



## **Guidance on selling goods outside of your shop premises**

This guidance has been prepared by officers working on behalf of the seven Worcestershire local authorities. It aims to support local businesses to take full advantage of the public realm by expanding business activities beyond their shop fronts, to assist with managing customers and sales as we come out of the lockdown. These are temporary relaxations and, at some future point, we may give notice of a return to the normal, more formal approach to regulating these spaces.

Our town and city centres provide a variety of distinctive destinations with a variety of attractions for the residents and visitor alike. Features such as pedestrianised streets and wide pavements are well suited to accommodate product sales. Careful use of the area outside shop fronts can also add significantly to the attraction of the streetscape, stimulating increased footfall.

This guidance sets out the key issues that businesses should address when using pavement areas.

Whilst there are some basic legal provisions that control obstruction of the highway, the law is imprecise and often open to interpretation. This can sometimes inhibit innovation, making it difficult to meet the needs of local businesses. The Worcestershire Councils recognise that each case is unique, so will aim to work with the business community in a pragmatic way to get the look and feel of our streetscape right at this difficult time for our communities.

### **Social Distancing**

Before we move into the details of how you might be able to use this facility, it is important to remind you that the provisions on social distancing that you must manage within your premises once they are open must also be ensured when using the pavement outside of your business. The current government guidance on this can be found at:

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/shops-and-branches>

We have appended some of the key points to this guidance but would encourage you to consult with and understand this before embarking on trading outside of your premises. Government has recently issued further advice on what to do when considering re-opening which you will find via this link:

<https://assets.publishing.service.gov.uk/media/5eb9703de90e07082fa57ce0/working-safely-during-covid-19-shops-branches-v1.1-250520.pdf>

### **General Requirements**

Displays of products and associated sales equipment (tills and POS equipment,) may be sited on the pedestrian public highway but must not cause an obstruction to the general public, present a trip hazard, or place obstacles which are hard to see or detect properly with a white cane. Obstruction of the public highway is a criminal offence, which could result in legal proceedings. Where facilities are proposed to be located near to a road junction, care must be taken not to obscure visibility for passing traffic.

In normal circumstances we would advise businesses to consult with both the local district council planning team as well as the County Council Highways team before installing such facilities, however, in the current climate, discussion with the local County Council Highways Liaison Engineer will be sufficient to achieve sign off for what you are proposing. Our District Council Town Centre Managers are currently working on plans for the safe re-opening of the High Streets, so we would ask that you also discuss your proposals with them in order that we can ensure that everyone can make best use of our civic spaces as we move out of lockdown. The link below will show you what government have asked councils to look at and give you an appreciation of the complexities we are all facing:

[https://assets.publishing.service.gov.uk/media/5ebbb57ae90e070831aeb0d3/Guidance\\_Safer\\_Public\\_Places\\_During\\_Covid\\_v5.8.pdf](https://assets.publishing.service.gov.uk/media/5ebbb57ae90e070831aeb0d3/Guidance_Safer_Public_Places_During_Covid_v5.8.pdf)

Installations may be required to be removed at short notice to allow for times when a road closure order has been issued for various purposes, in the current situation mainly for repairs to be undertaken or statutory services, such as utility companies, require access to their infrastructure. There may also be times when pedestrianised areas need to be open to vehicular traffic for deliveries so you may need to consider this when determining what to put outside and of course emergency vehicles will need access along such areas too, so be prepared to move things quickly if necessary.

### **Size and Layout**

Typically, goods display/ sales areas will be situated parallel to the main premises frontage. In all cases, a continuous 2 metre width minimum footway must be provided and maintained at all times, to ensure vulnerable users and those with disabilities can access and move freely around the space. If the proposed area fronts adjacent or other properties, prior consent from these owners/occupiers may be required. Street trading controls do not apply in this case, as long as the offer is made directly outside of the premises offering the goods for supply. Please do not stray from the area identified as it is an offence to sell goods beyond this area without a license. If you have any concerns, you can discuss this with the County Council Highways Liaison Officer and with the District Councils' Licensing Team at Regulatory Services.

The area to be used must take into account other needs and uses in the vicinity, such as pedestrian crossings, loading bays and street furniture. A minimum distance of 1.8 metres must be kept clear of the kerb line of regularly trafficked routes.

Emergency exits and routes from buildings, and those associated with the highway must be kept clear at all times.

### **Environmental Requirements**

In some locations, poor air quality (due to traffic emissions) makes it inappropriate to site pavement displays of products. In other areas, consideration needs to be given to the proximity of bus stops and taxi ranks, not only from the aspect of air quality, but also taking the movements of vehicles and people into account.

It is the responsibility of the business to keep the area of pavement in use for business purposes free of all litter during the hours of operation, including any litter that has blown into the enclosed area. The operator is also responsible for the removal of any litter in the immediate area that is generated by the business.

All outside business operations must comply with the relevant alcohol licensing, food safety and health and safety at work requirements relating to the main premises. Further advice may be sought from the relevant teams at Regulatory Services in relation to these requirements. This will be particularly

relevant if you are, for example, a takeaway food outlet considering the option of providing a pavement supply area, as there may be other legal provisions that apply which do not normally impact upon your business. The Regulatory Service will help you to understand what, if anything, you need to do to meet these requirements.

Also, your Public Liability Insurance must be valid for the pavement area as well as the premises. Please check with your insurer that the activities are covered.

### **Extract from the Social Distancing Guidance**

We know that businesses are making great efforts to ensure this if they are open now or if they are planning to re-open shortly. However, we would still suggest that you consult this advice mentioned in the link above and that you check the .GOV website regularly for updates.

Key steps that you and your neighbouring business colleagues will usually need to take include:

1. Defining the number of customers that can reasonably follow 2m social distancing within the store and any outdoor selling areas. Take into account total floor-space, likely pinch points and busy areas.
2. Limiting the number of customers in the store, overall and in any particular congestion areas, for example doorways between outside and inside spaces
3. Encouraging customers to use hand sanitiser or handwashing facilities as they enter the premises to reduce the risk of transmission by touching products while browsing.
4. Encouraging customers to avoid handling products whilst browsing, if at all possible.
5. Suspending or reducing customer services that cannot be undertaken without contravening social distancing guidelines. This may include re-thinking how assistance is provided, for example, using fixed pairs of colleagues to lift heavy objects rather than a single colleague lifting with a customer.
6. Encouraging customers to shop alone where possible, unless they need specific assistance.
7. Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
8. Looking at how people walk through the shop and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.
9. Ensuring any changes to entries, exit and queue management take into account reasonable adjustments for those who need them, including disabled shoppers.
10. Working within your local area to provide additional parking or facilities such as bike racks, where possible, to help customers avoid using public transport.
11. Using outside premises for queuing where available and safe, for example some car parks
12. Managing outside queues to ensure they do not cause a risk to individuals or other businesses, for example by introducing queuing systems, using barriers and having staff direct customers.
13. Working with your local authority or landlord to take into account the impact of your processes, including queues, on public spaces such as high streets and public car parks.
14. Shopping centres should take responsibility for regulating the number of customers in the centre and the queuing process in communal areas on behalf of their retail.

15. Having clearly designated positions from which colleagues can provide advice or assistance to customers whilst maintaining social distance

16. Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.

17. Avoid sharing vehicles except within a family, for example on test drives. If it is not possible, keep the number of people in the vehicle to a minimum and as distanced within the vehicle space as possible, and use other safety measures such as ensuring good ventilation.

18. Continuing to keep customer restaurants and cafes closed until further notice, apart from when offering hot or cold food to be consumed off the premises.

If you need further advice and support:

Contact the County Council Highways Liaison Team at:

Worcestershire County Council  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP  
Telephone: 01905 843070  
[customerandcommunity@worcestershire.gov.uk](mailto:customerandcommunity@worcestershire.gov.uk)

Contact the District Councils' Licensing and Environmental Health teams at:

Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 7WF  
Telephone: 01905 822799  
[www.worcsregservices.gov.uk](http://www.worcsregservices.gov.uk)



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