

Supporting Economic Recovery in Highland A Guide for Businesses

A' Cur Taic Ri Ath-shlànachadh
Eaconamach sa Ghàidhealtachd
Iùl do Ghnothachasan



Introduction

The Highland 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), and follow the overarching guidance provided by Scottish Government.

As such, it is likely that physical distancing will be required for the foreseeable future. The purpose of this guidance is to provide advice and support to shops, leisure facilities and other businesses likely to experience an upsurge in visitor numbers as lockdown restrictions are eased.

It outlines the steps that both you and the Council are likely to have to make to ensure the safe re-opening of premises and sites.

Premises will only be operated where permitted by, and in accordance with, legislation, regulations and directions of the UK and Scottish Governments relative to the COVID-19 pandemic, whether relating to the protection of public health, restrictions of social gatherings, requirement for social distancing or otherwise.

The Scottish Government has published [guidance](#) for all sectors including [guidance](#) for tourism and hospitality.

It is now mandatory to wear face coverings on public transport.

3	Your responsibilities
4	Queuing
5	Car parking
6	Utilising outdoor spaces
7-8	Environmental Health
9	Licensing
10-11	Planning and roads
12	Design principles for outdoor spaces
13	Public toilets
14-15	Opening up countryside facilities & restarting tourism
16	Trading Standards
17	Further information & guidance & how to contact us

Your responsibilities

Individual shop/business owners and operators will be responsible for controlling and managing access to, egress from and queuing both outside and within their premises in accordance with the most up to date government guidance on physical distancing.

This may involve:

- Limiting the number of individuals allowed to enter at any one time;
 - Reorganising premises to enable physical distancing such as, for example introducing a one-way system for entry and exit if possible;
 - Ensuring that those partaking of activities (shopping, eating and drinking, watching a performance) are appropriately spaced out;
 - Implementing revised queuing arrangements outside buildings and at tills/toilets/changing rooms;
- This may require the use of tape or paint to mark 2m distances on the ground to help people comply with physical distancing regulations;
 - Some premises may need to work together on plans for combined queuing arrangements, such as individual shops within shopping centres;
 - Recommending the use of contactless payment systems wherever possible;
 - Enhanced cleaning regimes.



Queuing

As a result of social distancing and the need to control access to public areas, there may be increased queueing in certain areas.

There may be a need for queuing bays to be marked out at intervals along pavements outside busy shops, cafes and at bus stops. If you think this is likely to be necessary outside your premises, please contact us for further information at:

street.spaces@highland.gov.uk

We are also devoting more space to people in areas of key economic and leisure activity, such as outside shops and cafes. This may involve 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.

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 in other parts of Scotland, The Highland Council 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. This may take the form of temporary cycle lanes for example.



Car parking

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.

The vast majority of the Council's car parks are open.

The Council is awaiting further guidance from Scottish Government on travel restrictions being lifted, but will at the appropriate time open up all of the car parks that remain closed.

It is also intended to phase in parking enforcement over the next few weeks to ensure that:

- Access to service and businesses are managed effectively;
- Customers can access services and businesses by using short term parking spaces where available;
- Disabled access is maintained by enforcing against the unauthorised occupancy of Disabled bays;
- Pavement Parking and obstruction of pedestrian access is managed effectively;
- Traffic management and safety is not compromised by unregulated parking on main routes and around regulated junctions;
- On street residents and business permit parking is effectively managed; and
- The COVID-19 Spaces for People response is enforced appropriately to protect pedestrians and cyclists.

Guidance on Utilising Outdoor Spaces for Pubs and Restaurants

Phase 2 of the Scottish Government's COVID-19 Route Map for coming out of Lockdown permits pubs and restaurants to open outdoor spaces with physical distancing and increased hygiene measures in place.

This guidance is intended to provide information for premises seeking to take up this opportunity in Phase 2 and will be reassessed as we move into Phases 3 and 4 of the Scottish Government's COVID-19 Route Map.

Overspill Activities

With the capacity of premises being reduced there may be opportunities for activities, particularly eating and drinking, to be provided or located on the street or other public areas (including car parks).

Larger venues may require overflow areas and there may be scope for outdoor performances. The Council is supportive of this and will aim to accommodate this where it can be achieved safely (see planning guidance on pages 10 - 12).

Environmental Health

Business wishing to use outdoor spaces as a new part of their operations will need to consider how these changes will impact normal practices as well as the additional control measures required for COVID-19.

Food:

Food Business Operators will need to ensure that their Food Safety Management Systems are reviewed and updated for COVID-19. Food Standards Scotland has produced guidance and a risk assessment tool which will help food businesses.

<https://www.foodstandards.gov.scot/>

Health and Safety:

Business will need to ensure that their Health & Safety Risk Assessments are reviewed and updated to include any changes, especially for:

Physical Distancing:

- Queue Control measures (pavement markings/signage).
- Public space layout/markings.
- Perspex screening to protect staff.
- Supervision to ensure physical distancing
- Work area layout for staff.
- Smoking areas/shelters.

Temporary Structures:

Many businesses will be using marquees and gazebos for the first time and therefore need to be mindful of the unique hazards that are associated with their use. Specific guidance is available on the HSE website: Temporary demountable structures (TDS) - stages, seating, marquees etc at:

<https://www.hse.gov.uk/event-safety/temporary-demountable-structures.htm>

Further health and safety guidance on risk assessments for COVID-19 can be found on the Health and Safety Executive [website www.hse.gov.uk](http://www.hse.gov.uk)

Outdoor Spaces:

Outdoor spaces with physical distancing and increased hygiene routines will be permitted during Phase 2 for pubs and restaurants.

However, any outdoor structures need to be open for sufficient ventilation and cannot be substantially enclosed. Structures and premises will be regarded as "substantially enclosed" if the openings have an aggregate area which is less than 50% of the area of the walls.

Environmental Health

Noise:

To reduce the potential for noise nuisance, live or recorded music should not be played in these areas and doors leading to them from the main premises should be kept closed to contain the noise.

Noise management plans can be used to reduce the impact of noise. This may include physical measures such as barriers or enhanced insulation or management controls.

Management should control access to the areas at night and monitor customer's behaviour to ensure it does not give rise to noise nuisance.

Litter:

Any litter generated by the service of food outside (i.e. food scraps, food wrappers, napkins etc.) must be tidied away promptly.

Businesses are expected to make appropriate arrangements for the disposal of such litter arising through use of the street space; this could include having a closed bin in a prominent place or by increasing the frequency of removal of plates, rubbish etc. by staff.

Birds/Pests:

Birds and pests usually are a nuisance when they are looking for food. The nuisance comes in the form of scavenging for food and droppings. This can be prevented by strongly discouraging customers from feeding any of the local birds or wildlife, especially Gulls. Any spills that occur within the street space area should be wiped or swept up immediately, with the refuse being contained in a closed bin.

For further enquiries contact Environmental Health at: envhealth@highland.gov.uk

Licensing

Sale of alcohol

If alcohol is to be sold in an outdoor area, it must be licensed for on sale consumption. If the outdoor area is already licensed, then the area can be used under the current terms of the premises licence.

However, licence holders should have policies and procedures in place to comply with the physical distancing requirements and hygiene measures which can be demonstrated to Police Scotland, Environmental Health and Licensing Standards Officers if necessary.

If you wish to sell alcohol from an outside area that is not currently licensed for the sale of alcohol on a temporary basis, you will need to apply for an occasional licence. You can apply for an occasional licence for a maximum of 14 days at one time. This maximum time period is set by the legislation and the Board has no discretion to increase this.

However, pubs, restaurants and cafes can apply for consecutive occasional licence applications. In order to apply for an occasional licence you must either hold a premises licence, a personal licence or are from a voluntary organisation.

An application can be made online at: www.bit.ly/ApplyForaLiquorLicense

The application must outline a description of the area, the proposed activities to be carried on as well as a statement regarding the period of time the licence is to have effect and a statement of the licensed hours. There must also be information regarding times of off sales (if any) and details regarding child access (if any).

If you wish to licence an outdoor area of your premises on a more permanent basis, then this would require a formal application to be submitted to vary the premises licence. An application can be made online at:

www.bit.ly/ApplyForaLiquorLicense

Sale of food only

A late hours catering licence is required for the use of premises (including land) for the sale to or consumption by the public of food between the hours of 11pm and 5am the following morning. The primary purpose of this is to preserve the amenity of an area especially if there is the likelihood of noise, litter or other disturbance in primarily residential areas. It also includes where diners begin their meals before 11pm but do not finish by that hour.

However, a late hours catering licence is not required if you already have a licence to sell alcohol between these times or hold a public entertainment licence for these hours.

An application can be made online at:

www.bit.ly/LateHoursCatering

Planning and roads

Normally planning permission is required to change the use of land i.e. where it is proposed to occupy space on a pavement, road, car park, park etc.

There are two main exceptions to this:

1. Where that use will take place for no more than 28 days within a calendar year.
2. Where the space to be used lies within the curtilage of an existing building and the use of the building and curtilage forms a single planning unit that already has the benefit of planning permission i.e. a public house with beer garden, restaurant with private outside space and/or hotel with grounds whether these spaces are licensed or not.

Where structures are proposed, and these will be in place for more than 28 days, these would normally require planning permission.

In light of the current situation, planning will temporarily relax controls and take a reasonable and proportionate approach.

A Building Warrant is not required for the use of temporary shelters as these would be treated as exempt structures and not require a building warrant for their erection or use.

Any shelter must be weather proof and be able to withstand high winds.

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 (for example for a permanent rather than temporary proposal) can do so here:

Planning Applications:

www.bit.ly/DoYouNeedPlanningPermission

Using an outside space that is not part of your premises

If you want to extend beyond the area that you own, you would need the consent of the landowner.

If you wish to use the pavement or other Council owned public space (e.g. roads or car parks) outside your premises, you need to apply for a permit.

This can be applied for here:

www.bit.ly/ApplicationForStreetCafe (PDF)

Other consents may be required depending on the circumstances, but this will be made clear to applicants as early as possible.

In order to assist applicants for Occasional Licences and other required permits the Licencing team will consult the Council's Roads and Planning teams to ensure all aspects are covered. With this in mind, the applicants may wish to provide the following additional information to 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.
 - 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.
 - 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" is also encouraged.

Design principles for outdoor spaces

- 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.
 - All furniture and fixtures must be removed and stored inside each evening, and not be fixed into the street or pavement surface.
 - 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.
 - Heaters and additional external lighting are discouraged unless a formal risk assessment has been undertaken and submitted to the Council for approval.
 - Street furniture and other hand contact surfaces touched regularly by customers/your staff must be frequently cleaned and disinfected.
 - External public address systems or amplified music will generally be discouraged.
 - Any shelter must be weather proof and be able to withstand high winds.
- All notices required in terms of Consumer Protection / Environmental Health legislation must be displayed.

Any proposals which do not align with the above may risk enforcement action being taken.

Please be aware that using 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.

Public toilets

The Council has 74 public conveniences across the region. Some have remained open throughout the lockdown period to support key workers. Nearly all are now open, with exceptions relating to those undergoing or awaiting repairs or in the process of being transferred to community groups to run. The Council's website sets out which public conveniences are open or still to open at <http://ow.ly/HY3T30qSebv>.

New signage will be in place confirming the importance of hand hygiene and social distancing. The facilities will be cleaned either once or twice daily (depending on the cleaning route they are on) as in line with the previous cleaning regime in these facilities. Cleaning will be carried out by our staff who have been fully briefed on cleaning operations, materials to use and relevant risk assessments to follow in order to allow them to do their jobs safely.

People must take responsibility for themselves whilst using the public conveniences and do so at their own risk, following Government guidelines on Social Distancing. We will also be erecting signs to remind people to wash their hands and observe the guidance to stay 2 meters apart.

The Council also has comfort schemes in place with 37 other providers across the region. Around 14 are currently operating and we will liaise with the other providers regarding their re-opening plans. Information on comfort scheme opening will be up-dated on our website



Opening up countryside facilities

The Council is preparing a phased plan to ensure that the Highland Tourism industry is supported as the Scottish Government advice is implemented over the coming weeks.

We will work with businesses and communities to ensure a safe and planned transition from the current lockdown measures to welcoming visitors back to countryside sites in Highland.

Specifically we will:

- Maintain all health and safety protocols to reduce the risk of the transmission of Covid-19;
- Mitigate any negative impacts from increased recreation in sensitive or popular sites;
- Recognise and dovetail with the Scottish Government's routemap phases;
- Reduce any potential anxiety of residents and manage expectations of visitors; and
- Prepare businesses, land owners and communities for the increase in visitors.

The Council's Access team has begun to cut back vegetation on some popular core paths to widen and allow safer passing. Social distancing signs will be placed on popular paths, and one-way systems may be recommended on circular routes.

We recommend that people try to avoid busy places and peak times.

Key Messages:

1. If it feels too busy, it is too busy - so move on to another location
2. Be considerate to others
3. Leave nothing behind

Key points to consider before setting out are:

- Most Council car parks have now re-opened, but some in more popular locations remain closed until phase 3.
- Public toilets are now open
- Waste bins in car parks may not be emptied, so please take your rubbish home.
- With the good weather comes a high fire risk so please no fires or BBQs.

Opening up countryside facilities & restarting tourism safely

The **Rights of Responsible Access** still apply and everyone should continue to follow the Scottish Outdoor Access Code and the current Government advice on exercising outdoors.

- **Keep your distance** – try to stay 2m away from other people when out and about. You can still say hello or give a wave as you pass.
- **Avoid contact** – take hygiene precautions when you are outside and wash your hands as soon as you can or use hand gel.
- **Dogs** need to be kept on a lead or under close control, do not let them approach others and remember to pick up and remove all waste.

The **Guidance to support Scotland's tourism and hospitality sector** to reopen safely has been published.

The industry has been asked to prepare for reopening on 15 July, if sufficient progress is made to move to phase 3 of the route-map.

It sets out the key public health measures that will need to be taken to allow safe reopening, including:

- Establishing physical distancing taking account of organisational capacity, queue management, signage and markings.
- Enhanced hand hygiene measures and cleaning practice.
- Advice on workforce planning, including training and equality issues.
- Guidance for customers to ensure they know how to plan ahead and engage safely with the tourism and hospitality sector.

<https://www.gov.scot/news/restarting-tourism-safely/>

Trading Standards

Face-coverings & PPE

The Scottish Government is now advising that people should aim to wear a face-covering in enclosed spaces where social distancing is not always possible, for example on public transport or in some shops.

Face-coverings are not intended to help the wearer, but to protect against inadvertent transmission of the disease to others if you have it asymptotically.

Trading Standards highlight the important differences between the types of face-coverings & face masks being used during the COVID-19 Coronavirus outbreak.

- Personal Protective Equipment (PPE) and Medical Devices such as respirator or surgical masks which protect the wearer (and for medical devices, the patient) against the virus and must be made to a high specification.

- Face-coverings i.e. not anti-COVID-19 PPE or medical devices, including scarves and homemade versions made from t-shirts, handkerchiefs etc; which do not protect the wearer but can to some extent reduce the amount of virus that an infected person emits, thus providing some protection to others in proximity.

Trading Standards advise that businesses must not sell low-tech face-coverings as PPE or make any claims that such items provide protection for the wearer against COVID-19.

Best practice at the present time is for businesses to explicitly state the limitations of such products when selling so that the buyer is in no doubt.

Guidance for Holders of Taxi and Private Hire Licences

The Scottish Government has published sector specific guidance for Taxi and PHC operation.

This includes:

- Stay at home guidance and physical (social distancing between drivers and passengers both inside and outside the vehicle (e.g. assisting with bags or opening the boot for luggage, shopping etc.
- Use of partitions or screens
- Hand and respiratory hygiene for drivers and passengers
- Use of face coverings by drivers and passengers
- Wheelchair and passenger assistance
- Cleaning of vehicles

The sectoral guidance can be found at: <https://www.scotss.org/covid/taxiguideance19june.pdf>

Hand Sanitisers

Retailers supplying hand sanitiser chemicals should be aware of the technical nature of these products. Guidance is available at

www.highland.gov.uk/coronavirus/tradingstandards

General business guidance is available at:

www.highland.gov.uk/tradingstandards
trading.standards@highland.gov.uk

Further information, guidance and how to contact us

The Scottish Government:

Scottish Government Guidance for all sectors: <http://ow.ly/o3mJ30qSgFT>

Coronavirus (COVID-19): framework for decision making - Scotland's route map through and out of the crisis - Phase 2 update:

<http://ow.ly/3JY430qRr3b>

Births, deaths and marriages

Registration Services <http://ow.ly/cn1530qSfJ8>

Funerals

Coronavirus (COVID-19): funeral services in places of worship: <http://ow.ly/XFfh30qShOY>

Coronavirus (COVID-19): guidance for funeral services: <http://ow.ly/pMrt30qSfN2>

Education

Arrangements for going back to school will be published here: <https://www.highland.gov.uk/backtoschool>

Further advice and guidance on a range of services can be found on our website at:

<https://www.highland.gov.uk/coronavirus>

Childminding

Guidance to support childminding settings closed during lockdown, to reopen: <http://ow.ly/3iZ030qSghi>



**The Highland
Council**
**Comhairle na
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www.highland.gov.uk

