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Bolton Council

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IMPORTANT INFORMATION – PLEASE READ

THE REOPENING OF OUTDOOR HOSPITALITY FOR LICENSED PREMISES The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

Dear business owner/licensee,

The Government has announced a roadmap for the easing of the current lockdown and the lifting of restrictions for businesses.

Thank you for your hard work and diligence to date in complying with the requirements and efforts in making your premises Covid secure, throughout what has been a very trying 12 months. We understand the severe impact the restrictions have had on the hospitality sector and it is our sincere hope that we are now approaching the end of the Covid restriction periods and can work together to reach the Government's hope of a full reopening by the 21st June 2021.

These dates are subject to confirmation by Government and could be pushed back if the data suggests that the rates of infection are not at a level to support the easing of restrictions. We ask for your continued support to ensure that hospitality venues continue to provide Covid secure environments when trading and that you do everything you can to limit the impact on the areas surrounding your premises.

We are writing to on-licence businesses in Bolton, to help you understand what is expected of you and to help you achieve compliance. The new legislation, referenced above, came into force on the 29th March and will implement the Government's road map. Some of the information contained within this letter may not apply to your business type.

The planned key dates for the re-opening of the hospitality sector are the following:

Dates to be confirmed by Government no later than one week before each planned stage.

12th April 2021 - Reopening of outdoor areas of hospitality venues, however consumption of food and drink is only permitted **outdoors by table service**. There is no curfew or requirement for people to consume alcohol with a substantial meal as was previously the case. Groups may be made up of 6 people or two households.

17th May 2021 - Indoor hospitality will be allowed to open (offering 'Table Service'). Most rules on social contact outdoors will be lifted, but the 'rule of 6' and maximum mixing of two households will apply indoors.

21st June 2021 - Government is hoping to lift all social restrictions. This includes restrictions on nightclubs - a sector that is not included within the above easing of restrictions.

Some businesses may be in a position to open and offer hospitality outdoors, whereas some business may need or want to wait until indoor hospitality is permitted.

1. SERVICE OF FOOD AND DRINK ON PREMISES

From 12th April 2021, hospitality venues will be able to open for outdoor service (with no requirement for a substantial meal and with no curfew). Where alcohol is served on premises:

- Food or drink must be ordered and served whilst customers are seated outdoors. This means customers cannot order at a bar or counter. Businesses must also take steps to ensure that customers remain seated whilst consuming their food or drink.
- Any outdoor space may be subject to licensing restrictions on how and when they are permitted to be used i.e., licensable days/times. The same applies to those businesses who hold a pavement licence issued by the Council's Highways & Engineering (<https://www.bolton.gov.uk/street-licenses/street-cafe-licence>).
- Re-familiarise yourself with the conditions of your existing premises licence.

2. NUMBER OF PERSONS PERMITTED

We appreciate that this is difficult for the hospitality sector to control, but we would expect businesses to challenge customers by making them aware of the restrictions in place, and to confirm compliance. It is compliance with such rules that will help to prevent the return of more stringent restrictions or closure.

- Customers will be able to meet outside in groups up to 6 people (the Rule of 6) or as two households. People from different households will need to socially distance from each other (2 metre or 1 metre with mitigation).
- Ensure you know what your customer capacity limits are in any outdoor spaces in line with appropriate covid/health and safety/fire safety risk assessment and that these numbers are not breached.

3. OUTDOOR STRUCTURES AND COVERED AREAS

A structure or covered area is considered indoors if it is substantially enclosed (as per smoke free legislation - see Note 1 on page 5). As such you must ensure:

- any outdoor structure or covered area used by customers must not be 'substantially enclosed' as it will be classed as indoors. At least 50% of the total wall area needs to be open, to allow it to be used as an outdoor space; this is known as the 50% rule. Open sides must not be close to walls, fences or other obstructions that will impede ventilation.
- Substantially enclosed green houses, sheds, pods or similar structures are not permitted for use by customers until indoor hospitality reopens, unless the structures comply with the 50% rule.
- Any structures/covered areas must comply with health & safety and fire risk assessments.

4. OUTDOOR AREAS

- If you are introducing an outdoor seating area which is not covered under your premises licence, this provision will be classed as an off sale and activity must cease by at least 11pm. When considering an appropriate time to cease activity, consider your neighbours and uphold the licensing objective 'prevention of public nuisance'. Should the activity be

considered unreasonable, an application for review can be made by a responsible authority. Please be considerate.

- Let your customers know in advance about your rules and seating capacity before you open. Using social media can be a good way to get the message out to manage customer expectations.
- Make sure you have enough trained staff to manage your customers safely and in accordance with the regulations. Make sure your customers understand your procedures in place.
- Limit the number of customers allowed into outdoor areas to avoid crowds gathering and to ensure social distancing can be maintained. An advanced booking system will assist you in managing customer numbers. Consider how you are going to manage access points to control numbers.
- Customers will have to order and eat and drink while seated.
- You should consider the impacts of weather for your outdoor space and how you will manage customers if adverse weather is experienced; this may impact on your maximum capacities.
- Smoke free outdoor areas - Pavement licence-holders must make reasonable provision for seating where smoking is not permitted (please see Note 2 on page 6).

5. TOILET FACILITIES

Customers will be permitted to use toilets within premises; however, you will want to consider queueing arrangements to ensure that customers are not gathering inside premises. You should also consider the security of your premises whilst your focus is on activity outdoors and limit customer access to out of bounds areas. Floor markings, one-way systems, signage, and staff oversight will assist.

6. FACE COVERINGS

Customers must wear face coverings in hospitality venues when indoors (unless exempt), e.g., when accessing toilets. It is also compulsory for staff in hospitality venues to wear face coverings, in indoor areas that are open to the public. You are legally obliged to display a notice, reminding customers to wear a face covering before entering indoor premises, unless they are exempt from doing so.

7. TEST AND TRACE INFORMATION

If customers are eating and drinking on your premises, you are legally obliged to:

- display and make available the NHS QR Code for customers with a smartphone to scan upon entry. You can use this link to obtain one for your business – www.gov.uk/create-coronavirus-qr-poster
- record contact details for all customers, staff, and visitors. Details must be stored for 21 days and shared with NHS Test & Trace and the local authority if requested.
- you must ensure that customers use the QR code, or you can use your own test and trace system, in addition to displaying the NHS QR code.
- You must refuse entry to customers who refuse to provide these details, or where you have reason to believe the details provided are inaccurate.

ALL customers, visitors and staff MUST scan the NHS QR code and/or provide their contact details.

8. RISK ASSESSMENT

Implement Covid safe practises; update your risk assessment, in relation to the information set out above, including signage, capacity and customer management, table spacing for social

distancing purposes, hand sanitiser stations, ensuring a comprehensive cleaning regime is in place in customer and staff areas, including toilets, contact points, cleaning of condiments or provision of single use condiments. Ensure all staff receive refresher training before reopening and understand the procedures that are in place.

- You can find further information on risk assessments here: www.hse.gov.uk/coronavirus/assets/docs/risk-assessment.pdf
- The Food Standards Agency have provided a checklist to reopen safely during Covid-19 after a period of closure: www.food.gov.uk/business-guidance/reopening-checklist-for-food-businesses-during-covid-19

If your business has been closed, consider the water system management and the risk of Legionella – the total or partial closure of businesses raises the need for effective controls to maintain the safety of water systems.

9. STAFF COVID TESTING

To help your business stay open, we strongly advise that you encourage your employees to take rapid lateral flow coronavirus tests twice a week. These tests will pick up any positive cases and any employee that test positive can self-isolate straightaway, and not pass the virus on to the rest of your workforce or your customers, risking closure.

Register by 12th April 2021 to receive free rapid lateral flow test kits to use in your workplace at: www.gov.uk/get-workplace-coronavirus-tests

If your business is closed or you cannot provide tests now, you should still register so you can order tests in the future.

Alternatively, you can encourage your employees to visit a rapid test centre twice a week. Find a centre at: www.bolton.gov.uk/testing

If your employees are required to self-isolate, you must not allow them to continue to work in any setting other than their place of isolation.

Greater Manchester Regulatory Centre of Excellence (GMRCE)

GMRCE is a unique partnership between the ten Greater Manchester Local Authorities and Greater Manchester Fire & Rescue Service to provide a single point of access for advice covering all types of regulatory compliance including food safety, health & safety, trading standards and fire safety.

We will be uploading further useful information on the GM Business Growth Hub website and some video content which can be accessed via the links below:

Business Growth Hub - www.businessgrowthhub.com/better-business-for-all

YouTube content - www.youtube.com/channel/UCMDks3wVVxRiSagsmuiQUeA

Business support

For details of all current government business grant support including the **Restart Grant** announced in the Spring Budget please go to www.bolton.gov.uk/businessgrants
Bolton Council is keen to engage with you to ensure that you are aware of the full range of business support that may be available to you. You can find further information here: www.businessbolton.org

Business compliance activity

Bolton Council and Greater Manchester Police will be undertaking visits to premises, to support the sector and ensure that activity is being delivered safely and in compliance with the Regulations. Whilst in most instances we will seek to offer advice and support, any significant or persistent non-compliance will receive appropriate formal action where necessary.

We hope you find the information in this letter useful. We aim to support and enable you to prepare for reopening and providing a hospitality offer that ensures the safety of your staff and customers.

We will send further correspondence ahead of the reopening of indoor hospitality, currently planned for 17th May. If you've not already completed the questionnaire, please can we ask that you do this as a matter of urgency. You can access it here: <https://www.surveymonkey.co.uk/r/Pre-openingBolton>

We really need to ensure we have all your current details and in particular your contact details (email/mobile numbers).

Thank you for your efforts and compliance. If you have a query, please contact us by email at licensing.covidrecovery@bolton.gov.uk.

This letter is also supported by Superintendent Chris Hill of Greater Manchester Police.

Best wishes as we move forward.

Yours faithfully

Patricia Clyne
Principal Licensing Officer

Note 1: *The Health Protection (Coronavirus, Restrictions) (Steps)(England) Regulations 2021 (Part 1 Introduction, 2. Interpretation):*

(5)(h) a place is indoors if it would be considered to be enclosed, or substantially enclosed, for the purposes of section 2 of the Health Act 2006(a), under The Smoke-free (Premises and Enforcement) Regulations 2006(b);

2. (1) For the purposes of section 2 of the Act, premises are enclosed if they—

(a) have a ceiling or roof; and

(b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.

(2) For the purposes of section 2 of the Act, premises are substantially enclosed if they have a ceiling or roof but there is—

(a) an opening in the walls; or

(b) an aggregate area of openings in the walls, which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

(3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.

(4) In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, a canvas awning.

Note 2: Business and Planning Act 2020 (Part 1 - Consumption of food and drink outdoors, pavement licences):

5. Conditions

(1) A pavement licence may be granted by a local authority subject to such conditions as it considers reasonable.

(2) A local authority may publish conditions subject to which it proposes to grant pavement licences.

(3) Where a pavement licence is deemed to be granted by a local authority under section 3(9), it is deemed to be granted subject to any conditions which are published by the local authority under subsection (2) before the day on which the application for the licence was made.

(4) To the extent that a pavement licence which is granted or deemed to be granted would not by virtue of the preceding provisions of this section be subject to a no-obstruction condition or a smoke-free seating condition, it is deemed to be granted subject to such a condition.

(5) A “no-obstruction condition” is a condition that anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6).

(6) A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

(7) In considering for any purposes of this group of sections whether a licence-holder has made reasonable provision for seating where smoking is not permitted, a local authority must have regard to guidance issued by the Secretary of State.

(8) The Secretary of State may by regulations—

(a) specify conditions for pavement licences, and

(b) make provision as to whether, or the extent to which, those conditions have effect in addition to, or instead of, any other conditions to which pavement licences are subject.

Further information:

Government guidance - reopening businesses and venues:

www.gov.uk/government/publications/reopening-businesses-and-venues-in-england/reopening-businesses-and-venues

Legislation:

[The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](https://www.gov.uk/government/legislation/the-health-protection-coronavirus-restrictions-steps-england-regulations-2021)

Business and Planning Act 2020 <https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted>

Additional resources:

[Step 2 Reopening Support Assessment \(brilliantassessments.com\)](https://brilliantassessments.com/step-2-reopening-support-assessment)

[COVID-360 | Shield Safety Group](https://www.shield-safety.com/covid-360)