

## Memorandum of Understanding

### Temporary trading areas for food and beverage on the highway – Cardiff City Centre Recovery COVID-19

1. 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.
2. Activity in the outside space must conform to the terms and conditions of the premise trading licence for that business. CCTV must cover the extended trading area if that is a condition of the current licence and coverings such as umbrellas or awnings must not obstruct the CCTV coverage.
3. Apparatus and furniture may only be placed on the highway in the designated areas between the times of 7am (local restrictions may apply) and midnight. No equipment can be stored on the highway outside of these agreed operating hours.
4. The Council's bye-laws, policies and standards also need to be complied with for health, safety and environmental reasons.
5. The outside area boundary must not impact on the social distancing measures for pedestrians and comply with the key principles defined in Welsh Government Guidelines, city centre and local centre plans.
6. Premises are required to operate within the assigned space to the trading for food and beverage guidance for social distancing and COVID-19 safety, provided by Welsh Government.
7. The plans provided and these related conditions are open to change in line with Welsh Government and Cardiff Council guidance.
8. The area should be swept when necessary to keep it clear of litter and refuse. 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. Businesses are encouraged to use plastic glasses in establishments where drinking only is taking place after 9pm. All businesses should have a contingency plan in place to adjust their mode of serving from glass to plastic if required. The authority reserves the right to ask a business to switch to plastic glasses.
9. This guide does not wish to define a standard style of furniture for temporary trading areas for food and beverage; but the furniture should be 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'.

10. If intending to use parasols, they must when opened, should be safely secured and contained entirely within the boundaries of the temporary trading area for food and beverage to ensure they do not cause an obstruction or present a danger. Premises must ensure that the parasols or temporary structure do not obstruct the premises CCTV coverage

11. 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.

12. 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 take out third party public liability insurance in the sum of at least £5,000,000.

Details of the third party liability insurance should be enclosed.

13. Granting of a temporary trading area for food and beverage does not imply an exclusive right to the area. The operator of the temporary trading area for food and beverage should be aware that the Council reserves the right to gain access to the area for cleaning, repairing and maintaining the highway or street furniture. Other organisations, such as statutory undertakers, may also require access for maintenance and repair of their equipment. The Council therefore reserves the right to suspend the permission temporarily if, for any reason, it becomes necessary.

14. 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. The Council may suspend or terminate this permission if any of the conditions of this agreement are breached.

15. In all instances, unless it is inappropriate or impracticable, you will have to provide a portable means of enclosure for the temporary trading area for food and beverage area, such as barriers or planters. These should be stable and sturdy, not contain protruding parts and have a tapping rail. Limited advertising may be permitted on the enclosures but will be restricted to the name of the premises only. They must not be used to advertise services or products sold.

16. Emergency exit routes from your own and adjacent buildings should not be obstructed by the temporary trading area for food and beverage and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.
17. The needs of other users of the highway should be taken into account e.g. pedestrians, tradespeople, adjacent businesses.
18. 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, Cardiff County Council.
19. 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 of this plan 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.
20. The temporary trading area for food and beverages should generally occupy an area directly in front of the premises. The area must be visible from the premises or staff supervised at all times of operation.
21. Any furniture left on the Public Highway after the end of the agreement can be legally removed by Cardiff Council.
22. 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.