

## Rother District Council

**Report to:** Cabinet

**Date:** 17 August 2020

**Title:** Bexhill Promenade Trading

**Report of:** Ben Hook, Head of Acquisitions, Transformation and Regeneration

**Cabinet Member:** Councillor Oliver

**Ward(s):** Central Ward, Bexhill

**Purpose of Report:** To permit extended trading arrangements at Bexhill Promenade during the current tourist season

**Decision Type:** Non-Key

**Officer**

**Recommendation(s):** It be **RESOLVED:** That:

- 1) temporary spill-out seating licences be granted to the food and drink tenants at Bexhill Promenade until 31 October 2020 as set out at Appendix 1; subject to meeting safe working criteria; and officers be authorised to take the necessary steps to prevent unauthorised spill-outs, including termination of tenancies where the problem persists; and
- 2) rent relief be granted to all food and drink tenants at the Promenade, as set out at Appendix 1 for the period from 1 April 2020 – 30 September 2020.

### Reasons for

**Recommendations:** To regularise the current position through the grant of temporary licences allows the Council to ensure that such activity takes place in a safe manner. Rental concessions will help to ensure that tenants remain in place over the forthcoming months.

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### Introduction

1. Due to the recent lockdown measures, businesses in the retail and hospitality sectors were significantly affected. The lockdown coincided with the start of the spring season and many businesses that rely on this period leading into the summer seasons' trade have seen a significant drop in earnings as a result of being unable to trade or severely restricted in their trading activity. These include the Council's own tenants on Bexhill Seafront.

## Proposals

2. Now that trading has resumed under social distancing guidelines, some tenants at the Promenade have taken the opportunity to increase their trading capacity by placing tables and chairs on the Promenade to accommodate additional customers. This does not currently have formal approval from the Council; however, officers have been mindful of the desire to support and retain local businesses during the current crisis. This also reflects the recent change to permit pavement licences to restaurants and cafes in town centres.
3. In order to regularise the position, it is recommended that officers be authorised to grant temporary licences to existing restaurants and cafes on Bexhill seafront to allow them to extend their seating arrangements, provided that that this can be accommodated with regard to public safety and COVID-19 guidelines. The extent of these arrangements will be agreed with each tenant and thereafter monitored by the Coastal Officers to ensure that any conditions are adhered to. Failure to comply will result in the licence being revoked. It is not proposed to charge a fee for this arrangement.
4. It is recommended that any temporary licences be granted for the period up to and including 31 October 2020. Beyond that date tenants will be required to revert to trading within the areas permitted within their previously existing lease or licences, and this will be enforced in accordance with the provisions of the lease or licence, including termination of the tenancy or licence where the breach is persistent.
5. In order to further support the Council's tenants at Bexhill Promenade, it is recommended that all rents and licence fees from food and drink tenants on the Promenade, including the Colonnade, be written off for the period 1 April – 30 September 2020. This will cost in the order of £27,700 in lost income. A list of these premises is attached as Appendix 1.
6. This is in response to requests from tenants who have indicated that their businesses are at risk. In general, the hospitality and catering sectors have been particularly hard hit by the lockdown and are only now able to make up for lost time during the normally busy summer season. Social distancing rules also limit businesses' customer capacity. Whilst some seafront tenants are able to trade successfully when the weather is good, their ability to survive the lockdown in the long term will depend on their ability to sufficiently recover lost income to survive the forthcoming winter season. A rental concession would help ensure that tenants remain in place over the forthcoming months.

## Conclusion

7. Currently traders are spilling out onto the Promenade to recover some of their losses due to the lockdown and COVID-19 restrictions but there is currently no authority for the Council to permit this. This presents the risk of conflict between traders and members of the public using the Promenade, and a potential insurance risk to the Council should an accident occur. Regularising the position through the

grant of temporary licences allows the Council to ensure that such activity takes place in a safe manner.

8. Businesses on the Promenade are particularly reliant on casual and seasonal trade driven by leisure activity. The proposed relief on rents will allow tenants who have been adversely affected by the lockdown to manage costs while trading under social distancing guidelines, at a time when customer confidence and activity remains low.
9. Therefore, it is recommended:
  - 1) to grant temporary spill-out seating licences to food and drink tenants at Bexhill Promenade until up to and including 31 October 2020; subject to meeting safe working criteria and officers be authorised to take the necessary steps to prevent unauthorised spill-outs, including termination of tenancies where the problem persists; and
  - 2) to grant rent relief to all food and drink tenants at the Promenade for the period from 1 April 2020 – 30 September 2020.

### **Financial Implications**

10. Offering rent relief to food and drink tenants at Bexhill Promenade for 6 months will incur a cost of approximately £ 27,700 in lost revenue. This will add to the overall deficit the Council is expecting as a result of the Corona Pandemic. It is unlikely that rent relief post relaxation of lockdown measures will qualify for government financial support.

### **Legal Implications**

11. If approved the resolution will necessitate entering into a number of temporary licence agreements, similar to sitting out licences already in place.

### **Other Implications**

12. Risk Management: the extent and arrangement of any sitting-out areas will be agreed in consultation with the Coastal Control Officer, including a risk assessment having regard to the safety of staff and customers of the businesses, pedestrians and cyclists on the Promenade, and social distancing guidelines.

<b>Other Implications</b>	<b>Applies?</b>	<b>Other Implications</b>	<b>Applies?</b>
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	Yes		

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Executive Director:	Dr Anthony Leonard
Proper Officer:	Malcolm Johnston, Head of Paid Service

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Appendices:	Appendix 1 – List of premises
Relevant Previous Minutes:	None
Background Papers:	None
Reference Documents:	None

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## Appendix 1

### Food & Drink premises on Bexhill Seafront

- Sovereign Light Café, West Parade
- The Kiosk, West Parade
- Colonnade Restaurant
- Kiosks 3 & 4 at the Colonnade
- Bathing Station Kiosk, East Parade