitted without an application for full planning permission.

Heaters

Electric heaters will generally be permitted on the street, subject to safe installation. Businesses should consider the following:

- The type of 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.
- To remove the heaters from the street safely 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 is insisting that businesses use electric heaters as these are more efficient and produce 85% less CO₂ 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 (NO₂) and particulate matters (PM₁₀) 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 one on page 27. 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.

Service and storage

Tables, chairs, umbrellas and space heaters that are used by businesses must be taken within the premises at closing time. If tables, chairs, umbrellas and/or 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. New licences for outside drinking cannot be supported.

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.

Section two

General advice for businesses





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 are seated with appropriate distancing, while outdoor customers have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion, does not become overcrowded. 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.

Local restriction tiers

From Wednesday 2 December, London will return to the High alert (Tier 2) Local Restriction Level. This will have the following impacts that you must consider:

Venues following [COVID-19-secure guidance](#) can host more people in total, but no one must mix indoors with anyone who they do not live with (or have formed a support bubble with) unless exemptions apply. Outdoors, individuals can meet in groups of up to 6 people.

This includes pubs and restaurants. At least one person in the group should give their contact details to the venue or check in using the official NHS COVID-19 app so [NHS Test and Trace](#) can contact them if needed.

All businesses and venues should follow [COVID-19-secure guidelines](#) to protect customers, visitors and workers.

Restrictions on businesses and venues in high alert level areas include:

- Hospitality venues can only serve alcohol with substantial meals.
- Businesses selling food or drink for consumption on their premises are required to:
 - provide table service only, in premises which sell alcohol
 - close between 11pm and 5am
 - stop taking orders after 10pm.
- Businesses and venues selling food and drink for consumption off the premises can continue to do so after 10pm as long as this is through delivery service, click-and-collect or drive-through.
- Businesses must ensure that they operate in a COVID-secure manner, including restrictions on table service and group bookings.



- Certain businesses and venues are required to collect customer, visitor, and staff data to support NHS Test and Trace.
- [The wearing of face coverings for customers and staff in certain indoor settings.](#)
- Businesses must ensure that if their workers are required to self-isolate, they do not work outside their designated place of self-isolation.
- Businesses and venues must ensure people do not meet in their premises with people from outside of their household or support bubble.
- Businesses and venues that fail to comply with these restrictions may face fines of up to £10,000, prosecution, or in some cases closure

[See full guidance on which businesses and venues are permitted to be open where the Local Restriction Level is high.](#)

Offering a substantial meal

Under Tier 2 restrictions, hospitality venues can only serve alcohol with substantial meals. Here is a summary of what the council will expect from premises serving substantial meals:

- We will expect people to be seated at a table and that alcohol is served as part of a meal, not as the main activity.
- We will want to see clear indications that customers have only been served food with alcohol (this may be in the form of receipts, plates, food on the table, menus).
- That a substantial meal consists of more than small items that are more likely classified as snacks (eg crisps, olives, nuts etc would not be substantial).

- Ideally each premises would have its own functioning kitchen, but for those premises without kitchens they may rely on the menus and delivery services of a nearby businesses – this should be made clear and again premises must be able to demonstrate all customers are eating.

Our approach will be to provide guidance and advice to support hospitality businesses. The council will only take enforcement action where this advice and the regulations are continually ignored or concerns raised on numerous occasions. If you have any queries or need further guidance please contact the team at businessunit@westminster.gov.uk.

Businesses new to offering a substantial meal

If you are a licensed bar or pub that does not normally offer substantial meals, but would like to do so from 2 December (to allow you to trade under Tier 2 restrictions), please contact the council to notify us of the changes you are intending on making by emailing businessunit@westminster.gov.uk.

You also need to be aware of your responsibilities as a food business operator and have set up your business accordingly. Please find more information on the food safety requirements at [food.gov.uk/here-to-help-food-businesses](https://www.food.gov.uk/here-to-help-food-businesses).

It's important we discuss the changes you are making so we can review the aspects of food standards and safety you need to be aware of. It's unlikely that we'll need to inspect your premises before you start selling food, but it's crucial that you notify the council by emailing businessunit@westminster.gov.uk.



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.



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.

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 and also 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. This is vital so Environmental Health can start contact tracing. 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.
- 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](#).

Free bespoke support and guidance

The Westminster Business Unit is offering bespoke support if you need help and guidance on a range of issues. Please email businessunit@westminster.gov.uk or call 020 7641 2070.

Other sources of information

The Food Standards Agency has guidance for food businesses looking to operate during the COVID-19 pandemic. Sector guidance has been provided to help employers, employees and the self-employed understand [how to work safely in the food sector](#).

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.

Entertainment

At present venues should not permit live performances, including drama, comedy and music to take place in front of a live audience. This includes entertainment such as acoustic music, lap dancing, etc.

All venues are required to take steps to avoid people needing to unduly raise their voices to each other which includes, but is not limited to: refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult, loud background music, communal dancing, group singing or chanting.

Careful consideration should be given to the showing of football matches or other live sport on your TVs. Sporting events can raise the likelihood of customers shouting, cheering, or raising their voices which may increase the risk of aerosol transmission. It may be particularly difficult to control this behaviour and therefore businesses must assess the risk and whether sporting events or matches should be shown.

It may not be possible for you to provide your usual facilities such as snooker and pool tables or darts due to the requirement that all customers should remain seated and due to the communal nature of the activity, the need to sanitise between uses, etc. Make sure you are up to date with all the current guidance at www.gov.uk.



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

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.

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.

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.](#)

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.

Our Noise Service will be fully operational and we have brought in extra resources for expected busy times. Officers will be monitoring complaints and where these complaints are linked with businesses, the council will 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.

Premises Enquiry Line

If anyone is unsure whether a business or organisation is following the COVID-19 regulations then they can contact our new Premises Enquiry Line on 0207 641 4747 from Monday to Friday, 9am to 5pm, or email covidenquiries@westminster.gov.uk.

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 suitably 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.

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:

1. 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).
2. 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.
3. Any advertisement must be maintained in a condition that does not impair the visual amenity of the site.
4. Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public.
5. 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.

Waste management

Westminster City Council will continue to offer a full waste and recycling collection service from outside premises throughout this period. 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:

- 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 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.



Freight, servicing and deliveries

Information for businesses, landowners and BIDs

DO

To balance the amenity of local areas and to ensure that we minimise traffic, we are asking businesses to consolidate deliveries and freight. This will help keep noise disruption to a minimum, keep congestion from returning to unacceptable levels and maintain our improved air quality. Here are some suggestions you should consider:

- **DO** consider collective procurement – this is where a group of businesses jointly purchase goods and services from carefully selected suppliers. For example, the order of stationery for one business is combined with those of other local businesses so deliveries arrive together, in a single vehicle. This may work for you if your businesses share a building or landowner. A major benefit of collective procurement is that it increases buying power and usually results in lower prices.
 - **DO** reduce and consolidate deliveries by sharing suppliers or by using suppliers from one source which is already consolidated (e.g. New Covent Garden Market) so that the number of delivery trips can be reduced – [see advice on this here](#).
 - **DO** consider using suppliers and delivery companies that use zero emissions transport such as cargos bikes, small electric vans and portering schemes, etc. for the 'last mile' delivery – see crossriverpartnership.org/directory or email askhighways@westminster.gov.uk
- **DO** consider nominated carriers – this is where a delivery company is selected by a business to deliver all their goods from all their suppliers. While this solution is not suitable for all types of businesses, its effectiveness is increased if businesses located in a specific area work together and agree to use the same nominated carrier for all their deliveries and collections. It eliminates the problem of many carriers duplicating each other's routes with partially-filled trucks or vans.
 - **DO** consider bunching orders – this is a simple solution that does not involve a major change in the way goods are bought. Simply, you agree with your supplier that, regardless of the number of orders placed during a given time period, the supplier only makes the delivery on a given day or date. Individual orders are 'bunched' so they arrive together, on a single vehicle. This reduces the overall number of trips needed and associated emissions.
 - **DO** consider the 'upstream supply chain' – the sharing of transport resources through collaboration between businesses and businesses and their landowner/BID can lead to a reduction in trips as well as financial and environmental savings.
 - For more information, [see this report from TfL](#).



DON'T

- **DON'T** forget that any temporary schemes must not make things worse for residents, neighbouring businesses and the safe movement of people and traffic. Therefore, businesses, landowners and BIDs must respect local regulations and all businesses still need to comply with any local Planning, Licensing and Highways restrictions on the times when deliveries are made.
- **DON'T** use this as an opportunity to retime your deliveries to very late at night or very early in the morning. The recent extension of the Congestion Charge Zone from 7am – 10pm every day, including weekends, is unlikely to result in earlier deliveries as most deliveries are already made between 7 – 11am. If it is absolutely necessary for you to retime your deliveries then please contact the council as your planning permission, or Licence and Highways regulation may mean that your hours of delivery are conditioned.
- **DON'T** forget that businesses with permission for 'out of hours' or 'shoulder deliveries' should comply with [TfL's Retiming Toolkit](#) and [TfL's Code of Practice for Quieter Deliveries](#).
- Businesses and communities can access information and guidance in relation to COVID-19 from [official Government resources](#) in relation to CRP's projects.
- Businesses and communities can access information and guidance in relation to CRP's [Healthy Streets Everyday project](#). The programme is helping to aid London's COVID-19 response by enabling walking and cycling through initiatives such as school streets and car-free zones.
- **DON'T** forget that the council's loading/unloading time limits for commercial delivery vehicles still apply. For more information please refer to westminster.gov.uk/loading-and-unloading which includes clear guidance on the 20 minute and 40 minute 'grace period' concessions for deliveries.



If you deliver, collect or undertake local servicing with a van or HGV to any business or resident affected by the above, please DO the following:

- **DO** visit the site yourself to appreciate what measures are on the street. Seeing the changes on the ground; preferably in person but also virtually, will give you a far better perspective on the changes than looking at a plan or diagram. For example, in respect to turning circles, road width, nearby on-street loading and unloading bays, etc.
 - **DO** speak to your customers, clients, account and business managers, etc. to see if deliveries can be consolidated, reduced, times and consignment sizes amended.
 - **DO** please look to find available kerbside space/ designated loading bays close by, for example around the corner – if the kerbside space outside your delivery location is not accessible by a line of barriers, etc.
 - **DO** come prepared with a sack-truck for onward deliveries by foot from the vehicle to the door. For commercial vehicles, the council will generally give 20 minute casual observations (unless the concession is blatantly being abused) for loading/ unloading and do make it clear that this is what you are doing.
 - **DO** take time to acclimatise – the number of pedestrians is likely to rise daily as the city recovers from the COVID-19 lockdown; some businesses will re-open earlier than others and changes will need to be made on the ground to respond to resident and business requests. Where possible, we wish to encourage freight, deliveries and servicing consolidation and would welcome positive input from yourselves to achieve this.
- **DO** please remember that normal Parking, Waiting, Loading and Waiting conditions still apply for all other roads across Westminster. For more information please refer to westminster.gov.uk/loading-and-unloading which includes clear guidance on the 20 minute and 40 minute 'grace period' concessions for deliveries.
 - If you have any questions or have particular handling needs on any of these streets, please email movementstrategy@westminster.gov.uk where all enquiries will be logged and advice will be supplied in return.



Useful links and contacts

- 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 | Web: westminster.gov.uk/licensing

For any highway's management enquiries:

Email: askhighways@westminster.gov.uk



Frequently Asked Questions

Licensed Businesses

Do I have to do a risk assessment?

Yes, all pubs, bars and restaurants must undertake a COVID-19 secure risk assessment and implement any mitigation and safety measures. This risk assessment must be kept under review and take into account any guidance issued by the Government or Health and Safety Executive (HSE) The Government has provided guidance on this process via the [GOV.UK website](https://www.gov.uk).

If you fail to undertake a risk assessment or fail to implement mitigation, then either the council or HSE can take a range of actions to ensure that the business either implements sufficient mitigation or closes the premises to protect staff and customers.

Can I use an outside space for tables and chairs?

If you wish to use an outside space which is part of the highway you will need a licence for the use of that space. Businesses can apply for either a pavement licence under the Business and Planning Act 2020.

The council has provided information on its website on [pavement licences](#).

Can I provide alcohol for consumption off the premises?

If your business has a premises licence which authorises the sale of alcohol on the premises, then you will be able to sell alcohol off the premises under the temporary relaxation of the Licensing Act 2003.

Premises that are already permitted to sell alcohol on and off the premises will not be affected by this and can do so in accordance with the hours already on their licence or in line with national or regional restrictions.

Premises that have previously had an application for off-sales refused, or permission for this revoked will not be able to use this provision in the Act. Also, businesses with club premises certificates are excluded from this.

How can I have an outside space if I have conditions that prevent me from selling alcohol off the premises in unsealed containers?

If you have conditions that restrict the selling of alcohol off the premises, then under the provisions of the Business and Planning Act 2020 these conditions will be suspended. If you are unsure of whether the conditions would be suspended or not, then please contact the Licensing Service on 020 7641 4141 or email licensing@westminster.gov.uk

Can I open windows and doors to provide better ventilation in the premises even if my licence conditions restrict this?

If your conditions restrict the opening of windows or doors, then you must comply with these conditions. However, we do understand that it may be necessary to consider this as possible mitigation to enable a free flow of air to disperse possible aerosol particles from customers. If you have specific questions on this, please contact a member of the Licensing Service to discuss your risk assessment and licence conditions.



Can I show football matches or other live sporting events on TV?

Yes, however you must have undertaken a risk assessment and considered whether it is safe to do so. The [Government's guidance](#) states: "All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

Due to the potential for customers to raise their voices, shout, sing and cheer, the business must consider the appropriate mitigation measures to reduce the risk of aerosol transmission from customers.

If I am a sexual entertainment venue (strip club/lap dancing venue) can I open?

Yes, you can open but only as a bar and you must have the appropriate licence to sell alcohol. Lap dancing, strip tease, table/pole dancing or any other sexual entertainment is classified as a live performance to an audience and is therefore prohibited at the moment.

Can I have live music at my venue?

No, this is deemed as a live performance to an audience which is not permitted at the present time.

Can I have karaoke at my venue?

No, this is deemed as a live performance to an audience which is not permitted at the present time.

If I am a theatre or cinema can I open my bar and/or restaurant?

Yes, you can open your bar and/or restaurant if the licence conditions permit this. If you have a licence that has conditions restricting the service of alcohol and food to persons attending the theatrical performance or exhibition of a film, then this will not be possible unless the licence is varied or you operate under a Temporary Event Notice.

Customers

How can I encourage safe customer behaviour?

- Display and promote the new QR code and NHS tracing app.
- Place signs at entry points stating that:
 - Customers should not enter if they are unwell.
 - Only a specific number of patrons are allowed to be seated according to the patron limit or density quotient of each separate space.
 - Patrons not adhering to the seating limits will be asked to leave.
 - Businesses have the right to refuse service or entry.

What do I do if a customer does not comply with my business' control measures?

If a customer at the venue is in breach of the Government guidance or is not cooperating, a business has the right to refuse entry to customers or ask them to leave.

Am I able to take temperature checks to screen patrons entering the venue?

Temperature checks for patrons are not currently recommended for the hospitality industry. However, if a venue wanted to introduce these measures as part of their screen process at the point of entry they are entitled to do so.



Appendix one

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 two

Approved winter appropriate al fresco schemes as of 27 November 2020

Allitsen Road	Elizabeth Street	Moor Street
Barrett Street	Floral Street	New Row
Bateman Street	Foley Street	North Audley Street
Berwick Street (outside market hours)	Frith Street	Old Compton Street
Brewer Street	Great Titchfield Street	Russell Street
Broadwick Street	Greek Street	Southampton Street
Charlotte Street	Haymarket	St John's Wood High Street
Churton Street	Henrietta Street	St Martin's Lane
Circus Road	James Street	Tavistock Street
D'Arblay Street	King Street	Upper Berwick Street
Dean Street	Lexington Street	Upper James Street
Denbigh Street	Maiden Lane	Upper John Street
Denman Street	Market Place	Warwick Way
Eccleston Street	Marshall Street	Wellington Street



City of Westminster