



## Bristol City Council COVID Guidance for the Hospitality Sector

### The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

As we emerge from lockdown, new Regulations detail how businesses can operate. These Guidance notes are intended for the Hospitality sector to assist during the initial phase of **outdoor** re-opening.

Further guidance will be provided on **indoor** opening when there is greater certainty on when this will be permitted.

#### **Q: When do they come into force?**

The new regulations come into force on 29 March 2021 and cover **outdoor** reopening no earlier than 12 April.

#### **Q: What about existing requirements?**

The new regulations are all subject to existing legal provisions in particular, Licensing Act conditions and Planning conditions that may require your business to close at a certain time or restrict activities.

The Business & Planning Act applied off sales to all existing premise licences, enabling all premises previously restricted to 'on' sales of alcohol, to supply alcohol for consumption off the premises. Any off sales are subject to any limitations outlined in your licensing and planning conditions. The off sales provision currently remains in place until September 2021.

Unless your premise licence provides differently, off sales are permitted until 11.00pm.

#### **Q: What are the new requirements?**

Thankfully, many of the 'new' provisions are like those seen previously during the COVID pandemic, so will be easier to understand and implement. In summary, you must comply with the following:

- Premises may only open on an outdoor only basis. Customers are not permitted inside the premise except for limited reasons:
  1. To access toilets or baby changing facilities
  2. To gain access to outdoor area, if not accessible directly upon entry to the premise.
  3. Payment may be inside the premise; however, it is always better for COVID security purposes if payment can be taken at the table.
  4. Premises **NOT** serving alcohol (e.g. an unlicensed café) may allow persons inside to place their booking.



- 'Rule of 6' for bookings and seating.
  - A maximum number of six people per table is permitted and the group can consist of up to six different households.
  - An exception is provided if all members of the group are from the same household. Diligence will be required when booking or seating customers in a group that exceeds the 'Rule of 6'. For this purpose, two households that are linked (see [gov.uk](https://www.gov.uk) for guidance) is considered a single household and can be seated in a group of more than six.
- Opening times. There is no restriction on opening times and therefore your opening times are as per your licence. Care is needed to verify if your licence limits the use of outside space, such as in circumstances where beer gardens are near residential housing. In any event, as outside space will be utilised more, always have consideration for your neighbours to avoid undue noise and disturbance.
- All customers outside must remain seated regardless of whether they are drinking or eating.
- All orders for drinks or food must be taken at the table (unless the premise doesn't serve alcohol – see point above regarding entry to the premise).
- Customers are free to purchase drinks only, there is no requirement for alcohol to be purchased with a meal.
- Entertainment, such as live or recorded music, is permitted. Again, check your licence conditions, and be mindful of your neighbours. Volumes should not encourage dancing or standing as all customers must always remain seated. If you are intending to have music, your COVID risk assessment must address volumes and the prospect of people wanting to stand/dance and what mitigation measures will be in place to prevent this.
- Further, if your entertainment is provided outside of your licensable area, a Temporary Event Notice may be required for Regulated Entertainment.
- Indoor toilets and baby changing facilities should be made available, managed and risk assessed. We expect all premises to provide facilities.
- Premises may continue deliveries and 'click and collect' facilities.
- Shelters are permitted but, as before, the definition in smoking legislation has been used. Any shelters and/or structures with a roof must be at least 50 per cent open sided to be classified as outdoor space. For example, a completely enclosed gazebo is not permitted, it must be 50 per cent open to comply.



○ Test and Trace

- Test and Trace applies to the outdoor space being used as the premises.
- Premises must display an official [NHS QR code poster](#) for customers and visitors to 'check in' using the NHS COVID-19 app as an alternative to providing their contact details
- Hospitality venues must ask every customer and visitor (over the age of 16) for the following details (unless they have 'checked in' using the NHS COVID-19 app):
  - the name of the customer or visitor
  - a contact phone number for each customer or visitor. If a phone number is not available, you should ask for their email address instead, or if neither are available, then the postal address
  - date of visit, arrival time and, where possible, departure time (or estimated departure time)
  - the name of the assigned staff member, if a customer or visitor will interact with only one member of staff, this should be recorded alongside the name of the customer or visitor.
- Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- Keep records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.
- Adhere to General Data Protection Regulations (GDPR).
- Hospitality venues must take reasonable steps to refuse entry to anyone who refuses to participate.
- Failure to do any of these requirements could result in fixed penalty fines.

[Visit the government website for further information on maintaining records of staff, customers and visitors to support NHS Test and Trace.](#)

**Please Note: Risk Assessments & Guidance:**

- All premises must complete a revised COVID risk assessment.
- We are still awaiting further guidance on the latest regulations. Links and details will be provided when available. Guidance is likely to provide further detail regarding music and live entertainment.
- Further guidance is expected regarding social distancing requirements, but it is likely these will remain the same with 2 metres or 1 metre plus with mitigation.