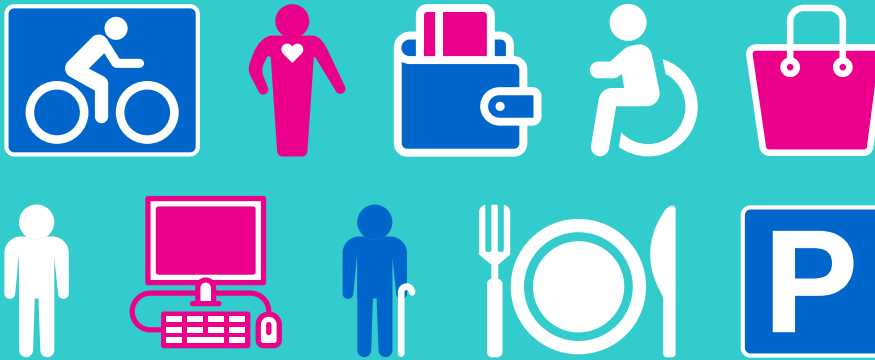


April 2021

# Guide for Businesses on

# Physical Distancing



Covid-19



## Introduction

Aberdeen City Council wishes to support the reopening of all shops and businesses when it is appropriate to do so. This must be delivered in a way that minimises health risks in terms of limiting further transmission of coronavirus (COVID-19). As such, it is likely that physical distancing will be required for the foreseeable future.

In accordance with The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020

<https://www.legislation.gov.uk/ssi/2020/344/contents>,

there are legal requirements on all businesses and services to support and enable physical distancing. The Council will provide advice and support to businesses to ensure compliance with the Regulations and is required to take enforcement action when the Regulations are not being complied with.

Guidance can be accessed at:

- **General Advice**

<https://www.gov.scot/collections/coronavirus-covid-19-guidance/>

- **Retail Sector**

<https://www.gov.scot/publications/coronavirus-covid-19-retail-sector-guidance/>

- **Tourism and Hospitality**

<https://www.gov.scot/publications/coronavirus-covid-19-tourism-and-hospitality-sector-guidance/>

- **Sports and Leisure**

<https://www.gov.scot/publications/coronavirus-covid-19-guidance-on-sport-and-leisure-facilities/>

- **Performing Arts and Venues**

<https://www.gov.scot/publications/coronavirus-covid-19-guidance-for-the-performing-arts-and-venues-sector/>

- **Face Coverings**

<https://www.gov.scot/publications/coronavirus-covid-19-phase-3-staying-safe-and-protecting-others/pages/face-coverings/>

- **The Meeting of Different Households**

<https://www.gov.scot/publications/coronavirus-covid-19-phase-3-staying-safe-and-protecting-others/pages/seeing-friends-and-family/>

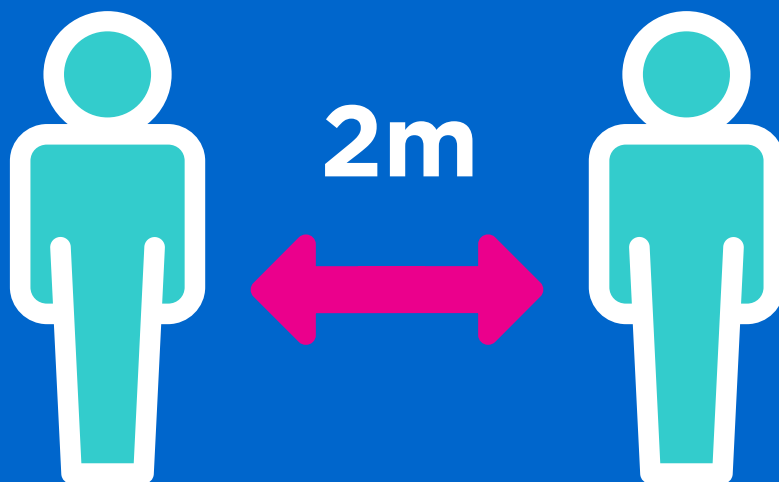
Please see the Council's Trading Standards and Environmental Health web pages for further information:

<https://www.aberdeencity.gov.uk/services/coronavirus-covid-19/business-restrictions-reopening-and-closures>

or contact us on, [covid19enforcement@aberdeencity.gov.uk](mailto:covid19enforcement@aberdeencity.gov.uk)

**Further guidance is available from Scottish Government**

<https://www.gov.scot/collections/coronavirus-covid-19-guidance/>



## What the Council will do to support you

The Council is responsible for ensuring the safety of the transport network and public spaces to ensure people can access and, where necessary, wait to enter premises safely.

Like other cities, Aberdeen is adapting our streets and public spaces to make it easier and safer for people to access shops, workplaces and other services, whilst maintaining physical distancing.

We are making it easier for people to walk and cycle safely and ensuring there is adequate space to allow them to do so, reflecting advice from the Government that these are the best forms of transport to use for physical distancing. This may take the form of temporary cycle lanes for example.

We are also devoting more space to people in areas of key economic and leisure activity, such as outside shops and cafes. This involves restricting vehicles from certain areas and widening pavements to enable an increase in queuing and safe queuing.

We must respond to these challenges urgently so it may be that some measures are temporary at least to begin with. Key to the success of any changes and maintaining the health and safety of all our citizens, is the ongoing support, understanding and patience of all.

We therefore ask that businesses refrain from using pavement space unnecessarily (putting out advertising boards and other form of 'street clutter' for example) to ensure adequate space is available for movement and queuing. We ask that any existing or new rules on loading are complied with and options for such activities to take place during quiet periods are investigated.

Please also ensure delivery drivers and cyclists comply with all necessary requirements and give due consideration to the need for physical distancing amongst members of the public, such as refraining from parking on pavements which limits the space available to people.



## Union Street and nearby streets

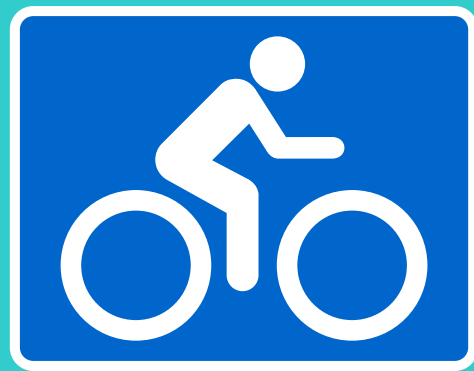
Part of Union Street and some nearby streets have been pedestrianised to help local residents and pedestrians. On the affected streets, service vehicles and delivery vehicles are only allowed access during certain times, so you may have to change delivery times to accommodate.

## Cycle Parking

To support the anticipated increase in cycling we will also be rolling out more cycle parking facilities in key areas. If you know of somewhere this could be beneficial please get in touch via [sfbusiness@aberdeencity.gov.uk](mailto:sfbusiness@aberdeencity.gov.uk)

Car parking is one potential way of managing demand for certain areas and facilities. For operators of private car parks, it may be necessary to restrict the number of operational spaces in order to ensure only an acceptable number of customers can access your premises at any one time, to enable queuing outside your premises and to ensure physical distancing within car parks themselves.

This could take the form of, for example, blocking off some parking bays, or introducing a system whereby parking is booked and paid for in advance, which could ensure that demand is spread over a longer period of time, and prevent the need to queue at and touch parking meters.



## Overspill Activities

With the capacity of premises being reduced there may be opportunities for activities, particularly eating and drinking, to spill out onto the street or other public areas. Larger venues may require overflow areas and there may be scope in the future for outdoor performances.

The Council is supportive of this and will aim to accommodate this where it can be achieved safely.

## Guidance on Utilising Outdoor Spaces for Pubs and Restaurants

As we move through the phases of the Scottish Government's COVID 19 Route Map for coming out of Lockdown, pubs and restaurants may wish to consider opportunities for temporary outdoor spaces with physical distancing and increased hygiene measures in place.

Guidance on temporary outdoor seating areas will be kept under review and updated as we move through the various Phases of the Scottish Government's COVID 19 Route Map.

**The guidance is predominantly focused on properties in the City Centre, however the general principles will apply City-wide.**



## Planning and Street Occupation (Roads)

The Planning and Street Occupation Teams will temporarily relax controls which would normally surround the provision of outdoor tables and chairs and will take a reasonable and proportionate approach in terms of planning and roads enforcement. This is to allow a supportive approach to temporary uses for on-street seating to accommodate physical distancing.

We reserve the right to consider enforcement action; for instance, if the Design Principles set out at the end of this Guidance Note are not met.

Any business which does wish to apply for planning permission and /or Pavement Café Permit (for example for a permanent rather than temporary proposal) can do so here:

- **Planning Applications:**  
<https://www.aberdeencity.gov.uk/services/planning-and-building/planning-applications/apply-planning-permission>
- **Pavement Café Permit Applications:**  
<https://www.aberdeencity.gov.uk/sites/default/files/2018-05/Pavement%20Cafe%20Application%20Form%202018.pdf>

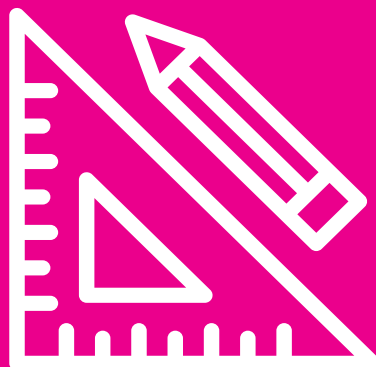
## Building Standards

Provision of outdoor tables and chairs is not a matter which requires Building Standards approval, however any temporary buildings erected in association with outdoor seating areas **may** require a Building Warrant.

Exemptions to this requirement do exist, for instance detached, single storey buildings not exceeding 8 square metres in area. Permanent detached buildings not exceeding 30 square metres in area are only exempt where they are located more than 1 metre from any boundary (but must comply with all other relevant Building Standards regulations).

Exemptions also include temporary buildings which are not erected (or used) for periods exceeding either 28 days consecutively or more than 60 days within a 12 month period. Scottish Government had requested Building Standards allow the 28 day period to be extended to 30 September 2020, however further correspondence from the Government has confirmed that this deadline should now be extended to **30 September 2021**. Any temporary structure which is not exempt will require Building Warrant approval and the submission of a Completion Certificate.

Where a structure is either temporary or exempt due to its size, the onus for ensuring public safety sits with the responsible person. Scottish Government advice highlights the need for owners to engage **competent** advisors, contractors and undertake appropriate Risk Assessments.



Consideration and advice should be sought in the following areas to avoid the potential for formal enforcement action being taken in the future:

- **Structural capacity, ground fixings, wind loadings and ballast**
- **Regular inspecting, recording and maintenance of structure for safety purposes**
- **Adequate means of escape depending on occupant capacity and layout – widths, signage and travel distance**
- **Positioning for firefighting operations – access to and around the temporary structure and access to other permanent buildings affected by the structure**
- **Adequate lighting in an escape emergency**
- **Access for disabled to the structure and to sanitary facilities**
- **Access to utilities below a temporary structure including fire hydrants, gas, drains, etc**

If it is your intention to keep a structure beyond **30 September 2021**, it is recommended that you allow 4-6 weeks to submit and gain a building warrant approval and Completion Submission Acceptance before the deadline date. The relaxation for building warrant approval does not exempt any requirements or duties under the Fire (Scot) Act 2005 and therefore Risk Assessments should include consideration of such requirements.

Where Building Warrant applications will be necessary in order to progress temporary buildings then the value of work will be set at £5000 and the related fee will be £150 (less any discounts applicable). In certain circumstances it may be necessary to undertake physical alterations to an existing premise in order to allow for safe reopening. Whilst Building Warrant approval may be required for certain temporary buildings and for any such alterations, Building Standards will endeavour to fast track these applications.

For further advice please contact: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)



## Licensing

If alcohol is to be sold in an outdoor area, then it must be licensed for on-sale consumption. If the outdoor area already forms part of a Premises Licence, then the area can be utilised under the current terms of that Premises Licence. In those cases, however, licence holders should have written policies and procedures regarding physical distancing and hygiene measures that can be demonstrated to Police Scotland or Licensing Standards Officers if necessary.

If the outdoor area is not currently part of a Premises Licence, then the Licensing Board will permit the use of Occasional Licences as a temporary measure. The prohibition against a series of Occasional Licences will be relaxed, as will the requirement to submit applications four weeks in advance. All attempts will be made to process applications as quickly as possible, however turnaround times cannot be guaranteed.

In order to assist applicants for Occasional Licences of this nature the Board will consult the Council's Street Occupation and Planning teams to ensure all aspects are covered.

With this in mind, the Board will require the following additional information to be provided as part of any application:

- **A location plan (e.g. scaled at 1:1250 or 1:500) indicating the area to be licensed**
- **A plan which clearly shows the proposed layout of the area to be licensed (e.g. access points, building lines, dimensions of seating area, table, chair and other furniture arrangements, plus any barriers or enclosure)**
- **Details of procedures designed to ensure physical distancing and hygiene measures.**
- **Toilet facilities, including any procedures relating to physical distancing and hygiene.**
- **The usual details of licensed hours, access for children and young persons, and any activities to be carried out in the licensed area.**

An Occasional Licence has a maximum duration of 14 days in terms of the legislation and that is not something that the Board can extend or alter. For pubs and restaurants, a series of Occasional Licences can be submitted at the same time. Members' Clubs should note that they are restricted to four applications for Occasional Licences lasting four days or more in any calendar year.



Again, this is stipulated by legislation and is not something over which the Board has any discretion. Should a premise wish to make an outdoor area permanent then this should be the subject of a formal application to vary the Premises Licence. Applications forms are available via:

**<https://www.aberdeencity.gov.uk/services/business-and-licensing/licences-and-permits/pavement-cafe-permit-application>**

Applications should be submitted by e-mail to

**[licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)**,

and online payment via:

**<https://www.civicaepay.co.uk/AberdeenCityEstore/estore/default/Catalog/Index?newSearch=False>**

## Design Principles

- **Be a good neighbour. Outdoor seating areas should be visible from your existing premises and kept under supervision. Residential amenity should be respected.**
- **If seating areas extend beyond the frontage of your own property, then you should have the consent of any neighbouring property(s) to extend in front of their frontage.**
- **The needs of other footway users to maintain physical distancing must be respected. This includes ensuring sufficient space for possible queuing.**
- **Where extended or widened footpaths have been created by the City Council to allow for physical distancing, seating areas should be located in these areas rather than immediately adjacent to the frontage of a premises, particularly if queuing is expected. This is to ensure safe pedestrian flow.**
- **A clear route (e.g. of around 3 metres) must be maintained to allow other footway users to pass the outdoor seating area without obstruction. Staff should be suitably trained in crossing the footway to serve customers, particularly those carrying hot food or beverages.**
- **Emergency exit routes from your own or a neighbouring property must never be obstructed. Access for emergency vehicles must also be retained, and further guidance on this can be provided on a case-by-case basis.**
- **The location of permanent street furniture should be considered in any design (e.g. bins, benches, bus stops).**
- **Any perimeter enclosures over 1 metre should be partially 'see-through' in order to maintain visibility of activity.**
- **Seating and tables should be of a reasonable quality, and continuity of design with any surrounding premises is encouraged. Appropriate landscaping and "greening" are also encouraged.**

- **Furniture and fixtures must not be fixed into the street or pavement surface. Furniture and fittings may need to be removed and stored inside each evening – this will depend largely on the type of furniture proposed and the location of the occupation.**
- **Furniture (including any umbrellas) must be “weather proof” and able to withstand high winds and uneven surfaces.**
- **Suitable arrangements for the storage and collection of refuse must be made.**
- **Provision of heaters and / or additional external lighting will require a formal risk assessment to be undertaken and submitted to the Council for approval. Further advice on the provision of heating appliances can be found at <https://www.aberdeencity.gov.uk/services/coronavirus-covid-19/spaces-people-including-city-centre>**
- **External public address systems or amplified music will not be acceptable.**
- **Marquees, tents or canopies should not be attached to any building. Further advice on marquees and other coverings is provided below.**
- **All notices required in terms of Trading Standards/ Environmental Health legislation must be displayed.**

Any proposals which do not align with the above may risk enforcement action being taken. Businesses are encouraged to contact [sfpbusiness@aberdeencity.gov.uk](mailto:sfpbusiness@aberdeencity.gov.uk) to discuss proposals for temporary outdoor seating in advance.

Please be aware that utilising an outdoor space on the pavement or street does not imply an exclusive right to the area, and the Council reserves the right to gain access to the area, e.g. for cleaning, maintenance, repairs or for city events. This also applies to organisations such as Statutory Undertakers where emergency access is required.



## Marquees and Other Coverings

In relation to marquees, tents and other similar coverings, The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 defined indoor spaces in line with the ‘wholly or substantially enclosed public places’ definition within the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

Therefore, in order to be considered as outdoor space, structures like marquees must have at least 50% of their “wall areas” open to be compliant. Structures with more than 50% of the perimeter walled are considered as indoor spaces. Free standing shelters should be situated at least 1.5 metres away from any other buildings or walls to allow adequate ventilation.

Businesses are required to ensure that the equipment being used is fit for purpose, that only competent suppliers are engaged to supply, install or adapt the equipment and that it is used as per the manufacturer’s guidelines.

Advice on the safe use of Marquees and other temporary structures can be found via:

**<https://www.legislation.gov.uk/ssi/2020/344/contents>**

MUTA are the UK’s Health and Safety Executive (HSE) endorsed trade association for marquees, tents and other similar temporary structures. MUTA members are vetted prior to being accepted as members, are subject to regular inspections and are required to adhere to the association’s Code of Practice & Best Practice Guide in order to reduce risk of accident. To ensure that only safe and certified equipment is used on council land, **Only marquees or tents supplied by MUTA members will be accepted on Council owned land.**

The following information should be provided for marquee, tent or similar coverings on Council owned land:

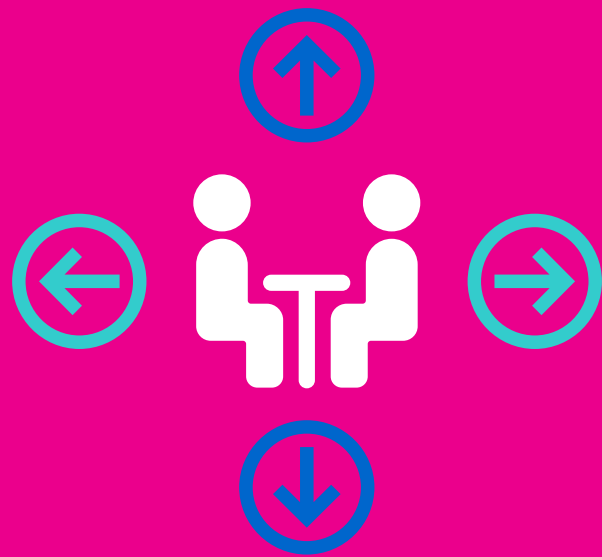
- **Public Liability Insurance (£5 Million) from the business using the structure.**
- **Confirmation of MUTA membership and inspection**
- **The technical specification of the structure and manufactures guidelines**

- **A drawing detailing the location of the marquee, including any ballast and ropes. It is important that these elements do not block public access routes, emergency exits and that they do not present trip hazards.**
- **Details of the ballast required to safely install the structure**
- **The wind loading of the structure – consideration should be given as to how this wind will be monitored and what action will be taken by the business in the event of winds exceeding this figure.**

Guidance can be found here:

**<https://www.aberdeencity.gov.uk/sites/default/files/2019-04/5.27%20Adverse%20Weather.pdf>**

Please note that any structure which is to be used from 28 days or longer may require a building warrant depending on its size or location. This applies for both Aberdeen City Council and privately owned land.



## Further Information, Guidance and How To Contact Us

Aberdeen City Council

<https://www.aberdeencity.gov.uk/covid19>

### Contact Details

For further information and guidance please contact:

[sfpbusiness@aberdeencity.gov.uk](mailto:sfpbusiness@aberdeencity.gov.uk)

