

ABERDEEN CITY COUNCIL

COMMITTEE	Urgent Business Committee
DATE	12 April 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Support to Businesses for Outdoor Trading
REPORT NUMBER	COM/21/097
DIRECTOR	Steven Whyte
CHIEF OFFICER	John Wilson
REPORT AUTHOR	Gale Beattie / John Wilson / Mark Reilly
TERMS OF REFERENCE	UBC 1

1. PURPOSE OF REPORT

- 1.1 To provide an update on arrangements to support businesses reopening, particularly in relation to trading on outdoor spaces.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note the support provided to hospitality businesses by the Council over the last year in line with guidance from Scottish Government related to temporary outdoor trading and structures.
- 2.2 Note the Scottish Government's advice for the easing of restrictions as contained within its Covid-19 Timetable for Easing Restrictions (March 2021);
- 2.3 Note that the supports for business in terms of Building Standards exemptions remain in place until 30 September 2021 and that the relaxation in Planning controls are in place until such time as these are changed by the Minister and Chief Planner;
- 2.4 In recognition of the ongoing difficulties for businesses caused by Covid-19, instruct the Chief Officer of Capital, following consultation with the Chief Officer of Strategic Place Planning and the Chief Officer of Operations and Protective Services, to determine requests from businesses for outdoor trading, provided that any approvals so granted will be on a temporary basis and subject to any such conditions as the authorising Chief Officer considers appropriate.
- 2.5 Instruct the Chief Officers of Capital, Strategic Place Planning and Operations and Protective Services to continue to update the business guidance document provided on the Council's website and in line with any changes from the Scottish Government.
- 2.6 Instruct the Chief Officers of Capital, Strategic Place Planning and Operations and Protective Services to report back to the City Growth and Resources

Committee in due course with an update of the requirement or otherwise for the measures to assist businesses to remain in place.

3. BACKGROUND

- 3.1 In 2020 Aberdeen City Council publicly set out its intention to support the reopening of all shops and businesses when it is appropriate to do so.
- 3.2 In February 2021 a report was brought to the City Growth and Resources Committee to update members on Spaces for People interventions (COM/21/031). This report included an update on the cross service officer group set up at the start of the Covid-19 public health emergency to support business with proposals for outdoor trading given the internal capacities of premises being reduced due to the need for physical distancing. Officers have aimed to accommodate all requests for outdoor trading where this can be achieved safely. To date this group has dealt with over 100 proposals from businesses for outdoor trading, the majority being independent traders, cafes, restaurants and bars. This group has also prepared and kept updated an online Guide for Businesses interested in outdoor trading which, as well as signposting businesses to relevant legislation, sets out the principles where outdoor trading can be supported.
- 3.3 On 16 March 2021 the Scottish Government published its timetable for easing restrictions. The target date for the reopening of shops and hospitality venues is 26 April 2021, with alcohol only permitted in outdoor areas until the next expected relaxation date on 17 May 2021. Given the continued need for physical distancing, officers are aware of a significant number of businesses across the city who wish to continue utilising opportunities for temporary outdoor space when they reopen. We also expect that these businesses will be grateful for ongoing support for a further period to assist with recovery once physical distancing restrictions are removed. Since March 2021 the Council has received in excess of 100 queries from the business sector seeking approval to utilise outdoor spaces for trading purposes.
- 3.4 Advice from the Minister for Local Government, Housing and Planning and Scotland's Chief Planning Officer is that local authorities take a supportive, pragmatic and flexible approach to assisting businesses to diversify and continue to operate during the pandemic, with a key example being in respect of outdoor areas. This has been expressed both by encouraging local authorities to temporarily relax planning controls, but also by extending the period for exemptions from building warrants (currently to 30 September 2021). On this basis no formal applications or fees would be requested for outdoor trading proposals, with the only exception being fees for Occasional Licenses where alcohol is to be sold within an outdoor area. The fee for this is currently £10 per application.
- 3.5 As we approach 26 April 2021, recommendation 2.4 of this report requests that the Committee agree to instruct the Chief Officer of Capital, following consultation with the Chief Officer of Strategic Place Planning and the Chief Officer of Operations and Protective Services to determine requests from businesses for outdoor trading in order to support re-opening.

3.6 This is a pragmatic way to manage a fluid changing environment where applications will need to be responded to in a relatively short time period thereby providing confidence for business investment. Adopting this methodology will give confidence that the Council wishes to continue its support for businesses in this way over the summer months, in line with advice from the Scottish Government. This would also be in line with the Council's Socio-Economic Rescue Plan 2020/2021 which specifically refers to supporting space for outdoor trading.

3.7 The process for determining requests from businesses for outside trading, is via a dedicated group set up to offer advice to the Chief Officer of Capital. This advice is based on the Guidance for Business document available on the Council's website, along with the advice of officers from Environmental Health, Trading Standards, Planning, Building Standards and Road Safety. The process for applying for an Occasional Licence is managed separately through the pre-existing process but in consultation with this group.

4. FINANCIAL IMPLICATIONS

4.1 Financial implications associated with this report relate to a possible loss of income from licence applications and parking revenues. These losses will, in the first instance, be off set against the allocation of COVID 19 grant funding received by the Council for 2021/22. The 2021/22 Quarter 1 financial performance report will provide the initial variances against budgeted income, including from these measures.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Public harm, allowing the COVID-19 virus to spread with the associated high risk of death through contacting the virus.	M	Allowing use of outdoor space for trade would allow additional capacity for businesses to ensure safe physical distancing.
	Failure to deliver the Socio-Economic Rescue Plan 2020/21.	L	Close collaboration across other Clusters.

Compliance	Failure to comply with national Covid-19 legislation and guidance	L	Comply with legislation first and second Scottish Coronavirus Acts and relevant guidance from Scottish Government on Planning and Building Standards relaxations and ongoing guidance to Environmental Health officers.
Operational	Insufficient staff resource to assist with business proposals.	M	Progress will be monitored frequently to address any issues.
Financial	Impact on Council funds due to temporary waiving of fees.	L	The need to support businesses to diversity and recover is significant.
Reputational	Criticism for not providing support to business in this difficult economic period.	M	This work is high priority.
Environment / Climate	Utilising land for outdoor trading may have an impact on air quality.	L	Performance of the road network will be closely monitored, including reviewing air quality data that is collected locally.

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	In addition to responding to the current public health emergency and imminent easing of lockdown requirements, this report supports the delivery of Economy Policy Statement 4: Increase city centre footfall through delivery of the City Centre Masterplan, including the redesigned Union Terrace Gardens.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The report supports the delivery of Stretch Outcome 1 – 10% increase in employment across priority and volume growth sectors by 2026, and Stretch Outcome 2 – 90% of working people in living wage employment by 2026 by supporting the lockdown easing measures which will enable the economy to recover and people to get back to work where they

	cannot work from home. The report will also support businesses re-opening by providing additional space for customers, where possible, for outdoor trading and leisure activities.
Prosperous People Stretch Outcomes	The report will support the delivery of Stretch Outcome 11 – Healthy life expectancy is five years longer by 2026. The temporary Covid-19 public health measures are designed to enable physical distancing while moving around, thereby minimising the risk of Covid-19 transmission and the likelihood of future waves of the disease.
Prosperous Place Stretch Outcomes	The temporary Covid-19 public health measures support the delivery of Stretch Outcome 14 – Addressing climate change by reducing Aberdeen's carbon emissions by 42.5% by 2026 and adapting to the impacts of our changing climate, and Stretch Outcome 15 - 38% of people walking and 5% of people cycling as main mode of travel by 2026. The temporary Covid-19 public health measures improve and/ or create active and sustainable travel infrastructure
Regional and City Strategies	The report supports the delivery of the ACC Socio-Economic Recue Plan 2020/2021 by supporting businesses re-opening by providing additional space for customers, where possible, for outdoor trading and leisure activities.
UK and Scottish Legislative and Policy Programmes	The measures directly contribute to Public Health and Scottish Government requirements and legislation relating to the Covid-19 Pandemic, and in particular support physical distancing in public spaces. They will also support businesses as they start to re-open in accordance with the lockdown easing phases.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None

10. APPENDICES

None

11. REPORT AUTHOR CONTACT DETAILS

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