

COVID-19 Recovery
Temporary Trading Areas for Food and Beverage
Vale of Glamorgan Terms & Conditions

The Vale of Glamorgan Council has introduced temporary Terms and Conditions for the provision of Trading Areas for Food and Beverage on highway to apply from 13th July 2020 to 1st September 2020, to reflect the current UK Covid guidance and legislation as below.

1. All existing Trading Areas or Street Café licences on highway or other locations previously agreed and in place will be suspended from 31st March 2020 until further notice.
2. Temporary trading areas for food and beverage will only be permitted to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises.
3. Activity in the outside space must conform to the terms and conditions of the premise trading licence relevant to the business making the application. No joint applications will be permitted.
4. Any temporary allocation of a trading area or outside space must be proportionate to the existing business operation and any internal space within the business premises.
5. Where approved, any barriers, fencing, hoarding, furniture or other apparatus may only be placed on the highway within the agreed licensed area which will be marked out in spray paint by the Council or their designated representative.
6. The times of operation for any outside space will generally only be permitted between 8am and 10pm daily (local restrictions may be imposed depending on location and specific circumstances). No equipment will be permitted to be stored on the highway outside of the agreed operating hours.
7. The Council's bye-laws and Public Space Protection Orders (where appropriate) as well as all other relevant policies and standards shall be complied with at all times for health, safety and environmental reasons.
8. Premises will be required at all times to operate within the assigned space when trading and strictly comply with the guidance provided by the Welsh Government for a phased reopening of the Tourism and Hospitality business.
9. All businesses that are licensed to sell alcohol will be responsible for ensuring that no drinking takes place outside of their marked licensed area as referred in clause 5 above.
10. The temporary outside area boundary of any allocated space must not impact or encroach on the safe social distancing measures to any adjacent public footway or thoroughfare as required to reasonable comply with the Welsh Government's guidelines and legislation.
11. As part of the application process, the business owner shall submit sufficient details in an appropriate format, including plans as necessary, to demonstrate how any temporary allocation of outside space can be managed and demarcated to meet the required social distancing requirements in a safe manner.
12. No approval for a temporary trading area or allocated outside space will be considered or permitted which detrimentally impacts or conflicts with the Council's Town Centre recovery plans.

13. No music or public broadcasting of any events whatsoever will be permitted at any time within any approved temporary trading areas or outside space
14. The approval of any temporary allocation of trading areas or outside space will be considered by a 'Permitting Panel' comprising relevant officers to consider each application and grant all new licences. The authorisation of any temporary licences will be determined by the Director of Environment (the authorising officer) and the Head of Legal and Democratic Services. The decision of the authorising officer is final.
15. The granting of any temporary trading area or allocated outside space for food and beverage does not imply an exclusive right to the area. The Council reserves the right to gain access to the area for cleaning, repairing and maintaining the highway or street furniture. The Council therefore reserves the right to suspend the permission temporarily if, for any reason, it becomes necessary and to facilitate emergency access by Statutory Undertakers for the maintenance and repair of their equipment.
16. All fees associated with application and licensing of any temporary trading area or allocated outside space will be waived for the period 13th July 2020 to 1st September 2020 to assist Cafés and Restaurants etc. in the recovery phase. All costs associated with complying with the terms and conditions to implement and maintain external allocated space shall be borne by the business premises making the application.
17. All allocated outside space shall be swept and kept clear of all litter and refuse by the applicant. Spillages and breakages, especially of glass and crockery, should be cleared up immediately. The temporary trading area for food and beverage should be thoroughly washed down at the end of each trading day and all discarded cigarette stubs must be cleared.
18. All furniture used for temporary trading areas for food and beverage shall be safe and in good condition designed for commercial use and comply with:
 - BS EN 16139:2013 Test level 1 – 'Furniture – strength, durability and safety requirements for non-domestic seating'.
 - BS EN 15372:2008 Test level 2 – 'Furniture – strength, durability and safety requirements for non-domestic tables'.
19. All temporary barriers, fencing or hoarding used to enclose or demarcate the temporary trading area or allocated outside space shall be provided by the applicant and be of a portable type with an appropriate tapping rails and adjustments for the safety of disabled persons. They shall be stable and sturdy with no protruding parts and contain no advertising other than the name of the premises which holds the licence. They must not be used to advertise services or products sold.
20. Parasols, when opened, should be safely secured and contained entirely within the boundaries of the allocated outside space or temporary trading area with no elements extending outside the marked boundaries to ensure they do not cause an obstruction or present a danger.
21. Emergency exit routes from your own and adjacent buildings should not be obstructed by the temporary trading area or allocated outside space and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets or areas.
22. The needs of other users of the highway will be taken into account e.g. pedestrians, tradespeople, adjacent businesses when considering any temporary trading area or allocated outside space. The safe use of adjacent footways or pedestrian areas will take precedence over any request for temporary trading area or allocated outside space when considering applications.

23. The temporary trading area or allocated outside space for food and beverages should generally occupy an area directly in front of the premises and be visible from the main business premises or staff supervised at all times of operation.
24. The responsible person for the temporary trading area for food and beverage of each premises (of who the signature is given in agreement to these conditions) will be required to indemnify the Council against all actions, demands, costs, charges or expenses arising from using the highway under the permission granted.
25. Any defects or damage to the Highway need to be reported to the Highways Department immediately regardless of cause. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected with the temporary trading area for food and beverage operation may be recharged to the premises. The Council will, therefore, require the licensee to evidence appropriate third-party public liability insurance in the sum of at least £5,000,000.
26. The Council will carry out periodic inspections to make sure that all the terms and conditions of temporary trading area for food and beverage are being adhered to.
27. The Council reserves the right to suspend or revoke any permission or licence associated with temporary trading areas or allocated outside space should businesses breach these terms and conditions or any licence agreement without notice or recourse to appeal and with no opportunity for re-application until 1st September 2020.
28. Anti-social behaviour within or associated with any temporary trading areas or allocated outside space will not be tolerated and will also result in suspension or revocation of any permission or licence without notice or recourse to appeal and with no opportunity for re-application until 1st September 2020.
29. If you wish to serve alcohol for consumption in the temporary trading area for food and beverage, you will need a premises licence which allows for OFF sales and consumption in that defined area. A premises licence can be applied for or varied through the local licensing authority.
30. Agreement to these conditions does not give any claim to the same provisions if and when a street café licence is applied for in future. Such licences will be required in future to be able to trade on the highway once the temporary measures within these terms and conditions end. Sufficient notice will be given for such licences to be applied for (and the relevant consultation period) before the end of these temporary measures.
31. Any furniture on the Public Highway after the end of the agreement will be removed by the Vale of Glamorgan Council. Under Section 137 of the Highway Act 1980, if any person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
32. These terms and conditions may vary to accommodate change in circumstances, legislation or guidance produced by Welsh Government and Vale of Glamorgan policies and procedures at any time during the agreed licence period.
33. Subject to approval and granting of any temporary trading area or allocated outside space by the authorising officer each business will be required to sign a declaration agreeing the licence terms and conditions as appropriate.