



Devon & Cornwall Police

Covid 19 Guidance for licensed premises

The aim of this guidance is to clarify questions raised from the trade where the Government Guidance was ambiguous and needed local clarification.

It is intended to offer support to venues re-opening after the recent Covid-19 lockdown and includes essential information which should be followed.

You **must** refer to and use the Government guidelines below which set out the overarching guidelines for respective sectors allowed to open:

Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway service

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/Keeping-workers-and-customers-safe-during-covid-19-restaurants-pubs-bars-takeaways-230620.pdf>

Risk Assessment

Please make sure that you have undertaken a risk assessment (**you MUST have one**) and that this is recorded in a format which is easily accessible.

- Local authority officers and police can ask to see a copy of this risk assessment.
- They will prefer to see a digital copy or a photograph of the risk assessment to help reduce handling paperwork between a number of different people.

Please refer to the Covid-19 toolkit, which has been produced by the Devon Local Authorities. The toolkit brings together a number of resources to help guide you through the main considerations for restarting your business safely. This toolkit (BBFA toolkit) is updated regularly following the latest government advice and can be found at:

<https://www.heartofswgrowthhub.co.uk/wp-content/uploads/2020/05/BBFA-Covid-19-Toolkit-v3-080620-Accessible.pdf>

Further information is also available at: www.torrige.gov.uk/reopening

Customer Details

In order to help with the **NHS Test and Trace system** and help prevent the spread of Covid-19, the Government expects venues to keep a **temporary list of the details of customers** who attend their venues.

- For restaurants and other venues which use a formal booking system, this should offer no real challenges as systems should already be in place.
- For other venues, it is expected that these details are taken in whatever format the venue is capable of managing.

There are many different methods in which this data could be taken and stored – Apps, individual cards, books, etc. but it must be stressed that data protection still remains an important issue and that a book should not simply be left at the entrance where customers can see the details of other customers. If a pen is used for customers to write down their details, the facility for customers to wipe this clean should be available.

Here is some guidance to assist with maintaining secure data recording and storage:

1. **Collect only minimum information required** - for the purposes of test and trace you will probably only need name, contact number, email and date and time of booking. Keep it simple and make sure that all staff understand the law and the process.

The following information should be collected by the venue, where possible:

staff

- the names of staff who work at the premises
- a contact phone number for each member of staff
- the dates and times that staff are at work

customers and visitors

- the name of the customer or visitor. If there is more than one person, then you can record the name of the 'lead member' of the group and the number of people in the group
- a contact phone number for each customer or visitor, or for the lead member of a group of people
- date of visit, arrival time and, where possible, departure time

2. **Tell customers why you need this information and what you will do with it;** this is a key part of data protection law.
3. **Make sure the data is secure** and cannot be seen by anyone else e.g. Signing in book on counter is not secure.
4. **Data should only be kept for 21 days and then securely destroyed.** You are collecting data purely for the Test and Trace and this time frame fulfils that obligation.
5. **Data must be destroyed securely** i.e. Do not throw in a bin etc.
6. **The data can only be used for the purposes of contact tracing** and must **not** be used for marketing purposes, shared with anyone else etc. this is a breach of UK data protection laws.
7. **A single member of staff should be given the data management responsibility.**

Cleaning

Part of the **risk assessment** should include the regular cleaning of all contact areas such as door handles, door locks, till screens, etc.

- A record of when this cleaning takes place should be kept for at least 21 days.
- Make cleaning obvious, this will reassure customers it is being carried out.

Children

Parents of children should be advised that they are responsible for the social distancing of the child at all times.

- All **indoor** children's play areas must remain closed. If you have outdoor playgrounds, please refer to <https://www.gov.uk/government/publications/covid-19-guidance-for-managing-playgrounds-and-outdoor-gyms>

- Parents should be reminded that children will need to remain seated
- Children must be supervised when visiting the toilets.

Toilets

Any venue offering a service where people can purchase and consume food and drink on the premises or land owned by the venue, **must supply** toilet facilities.

Toilets will need to be carefully managed to reduce the risk of transmission of COVID-19 **with a strict cleaning regime** which needs to be more frequent than it was previously:

- Social distancing needs to be managed, with consideration around managing numbers of people in the facilities, a one in one out system, etc.
- Sufficient signage advising customers about hand washing and personal hygiene.
- Cleaning regimes will need to be recorded as part of the risk assessment
- Keep a record of when cleaning takes place and could be displayed.

Groups/Capacity

You are permitted to have more than 30 people at your venue (subject to your own capacity calculation based on social distancing requirements, which may be less than 30), but the below guidelines must be adhered to.

You **must follow the Covid-19 secure guidelines** on social distancing and limit those at a table to two households. Groups must be individual groups (related through a common purpose and knowledge of each other) up to a maximum of 6 people or two households.

Indoor gatherings are limited to members of any two households (or support bubbles), while outdoor gatherings are limited to members of any two households (or support bubbles), or a group of at most six people from any number of households. The guidance expects operators to make customers aware of, and encourage compliance with, limits on gatherings, for example, on arrival or at booking.

It is strongly advised that you have a booking system for all customers visiting your venue, even if just for a drink. This will allow control over capacity, collection of data and making sure that you are adhering to the Covid-19 Secure guidelines.

Table Service

It is **strongly suggested** that the venue offers a table service for customers **both** inside and outside the venue. This will reduce the amount of movement within the venue once customers are at their tables.

- All **customers inside** the venue **MUST** be seated at tables and should not sit, congregate or stand at the bar.
- Ideally, customers using outside areas should be seated, although they are allowed to stand provided they are maintaining social distancing.
- You must have a process for managing capacity (staff member, security at door etc.) and if capacity is reached you will need a robust system in place to prevent customers from entering the venue.

The expectation is that if a venue is unable to manage their door effectively and customers continue to enter when capacity is reached, that the venue MUST seriously consider closing until numbers are controlled.

Outside Areas

It is the responsibility of the venue to manage their outside areas including:

- capacity,
- social distancing,
- noise,
- litter
- behaviour of customers etc.
- weather effects such as rain, which may encourage people to try and enter the venue above acceptable numbers

You will also need to consider **smoking areas** and how to preventing smoking in the door areas to allow easy, socially distanced movement of customers.

It is strongly suggested that plastics or polycarbonate glasses are used for sales to customers outside the venue.

Off Sales

The provisions of Business and Planning Act 2020 temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises.

The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission.

Conditions on existing dual premises licences (permitting both on-sales and off-sales) that would prevent one or more of the following are also suspended under the temporary off-sales permission:

(i) off-sales being made at a time when the premises are open for the purposes of selling alcohol for consumption on the premises (subject to a cut off time of 11pm or the closure time of an existing outdoor area, whichever is earlier;

(ii) off-sales being sold in an open container; and,

(iii) deliveries to buildings used for residential or work purposes

These provisions will remain in place until 30th September 2021.

Please advise us if you are undertaking off sales in accordance with the provisions of the new Act.

Venues in an alcohol restricted area, such as a Public Spaces Protection Order (PSPO), MUST advise customers purchasing off-sales that if the drink is consumed within the PSPO area an authorised person can ask for it to be handed over or poured away.

It is the responsibility of the venue to make sure that they are/are not in an alcohol restricted area. It is strongly suggested that **signage** explaining this to customers would be a benefit to the venue in avoiding conflict.

Pavement Licences

The Business and Planning Act 2020 has introduced a new process which allows the licence holder to apply for a licence to place removable furniture on the highway adjacent to their premises. The responsibility for issuing these licences has transferred to Torridge District Council from Devon County Council. The licence can be issued for a maximum period up to 30 September 2021. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

Full details can be found on our website: <https://www.torridge.gov.uk/pavementlicences>

Entertainment

The Government guidance has stated that live entertainment (such as music, comedy, etc.) should not be undertaken inside a venue. The current guidance (please check regularly for the latest guidance) states that live entertainment can take place outside with a number of control measures which includes observing extended social distancing of at least 3m between each singer, and between singers and any other people such as audiences. Please read the full guidance about the controls required for outdoor performances which can be found in Performing Arts guidance at <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>

All venues are required to take steps to avoid people needing to unduly raise their voices to each other which includes; refraining from playing music or broadcasts that may encourage shouting, playing music at a volume that makes normal conversation difficult, loud background music, communal dancing, group singing or chanting.

Discussions have been undertaken with regards to the showing of **live sporting events** and other broadcasts. At this time, these are not 'banned'. The showing of these broadcasts should be individually risk assessed and this should be written down and recorded to show the **due diligence** of the venue in case of any issues arising.

Things to consider include:

- The type of sporting event,
- The teams involved,
- Whether commentary should be on or off.
- The volume of the broadcast should not be of a magnitude that causes customers to have to raise their voices, increasing the possibility of aerial transfer through shouting.

The next two sections should be considered seriously as it can increase the responsibility of the management of the venue significantly. It is for the venue to decide whether the risk assessment for this section and possible contraventions of Covid-19 regulations is worth the extra work.

Indoor Games

Indoor games such as pool and darts need to be considered seriously. The intent of the guidance is to prevent customers walking around indoors, unless going to the toilet or bar (to make an order or to pay).

- If the pool table or dart board is in the vicinity of an area traversed by customers, such as a passage between tables to get to the bar/toilet/exit then serious consideration should be given to not using the indoor sports.

- Players should not share cues and in between turns, should be sat down.
- There will need to be a **strict cleaning regime** in place, with consideration of pool cues, cue balls and darts being kept behind the bar and cleaned before each use by customers. Also, regular cleaning of the balls (especially the cue ball) and table will need to be undertaken and recorded.
- If indoor sport facilities are in a different room, then this could mitigate some of the above issues around traversed areas.
- A specific risk assessment will need to be completed for each type of indoor sport/game provided by the venue.

Gaming Machines

Consideration - Gaming machines can lead to people walking around unnecessarily within the venue and the Covid-19 guidance aims to prevent this.

You will need to **risk assess the use of gaming machines**.

Things to consider include:

- The location of the gaming machines - is use of them impeding the social distanced movement of your customers.
- How you will maintain cleanliness of them after each use.

Remember Gaming machines should be clearly visible from the bar to enable legal age-verification checks to be carried out.

Signage

Expectation – all venues consider the use of **prominent signage to advise customers** of how the venue works. Most venues will potentially have different working practices which have been adapted to the layout of their premises /type of business. Customers may have come from a different venue which has different practices in place and therefore may not be as receptive to your practices without being advised first.

Examples include:

- Having signs outside the main entrances advising customers that they need to pre-book tables/drink/food, so that customers do not enter, causing congestion and possible conflict.
- There is table service and staff will escort customers to their tables
- Tables must/ should be booked in advance
- Entrance & Exit signage (if possible)
- Queue management signage

Signage should also be considered for others visiting venues who are not customers (staff/contractors/delivery people).

It is expected that those venues in an alcohol restriction area (such as a PSPO) will have signs explaining that any off-sales which are consumed in the restricted area are liable to be confiscated/ seized by Police.

Age Verification

Please remember that all of your **responsibilities under the Licensing Act** still continue during these changes to working practices. In particular, customers may be required to remove facemasks for identification purposes, especially when trying to check their identification for age verification.

If a customer refuses to remove their mask and allow themselves to be identified, serious consideration should be made as to whether they should be allowed in the venue. This may also be true when a person orders alcohol.

Here are some links to additional useful & essential guidance:

The Government has published guidance working safely during coronavirus:

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

There is specific guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways. <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

UK Hospitality Covid-19 Secure Advice and Risk Assessments for Hospitality Businesses:

<file:///C:/Users/McDonald/OneDrive/Documents/BBN/Covid%2019%20guidance/UK%20Hospitality%20Reopening%20Guidance%20for%20Hospitality%20in%20England.pdf>

HSE guidance for completing Risk Assessments etc.:

<https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

National Best Bar None (BBN):

<https://bbnuk.com/covid-19/schemes-supporting-the-licensed-trade-to-reopen/>

National Pubwatch Page:

<https://www.nationalpubwatch.org.uk/>

For further information or advice please contact us:

licensing@torridge.gov.uk