



Devon & Cornwall Police

TORBAY COUNCIL

Quick guide to opening for indoor and outdoor hospitality for pubs, restaurants & cinemas etc

From 17 May 2021

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Introduction

This revised guidance is intended to support licensed premises in understanding what their obligations and responsibilities are to open safely under the new Step 3 restrictions which permit the opening of indoor and outdoor hospitality from 17 May 2021.

This guidance is not a substitute for the legislation or government Guidance and should be read alongside the government Guidance which was updated 11 May March 2021, available here: Restaurants, pubs, bars and takeaway services - Working safely during coronavirus (COVID-19) - Guidance - GOV.UK (www.gov.uk)

All licensed premises are responsible for ensuring they follow Covid-secure requirements.

This guidance will be updated as necessary to reflect any changes to legislation and government Guidance and will be reviewed in readiness of Step 4 restrictions, which will come into effect no earlier than 21 June 2021.

Indoor and outdoor hospitality in Step 3

From 17 May 2021, indoor and outdoor areas at licensed hospitality venues (cinemas, restaurants, bar, pubs, and social clubs, including member's clubs) can be utilised but will be subject to numerical limits on the number of customers able to use these areas as well as other restrictions.

There are restrictions on people permitted by law to sit together in these indoor and outdoor spaces and licensed premises must consider the steps required to ensure their businesses/operations are compliant and safe for customers. It is important that licensed premises have trained staff in place to supervise their indoor and outdoor seating areas and to ensure that the sale or supply of alcohol and late-night refreshment is made in accordance with the law.

Licensed premises should review their operating procedures to ensure their customers can safely move around premises, can queue safely and to ensure staff can comply with the requirements regarding NHS Test and Trace, mandatory face coverings and that they are aware of the rules regarding table service and taking payments.

If you intend to open your licensed premises from 17 May 2021, we hope you find the following information helpful and, with Torbay set for a busy start to the tourist season, we hope businesses, residents and tourists alike take on board this simple message: Respect, Protect, Enjoy.

#responsiblerivieria

Opening times and use of areas

Licensed premises may open and make use of indoor and outdoor areas in accordance with the conditions of their Premises Licence, Club Premises Certificate or under a Temporary Event Notice. There are no overriding restrictions on opening hours under Coronavirus regulations.

Please note however, that if an outdoor area is also authorised under separate legislation (for example under a temporary or permanent Pavement Café Licence), then you will need to ensure you also abide by the timings relevant to that authorisation.

Your premises licence will show the types of activity you are licensed for and the permitted hours for each. The licence plan will show the area to which the licence applies. If you wish to install an outdoor bar/beer fridge etc in an area not covered by your existing Premises Licence or Club Premises Certificate, you will require a licence variation or a Temporary Event Notice.

Please also note that communal spaces such as lobbies or lounges may remain open to customers and guests, but no food or drinks should be served in these spaces and people should not be encouraged to gather in these areas. Social distancing requirements need to be observed.

Table service and taking bookings and payments

At any premises selling or supplying alcohol, customers will be required to place their order, be served, and then eat and drink while seated at a table indoors (even if no alcohol is ordered). Payment should also be made at the table or, where customers are seated outdoors at another outdoor location. Should it not be possible to take payment outdoors, for example due to a technical or wi-fi issues, then payment may be taken indoors but this should be as a last resort. Where payment is taken indoors, then customers should wear a face covering unless exempt. You may wish to operate a tab system to ensure that customers do not need to make multiple indoor payments.

You may wish to display signs alerting customers that you are permitted to offer table service only and request that they do not approach bar areas.

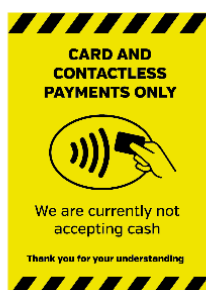


We strongly recommend that you operate a booking system so that you can adequately manage demand for seating and stagger booking times to prevent queues building outside the premises.

Please be aware that you will need to check with customers at the time of booking that indoor seating is restricted to groups of a maximum of 6 people from different households, or a group of 2 households (this could be more than 6 people). People who have formed a support bubble with each other are treated as being in the same household.

When taking booking for outdoor seating, groups of no more than 30 persons from mixed households can be seated together.

You may also wish to encourage your customers to order online or by phone and request, where possible, that payment for food and drinks is made by card instead of in cash. There are many affordable card payment machines on the market such as iZettle, Sum Up and Square Reader.



Staff at licensed premises are required to take reasonable measures to ensure customers remain seated indoors and outdoors when consuming food and drink on the premises.

You may also wish to make provision for both smokers and non-smokers. Where non-smoking areas are set aside, you may wish to display “no smoking” signs and ensure that ashtrays or similar receptacles are not left on furniture which has been identified as being in a smoke-free area. You should aim for a minimum of a 2-metre distance between the smoking and non-smoking

areas where possible. Please note, at present, where customers wish to smoke, they should be seated at a table when doing so.

Takeaway service and off-sales of alcohol

Takeaway food and drink (including alcohol) may be provided. Government Guidance has been updated, and states: "Customers may enter premises to place and collect orders. Food and drinks can also be provided via drive through, as well as click-and-collect (where goods are pre-ordered by phone, online, via a mobile app or post, and collected without entering the premises) and delivery."

Customers making takeaway purchases are exempt from both Test and Trace and the requirement to be seated whilst ordering, but takeaway food and drink must not be consumed on the premises, or adjacent to the premises. Licensed premises will therefore need to differentiate between sales of alcohol that will genuinely be taken away from the premises (an off-sale), and alcohol that will be consumed in the outdoor area/s within the licensed premises. Where alcohol will be consumed at the premises, then table service rules apply.

You should set out clear demarcation for social distancing (2m, or 1m with risk mitigation where 2m is not viable) for people waiting for or collecting takeaways and limit access where you can – for example, you may wish to mark out a distinct zone from which delivery drivers and riders can collect packaged food and drink items and ask customers to wait outside in their cars until their orders are ready for collection.



To allow alcohol to be taken from licensed premises to an unlicensed area requires an authorisation for off-sales. If you only have a Premises Licence for 'on-sales', temporary amendments to the Licensing Act 2003, through the Business and Planning Act 2020, allow you to sell alcohol for consumption off the premises without needing to apply for a variation of your licence. This new off-sales permission is only effective up until the existing licensed hours, or 11pm, whichever is earlier.

Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission, again, any suspension is only until 11pm. These measures will be in place until September 2021 (but it is likely to be extended for a further 12 months). It is important that you continue to operate responsibly. Be mindful of the four licensing objectives,

ensure you handle littering, antisocial behaviour, and nuisance. If you are providing alcohol in open containers you should consider the use of non-glass containers.

Any off-sales authorised by a Club premises Certificate must be sold in sealed containers.

Managing customer entry to licensed premises

If the queue outside of your premises is not controlled, then it defeats the object of having other control measures in your premises regarding the use of customer toilets and areas where your staff will be working as the close proximity will allow the spread of the virus.



Encourage social distancing outside your premises with floor markings and arrows.



For busy premises, or on busy nights such as Friday or Saturday evenings, use barriers where it is safe to do so to help contain the queue and floor marking to help keep groups separate. Clearly mark 'standing' and 'no standing zones'. Groups should be 2 metres apart. You may use masonry or spray paint to neatly mark the pavement (ensure you use a template).



- Better still, make your premises bookings only. This will help you control the numbers of customers at any one time.
- Stagger bookings approximately 2 hrs apart to allow customers who wish to order food, to eat and for tables and chairs to be cleaned in between the arrival of new customers.
- Encourage customers to use hand sanitiser before they enter your premises and make their way to their outdoor table.
- You may need to employ staff on the door of your premises or security staff to manage customer numbers and check the groups of people are permitted groups and that different groups do not mix.

NHS Test and Trace

Business are now required by law to:

- Display a QR code for smart phone users to scan to support NHS test and trace. This should be displayed so that customers can scan this without entering indoor areas.
- Ensure that every person in a group scans the QR code or provides contact details where they have no smartphone (this does not apply to children under the age of 16 years).
- Check customers have scanned the QR code before they are served – staff may do this by checking customers' phone screens. For those customers who don't have a smart phone, record a customer's name and telephone number together with the date and time of customer entry. These must be collected and stored in line with General Data Protection Regulations requirements - for example, customer or guests' details should not be visible to other customers or guests and must be hidden from view in some way.
- Keep records securely in paper or electronic format for a minimum of 21 days.

- Ensure that all staff and any visitors to the premises either scan the QR code or provide contact details manually where they have no smartphone (except for persons making deliveries or couriers who are exempt).
- Refuse entry to those persons who refuse to provide their details or where the details they have provided are incomplete or where you believe their information to be inaccurate.

There is a new QR poster format, which you may wish to download and use, for more information, please refer to: <https://www.gov.uk/create-coronavirus-qr-poster>



Outdoor structures - marquees, awnings, shelters, pods and igloos etc

If you are considering providing a marquee, moveable shelter or similar structure for customers or club members to sit within your outdoor area, please remember that for this area to be classed as outdoor space by law, 50% or more of the structure must be open.

There are two reasons for this:

- If the area is more than 50% enclosed, then it does not allow for adequate ventilation and would be considered an indoor setting.
- If the area is more than more than 50% enclosed it will not meet the requirements of the Smokefree Legislation (The Health Act 2006) whereby, since July 2007, smoking has been prohibited by law in enclosed and substantially enclosed work and public places throughout the UK. The 50% rule is a way of determining whether your structure is 'substantially enclosed'

In practice this means it must not have sides (this includes rolled-up sides which instead should be removed completely) and includes doors, windows or other fittings that can be opened or shut, that enclose more than 50% of the shelter if you want to use it as an outdoor space. Basically, if a marquee is a square but two of the sides are open to the air (e.g., must be 1.5m away from any building, wall or fence) – then it can be used as an outside space. If the same marquee has three or four sides enclosing it – it counts as an indoor space.

If the outdoor structure is more than 50% enclosed and is therefore classed as an indoor space, you must follow the regulations for an indoor space with regards to the number of people who can sit together (6 people or 2 households) and wear face coverings when standing or moving about the space. Staff should also wear face coverings in these indoor spaces, as they would if working inside the building. You will also need to carefully consider how you will adequately ventilate the space - ventilation is unlikely to be sufficient if all sides are down.

Outdoor seating on public land/on the highway

You do not need a licence to place tables and chairs on any land that forms part of your premises, which may include for example, a privately owned forecourt in front of a shop or a restaurant or café.

However, if you wish to provide outdoor seating on the public pavement and you do not have a relevant permission, then you will need to apply for a Pavement Café Licence – for more information, please visit: <https://www.torbay.gov.uk/business/licensing/pavement-licence/>.

Entertainment & organised events

During Step 3, more socially distanced indoor and outdoor events are permitted. Updated guidance on performances will be published at <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>

Please check the online government guidance regularly for updates.

There is no specific prohibition of live bands or recorded music (subject to your Premises Licence/Club Premises Certificate), but current guidance is likely to continue such that hospitality venues may provide ancillary performance activity, such as live music, for seated food and/or drink customers but should not charge for this ancillary performance or admit an audience in addition to seated food and/or drink customers, and that loud music, including loud background music should not take place.

Singing, shouting and aerobic activities generate higher levels of aerosol and increase the risk of transmission further. You should consider the factors below to ensure the entertainment you provide is enjoyed in a safe environment.

Key considerations:

- Determine the viability of entertainment and maximum audience numbers. Make this consistent with social distancing indoors and outdoors at your premises and with other safety considerations for example ensuring adequate ventilation.

- Prevent entertainment that is likely to encourage audience behaviours with increased transmission risk - for example, loud background music, communal dancing, group singing or chanting. A general test that you may wish to use is: Can you hold a conversation with someone without having to raise your voice? If yes, then the noise levels from any music/broadcast is likely to be at an acceptable level.
- Reconfigure your entertainment spaces to ensure customers are seated rather than standing. For example, repurposing dance floors for customer seating.
- If customers are standing, shouting, cheering or singing etc then you must intervene. Should you have persistent problems, customers should be asked to leave the premises, or the sporting event or other entertainment should be switched off/silenced.
- You may wish to display suitable signage advising customers of these requirements.

We would therefore recommend you do not hold Karaoke as this tends to encourage other customers and guests to cheer or sing along. If you want to provide Karaoke, then you should complete a risk assessment to demonstrate how you will comply with the legislation and social distancing requirements.

You will also have to ensure that there are no more than 6 people or 2 households singing together indoors. It is recommended that face coverings are worn while singing and that singing only takes place in larger well-ventilated spaces or outdoors. Please refer to the key considerations above and also the suggested principles for safer singing - www.gov.uk/government/publications/covid-19-suggested-principles-of-safer-singing/covid-19-suggested-principles-of-safer-singing.

Live sporting events

Live sporting events and other broadcasts can take place, but you should carefully consider showing broadcasts which may encourage audience behaviours which could increase COVID-19 transmission risk, such as loud background music, group singing or chanting. The showing of these broadcasts should be individually risk assessed - risk assessments should be made available to Council officers upon request at any reasonable time. You should consider the factors below to ensure the entertainment you provide is enjoyed in a safe environment.

Key considerations:

- 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 aerosol transfer through shouting.

Entertainment cannot take place if it is unlikely that social distancing between groups of attendees can be maintained, or if other COVID-secure requirements cannot be met.

Organised events

Some types of organised events, including live performance events, corporate hospitality and private dining events can resume indoors and outdoors but they are subject to restrictions, including capacity limits which must be adhered to throughout the event.

The capacity limits are:

- 1,000 people (at any one time) or 50% of a venue's capacity, whichever is lower - indoors
- 4,000 people (at any one time) or 50% of a venue's capacity, whichever is lower - outdoors

These capacity limits apply to each individual event rather than the venue and do not include staff, workers, and volunteers. These events should be ticketed and you are encouraged to read the organised events guidance for more information on the types of event subject to these requirements.

If your event is on Torbay Council land, then you will need to contact the Events Team for advice and for permission to use the area/land - they can be reached via Events@torbay.gov.uk. You should also seek advice on managing Covid risks from Torbay's Public Health Team - they can be reached via trackandtrace@torbay.gov.uk.

Indoor events such as private dining and corporate hospitality

These organised events are permitted where they are organised by a business, charitable organisation, sporting, or public body. These events should be held in a separate room from regular food and drink customers to prevent mixing with those attending the event.

The following practices should be followed:

- Tables should be spaced out to ensure 2m social distancing is in place or 1m with barriers between tables.
- Attendees should be groups of no more than 6 people, or two households, and should not mix with any other groups at the event.
- Seating should be assigned and carefully controlled to ensure attendees do not mix with any other table, including approaching other tables or sitting at different tables.
- Food and drink must be consumed by attendees while they are seated.
- Attendees must wear face coverings whenever not seated at their table unless they are exempt.

Private dining events for social purposes are restricted to the rule of 6 people or 2 households if taking place indoors and for up to 30 people from mixed households if taking place outdoors.

Events cannot take place if it is unlikely that social distancing between groups of attendees can be maintained, or if other COVID-secure requirements cannot be met.

Indoor Games

You will need to consider whether you can safely allow your customers and guests to play indoor games such as pool or darts. Use of indoor spaces (when not seated as a table to eat and drink) is, within the spirit of the government guidance, limited to customers using the toilet or going to the bar to pay.

Key considerations:

- 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.
- Ensure all customers wear face coverings when playing.
- Players should not share cues and in between turns, should be sat down.
- Players must not walk around with drinks and must be seated if they are consuming food or drinks.
- 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

As above, access to indoor spaces should be reserved for eating and drinking while seated and to enable customer and guests to access the bar area to pay or to use the toilet. Providing gaming machines can lead to people walking around unnecessarily within your premises.

Key considerations:

- Ensure all customers wear face coverings when playing.
- The location of the gaming machines - is use of them impeding the social distanced movement of your customers?
- Provide seating at each machine to enable patrons to remain seated.
- How you will maintain cleanliness of them after each use e.g. place paper towels and sanitiser next to the machines.
- Remember, Gaming machines should be clearly visible from the bar to enable legal age-verification checks to be carried out.

Please ensure your Gaming Machine Permit or Notification has been renewed prior to opening.

General requirements for infection control

COVID-19 risk assessments

Every workplace has a legal duty to undertake a Health and Safety Risk Assessment and implement suitable control measures to prevent the spread of COVID-19 between employees and members of the public.

When updating your risk assessment to take account of any outdoor hospitality that you wish to offer, you must have regard to the available guidance. Information about how to undertake a COVID-19 risk assessment can be found here: <https://www.heartofswgrowthhub.co.uk/covid-19-support-for-business/> (please see: "Guidance for employers and businesses"). Please note that your COVID-19 risk assessment should include an up-to-date plan for what you will do in the event of a case or outbreak of COVID-19 in your workplace. A Quick guide setting out the step by step response to a possible or confirmed case or outbreak can be found on the Council's website here <https://www.torbay.gov.uk/health-and-wellbeing/public-health/coronavirus/advice-and-support-for-businesses/action-card-and-flowchart/>

Following the guidance is not compulsory, unless specifically stated, and you are free to take other action, so long as the same level of protection is achieved. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and Safety inspectors seek to secure compliance with the law and may refer to guidance. Failure to implement suitable control measures may lead to formal action being taken against the duty holder(s).

Workplace testing

One in three people with COVID-19 shows no symptoms and so it's vital that you do all you can to keep your workplace safe. Finding one asymptomatic case could help prevent an outbreak – therefore, we strongly recommend you implement COVID-19 testing for all your staff.

Encourage your staff to get free, regular COVID-19 tests at our community testing site across Torbay or order home test kits for staff - more information can be found at <https://www.torbay.gov.uk/health-and-wellbeing/public-health/coronavirus/community-testing/>.

More information provided by government about how to obtain lateral flow coronavirus tests for your employees can be found here: <https://www.gov.uk/get-workplace-coronavirus-tests>.

Signage

- Display a poster to encourage customers to use hand sanitiser when entering
- Provide hand sanitiser for customers to use
- Display posters to keep customers and employees safe, e.g. 2m rule
- You must display an NHS QR code - please see [https://www.gov.uk/create-coronavirus-qr-](https://www.gov.uk/create-coronavirus-qr-poster) poster for more information.
- You must display a sign requiring customers to wear face coverings (unless exempt).



Ventilation

The public health advice is to keep your premises well ventilated, using mechanical and non-mechanical extraction systems that draw in fresh air where possible. If not ensure there is adequate air flow through the premises by keeping some windows or doors open.

Ventilation will not reduce the risk of droplet or surface transmission, so other control measures (explained above) such as cleaning and social distancing is also required.

Face coverings

When indoors, staff must wear face coverings unless they have an exemption, or they are separated from customers by a screen or similar. Customers must wear a face covering if passing through an indoor area to access the garden/or other outside customer area, to use the toilets or to make a payment if this cannot be made at a table.

Face coverings can be removed when seated to eat or drink.

By law, businesses must remind customers and staff to wear a face covering where required (for example by displaying posters at your premises or providing verbal reminders to staff and your customers/club members).

Government guidance indicates that face coverings must fit securely around the side of the face. Therefore, shields are NOT acceptable unless an individual is exempt. Please also be aware that the wearing of face shields is also not acceptable for staff members and where staff are exempt from wearing a face covering because they are medically vulnerable, then they should not be working in direct contact with the public and must instead ensure they are located behind the bar or other screening while interacting with customers.

Permitted groups and seating

There are restrictions on people permitted by law to sit together in indoor and outdoor seating areas.

Indoor seating

A group of no more than 6 people from mixed households, or a group of 2 households (this could be more than 6 people) can sit together on the same table indoors. A household consists of people who live in the same single house. People who have formed a support bubble with each other are treated as being in the same household.

You will need to review your indoor seating and tables to maintain social distancing guidelines (2 metres, or 1 metre plus with risk mitigation where 2 metres is not viable) between groups of customers. One risk mitigation would be to increase the distance between tables. If you have fixed seating that is too close together, and you cannot remove the seating, it is acceptable to take tables out of use. Ensure you put a suitable sign on the table.



Outdoor seating

A group of no more than 30 people can sit together outdoors. Licence holders should ensure 2 metres or 1 metre plus with risk mitigation where 2 metres is not viable spacing between table/s or erect barriers to separate these larger groups from other groups and from those smaller tables used by a maximum of 6 people or a group of 2 households.

Licence holders should plan for maintaining social distancing guidelines in the event of adverse weather conditions. Please remember that customers cannot seek shelter indoors.

Please be aware:

- By law, you are required to check that your customers comply with this requirement.
- By law, you are also required to take reasonable measures to prevent people from different groups mixing while on your premises.
- You must clean your tables and seating between each customer.
- Use soap & water and a suitable sanitiser.



Table service

- Waiting staff should keep their distance from customers.
- Advise staff to hold glasses by the bottom so that they do not touch the rim area.
- Recommend the use of trays, which can be placed on tables, and request customers to remove their drinks.
- Condiments should be provided in single use sachets.
- Condiment containers such as salt, vinegar & ketchup must be cleaned and sanitised between customers along with the chairs.
- Do not set or lay the table prior to guests arriving, otherwise, glasses, cutlery and napkins may be contaminated with the Coronavirus.
- Lay the table immediately before your guests sit down, or
- Bring cutlery or condiments with the meal.

Toilets

- You must ensure that toilets are managed properly.
- Consider limiting the number of people in the toilets at any one time.
- Smaller venues maybe able to allow one person to enter at a time.
- Larger venues could ask customers to limit to 2 or 3 customers and/or place staff on the toilets to control access at busy times.
- Display handwashing notices.
- Ensure they are cleaned regularly, every 30 minutes or more at busy times. Concentrate on door handles, cubicle locks, toilets flushes, taps & toilets seats etc.



WC
One person only permitted to use toilets at a time

WASHING HANDS EFFECTIVELY

	Rub hands together under warm running water and squirt soap onto hands
<p>Rub:</p> <ul style="list-style-type: none"> • Your Palms • The back of your hands • Between fingers & thumbs • Your wrists <p>Do this for 20 seconds</p>	
	Leave the tap running whilst you dry your hands with a paper towel
Turn off the tap using the paper towel	
	Place the paper towel in the bin provided



TOILET ENGAGED
 PLEASE SOCIAL DISTANCE IN THE QUEUE

- Ensure social distancing in the toilets.
- Close urinals that are too close together, remember at least 1 metre apart!



- Close wash hand basins that are too close together, remember at least 1 metre apart.

Communication

You must ensure that your customers know and understand the rules and procedures for attending your premises:

- Update your online profile; company website/Facebook/Instagram pages etc.
- If customers make an online booking, send them a copy of your expectations via e-mail.
- Ensure you speak to customers as they enter and let them know your expectations, point out the key notices and markings for them to follow.
- Use posters, notices and tape etc to inform and guide customers

Should you require any further advice or assistance please contact Torbay Council at <https://www.torbay.gov.uk/business-reopening-advice/>.

This document can be made available in other languages and formats.
For more information please contact licensing@torbay.gov.uk
