

ABERDEEN CITY COUNCIL

COMMITTEE	City Growth & Resources
DATE	11 May 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Update on Support to Businesses for Outdoor Trading
REPORT NUMBER	RES/21/112
DIRECTOR	Steven Whyte
CHIEF OFFICER	John Wilson
REPORT AUTHOR	John Wilson
TERMS OF REFERENCE	2.1.1

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 decisions made on temporary outdoor trading requests by Officers following the Urgent Business Committee on 12 April 2021 (Appendices 1 and 2); and
- 2.2 In recognition of the ongoing difficulties for businesses caused by Covid-19, continue to instruct the Chief Officer - Capital, following consultation with the Chief Officer - Strategic Place Planning and the Chief Officer - 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.

3. BACKGROUND

- 3.1 On 12 April 2021 a report was brought to the Urgent Business Committee to update Members on the support the Council has given over the last 12 months, in line with guidance from the Scottish Government, for temporary outdoor trading areas during the COVID public health emergency (COM/21/097), and to request delegated powers to allow Officers to continue to provide that service to businesses. Members of that Committee agreed as follows:
- (i) to 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;
 - (ii) to note the Scottish Government's advice for the easing of restrictions as contained within its Covid-19 Timetable for Easing Restrictions (March 2021);

- (iii) to note that the supports for business in terms of Building Standards exemptions remained in place until 30 September 2021 and that the relaxation in Planning controls were in place until such time as these were changed by the Minister and Chief Planner;
- (iv) in recognition of the ongoing difficulties for businesses caused by Covid-19, to instruct the Chief Officer - Capital, following consultation with the Chief Officer - Strategic Place Planning and the Chief Officer - Operations and Protective Services, to determine requests from businesses for outdoor trading, provided that any approvals so granted would be on a temporary basis and subject to any such conditions as the authorising Chief Officer considered appropriate;
- (v) to 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; and
- (vi) to instruct the Chief Officers of Capital, Strategic Place Planning and Operations and Protective Services to report back to the next meeting of the City Growth and Resources Committee with a list of all decisions that had been taken under (iv) above and an update of the requirement or otherwise for the measures to assist businesses to remain in place.

3.2 On 16 March 2021 the Scottish Government published its timetable for easing restrictions, and on 20 April 2021 the First Minister confirmed the reopening of shops and hospitality venues on 26 April 2021, with alcohol only permitted in outdoor areas until the next expected relaxation date on 17 May 2021.

3.3 In the period from the date of powers being delegated to Officers (12 April 2021) to 27 April 2021 (Committee Reporting Deadline), the cross service outdoor trading officer group set up to support business with proposals for outdoor trading met 6 times and assessed 110 temporary proposals / applications for 69 locations across Aberdeen City. The cross service outdoor trading group is made up of officers from Environmental Health, Trading Standards, Planning, Building Standards and Road Safety and advises the Chief Officer of Capital in his decision making. The Decision Logs associated with these meetings are attached at Appendix 1, and maps illustrating the concentrations of locations where seating has been approved / discussed are attached at Appendix 2. Outdoor areas covered by a Premises License are not subject to this process. The group offers a pragmatic way to manage a fast changing environment where applications need to be responded to and monitored in a relatively short time period to ensure businesses are supported.

3.4 On 13 April 2021 the cross service group met on two separate occasions and considered 61 proposals / applications for outdoor trading in various locations across the city. Of these 61 proposals / applications, 44 were approved, 8 were deferred for a site visit, and 9 were deferred to gather or request further information. For the applications requiring site visits, these were undertaken on 14 and 15 April by the Chief Officer – Capital and the Team Leader for Road and Streetworks. Information requests for the 9 proposals where additional information was required were issued on 15 April.

- 3.5 At its meeting on 16 April 2021 the cross service group assessed 24 proposals / applications for outdoor trading, some of which were the subject of deferrals from the meetings on 13 April. Of these 24 proposals / applications, 9 were approved, 3 were deferred for site visit, 10 were deferred to gather or request additional information, and 3 were noted as having additional information / updates attached. For the applications requiring site visits, these were again undertaken by the Chief Officer – Capital and the Team Leader for Road and Streetworks in the days immediately following the meeting.
- 3.6 At its meeting on 20 April 2021 the cross service group assessed 19 proposals / applications for outdoor trading, some of which were deferrals from previous meetings. Of these 19 proposals / applications, 6 were approved, 11 were deferred to request additional information, and 2 were noted as having additional information / updates attached.
- 3.7 At its meeting on 22 April 2021 the cross service group assessed 21 proposals / applications for outdoor trading, some of which were the subject of deferrals from previous meetings. Of these 21 proposals / applications, 13 were approved, 5 were deferred to either attend a site meeting or to request additional information, and 3 were noted as having additional information / updates attached.
- 3.8 At its meeting on 27 April 2021 the cross service group assessed 42 proposals / applications for outdoor trading, some of which were the subject of deferrals from previous meetings. Of these 42 proposals / applications, 38 were approved, 3 were deferred to gather or request additional information, and 1 was noted as having additional information / updates attached.
- 3.9 The Decision Logs of the cross service group (Appendix 1) show that the majority of the proposals considered have been from independent traders, cafes, restaurants and bars. By working in an agile manner to comprehensively assess these requests in a very short timeframe the officer group have successfully worked with hospitality premises across the City to allow them to safely reopen following the most recent lockdown with relative ease. The number of outdoor tables and chairs attached to each premises is not specifically logged as part of this assessment as these can be subject to change due to a Condition attached to every relevant Occasional License advising that the layout of tables and chairs may need to be amended if required by Environmental Health / Trading Standard Officers to comply with Covid-19 guidance.
- 3.10 The group has also continued to update the 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. The latest Guide for Businesses was published on the Council's website as hospitality restrictions were lifted and can be found under the "Businesses" heading at www.aberdeencity.gov.uk/services/people-and-communities/city-centre. This guide will continue to be updated as required and in line with any changes from the Scottish Government.

- 3.11 Enquiries for outdoor trading are brought to the attention of the cross service group either by businesses contacting the Council via the dedicated email address set up to deal with business queries during the pandemic (sfpbusiness@aberdeencity.gov.uk) or via consultation with the Council's Licensing Team as applications for Occasional Licenses are submitted to them for their separate consideration. The group reviews all proposals for new outdoor areas that are submitted and, as demonstrated above, may, where deemed necessary, undertake a site visit or request further information from the business before a decision is made. Outdoor areas that have previously been approved by the group are also reviewed on a two-weekly cycle via the Occasional License process to determine if any issues have arisen or if any changes are required. For proposals on public land the cross service group considers safe pedestrian flow on the relevant footways / footpaths / pedestrianised areas and the cumulative impact of a number of different premises which may be operating within the one area. Advice is also offered to proposed occupations on private land where this may be useful.
- 3.12 As reported to Urgent Business Committee, advice from the Minister for Local Government, Housing and Planning and Scotland's Chief Planning Officer is that local authorities continue to 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 have been requested by the Council for outdoor trading proposals, with the only exception being statutory fees for Occasional Licenses where alcohol is to be sold within an outdoor area.

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	M	Allowing use of outdoor space for trade would allow

	to spread with the associated high risk of death through contacting the virus. Failure to deliver the Socio-Economic Rescue Plan 2020/21.	L	additional capacity for businesses to ensure safe physical distancing. 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 a 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

Appendix 1 – Outdoor Trading Decision Logs

Appendix 2 – Outdoor Trading Maps

11. REPORT AUTHOR CONTACT DETAILS

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