

Dear licensee,

The City Council's Licensing Team and Hampshire Constabulary's Police Licensing Team wish to offer some practical advice around the operation of licensed premises following the release of the Government's [COVID-19 Response - Spring 2021](#), which sets out the roadmap out of the current lockdown for England.

This is a step-by-step plan to ease restrictions in England cautiously.

Currently in England, you should stay local. You should refer to the [closures guidance](#) for the latest rules for closing certain businesses and venues in England.

Within the roadmap there are indicative, 'no earlier than' dates for Steps 2, 3 and 4 of the roadmap. This is because these are contingent on the data and subject to change.

The Government has produced [guidance on reopening businesses and venues in England](#). The new [Regulations](#) relating to Steps 2, 3 and 4 have also been published.

Step 2 - No earlier than 12 April

Following the move to Step 2, settings such as hospitality venues will be permitted to open, but in restricted circumstances.

There is no substitute for reading the regulations and guidance in full, but in the meantime, we have provided further information on these requirements to help you, below.

Reopening

Before opening, you must ensure that you can comply with COVID-Secure guidance including taking reasonable steps to limit the risk of transmission and completing a COVID risk assessment. Please refer to the [guidance for working safely during coronavirus in restaurants, pubs, bars, cafes and takeaway services](#).

- Employers also providing accommodation services should refer to the [guidance for people who work in or run hotels and other guest accommodation](#).
- Employers also providing entertainment should refer to the [guidance for people who work in performing arts, including arts organisations, venue operators and participants](#).
- The Food Standards Agency have also published specific advice for [reopening and adapting your food business during COVID-19](#), which looks at food safety issues and cleaning after a long period of closure.

Only outdoor areas can reopen

- Indoor areas cannot be used until Step 3 - no earlier than 17 May.
- Only outdoor areas can be used for the consumption of food and drink, including for the consumption of alcohol.
- You may allow customers to use toilets and baby changing facilities inside.
- Additionally, your premises must only be attended/used in line with the wider social contact limits.

Meeting other people

At this stage, people can only meet at your premises outside and in a group of up to 6 people or 2 households. You are expected to have a process in place of how you will manage bookings and challenge or refuse groups which are clearly meeting in excess of the rules.

Consumption of alcohol on the premises / seating / table service

All food and drink sales, from premises which are licenced for consumption of alcohol 'on' the premises, are restricted in a Step 2 area. Food and drink, including alcohol, must only be ordered by, and sold to, customers outside who are seated. The Premises Licence Holder must take all reasonable steps to ensure that customers remain seated whilst consuming food or drink.

For the purposes of these regulations 'the premises' includes all outdoor seating areas adjacent to the premises and any area which customers habitually use for consumption of food or drink purchased from the premises. Sale and consumption of food or drink in these areas are subject to the restrictions above.

Sales of food or drink, including alcohol, for consumption 'off' the premises are permitted in a Step 2 area.

All reasonable steps must be taken to prevent off sale purchases from being consumed in areas adjacent to the premises where seating is provided or which is habitually used by customers for consumption.

Non-licensed premises

Non licensed (alcohol) premises can allow customers inside to order and pay for food and non-alcoholic drinks.

Toilets and baby changing rooms may be used by customers. Customers may walk through the premises to get to an outside area.

All food and non-alcoholic drinks must be served to customers and consumed whilst sitting.

Management must take all reasonable steps to ensure customers remain seated whilst consuming food and/or drink.

Masks must be worn at all times apart from when sat at the table. (ie If you are moving, you are masking).

Premises licensed for the sale of alcohol (and clubs)

Customers must order and pay for food and/or drinks outside at a table whilst sitting. However if it's not possible to take payment outdoors, for example due to a technical issue, you can take payment indoors as a last resort. If you need to take payment indoors the customer should wear a face covering unless exempt, you should ensure only one customer is indoors at any time for the purpose of making payment, and you a tab system should be operated to ensure that customers do not need to make multiple indoor payments during their time at the venue.

All food and non-alcoholic drinks must be served to customers and consumed whilst sitting.

Toilets and baby changing rooms may be used by customers. Customers may walk through the premises to get to an outside area.

Management must take all reasonable steps to ensure customers remain seated whilst consuming food and/or drink.

Masks must be worn at all times apart from when sat at the table. (ie If you are moving, you are masking).

Additional matters to consider

We expect there will be further guidance and clarification issued over the coming weeks to help determine how the measures and controls will be applied, but it may be expected the previous interpretation and advice will still apply such as:-

- Any reduction in the two metre 'social distancing' separation between customers will require additional steps, or mitigation. Where screens are used between customers from different groups or households, separation can be reduced to 1 metre **only** if the screen is substantial, providing good separation lengthways and above head height.
- Where back-to-back seating is the **only mitigation**, we would expect separation to be at least **1.5 metres between customers**. Please remember that when measuring distances this is **between customers** and not measured table edge to table edge.
- Side by side seating is not considered to offer any substantial mitigation and therefore separation must remain at **2 metres**.
- Managing customers as they queue to enter, to leave or use the toilet must be considered and controlled. Floor markings, one-way systems and good signage must be in place and staff must be briefed in advance.
- Face coverings must be worn by staff and customers when passing through indoor areas (unless an exemption applies).
- Recording customer details for Test and Trace manually or using the **NHS QR poster**. We understand it will remain mandatory to display the NHS poster and this will need to be positioned somewhere easily accessible for customers and

where it does not cause a pinch point for queuing. You are advised to display a number of the posters around your venue.

- A risk assessment and bad weather procedure should be in place to deal with inclement weather and what measures will be considered relating to issues that are likely to arise.

COVID-19 early outbreak management

For owners and managers of restaurants, pubs, bars, cafes or takeaways, information provided in the [Public Health England/NHS Action Cards](#) offers key steps to quickly identify and contain any potential COVID-19 outbreak. For any other possible health issue you should follow your existing processes. (Note: open the action cards download in a new tab and this will provide a zip file to open which you can save).

Tables and chairs on the highway

Some premises already have the benefit of a Tables and Chairs Permit, or recently introduced Pavement Licence, to place furniture on the highway. Please familiarise yourself with the conditions and plan layout before re-opening. Also ensure that you have appropriate drinking containers for use in these areas, such as plastic and polycarbonate.

The new Pavement Licence process was introduced by the Government to support businesses such as cafes, restaurants and bars to operate safely whilst social distancing, and provide much needed income for the hospitality industry. The application procedure includes an expedited 7 day consultation period, 7 days determination period, and a £100 application fee.

Full details of the application process can be found on our [Furniture on the Highway webpage](#).

Is a marquee outside a pub considered 'indoors' or 'outdoors' for the purposes of the restrictions?

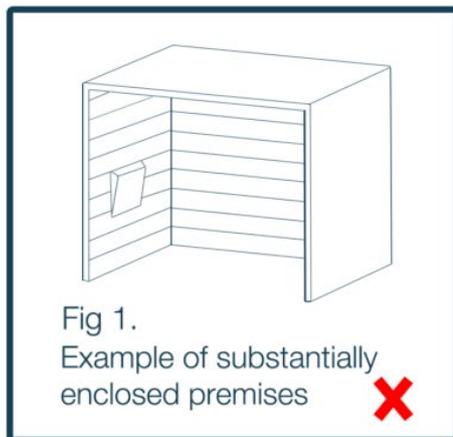
For the purposes of the previous COVID regulations, an indoor space is defined in the same way as in the [Smoke-free \(Premises and Enforcement\) Regulations 2006](#).

The Smoke-free Regulations specify that both enclosed and substantially enclosed spaces should be classed as 'indoors.'

Enclosed: This is an area with permanent walls and doors without any gaps. Windows and doors aren't classed as gaps. An enclosed structure may be permanent i.e. a building or even a marquee (temporary).

Substantially enclosed: This would be a structure (with a roof/ceiling) with an opening in the walls where the opening would make up less than half of the area of the total wall space. Again doors and windows are not classed as gaps.

UK Hospitality states: “A marquee or any similar structure must not be wholly enclosed or substantially enclosed to be ‘outdoors’. In practice this means it must not have sides (including 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 – then it can be used as an outdoor space. In the same marquee has three or four sides enclosing it – it counts as an indoor space.



Use of outdoor space – things to consider

Please give some thought and consideration as to how you will manage noise to minimise disturbance to nearby neighbours.

This may include:

- Considering the best location for your customers to avoid disturbance/ limiting the number in a particular location (not just for COVID-19 Secure purposes)
- Managing the outdoor area – provide signs politely requesting people to be considerate
 - Reminding patrons to be quieter when they become over exuberant
 - If patrons continue to be extra noisy ask them politely to leave
- Monitor noise levels from the boundary of the nearest residential property especially late at night (after 2300) to check that noise levels are reasonable
- Speak to or write to nearby residents providing a telephone number that they can contact you on if they are disturbed (so you can quickly resolve their issue)
- Empty bottle bins into the main external waste bin the following day rather than at the end of the shift
- Limiting the hours of opening/ activities outside

Make sure all of your staff know your rules about noise management and are actively enforcing them.

Outdoor events

Outdoor gatherings or events, organised by a business, charity, public body or similar organisation, can be organised, subject to specific conditions: that they comply with COVID-Secure guidance including taking reasonable steps to limit the risk of transmission, complete a related risk assessment; and ensure that those attending do not mix beyond what is permitted by the social contact limits (unless another exemption exists, such as for work purposes, or supervised activities for children). This is provided people do not mix beyond groups of 6 people or two households. Further guidance is expected soon on how smaller outdoor events like these should be run safely.

Over the spring, the Government will run a scientific Events Research Programme. This will include a series of pilots using enhanced testing approaches and other measures to run events with larger crowd sizes and reduced social distancing to evaluate the outcomes.

Entertainment

Most outdoor attractions, such as zoos, theme parks and drive-in cinemas will be able to open in Step 2 (no earlier than 12 April 2021). Indoor entertainment venues such as cinemas must remain closed at present.

If you are considering providing entertainment (live music, comedy act etc) at your premises, please do contact the Licensing Team so that we can advise on how this can go ahead safely and legally licensing@southampton.gov.uk
Background music and TV screenings (e.g. sport) will be allowed outside, provided volume is kept low.

Temporary Event Notices (TENs)

Many hospitality businesses will submit Temporary Event Notices (TENs) to the licensing authority to authorise additional licensable activities or extend the hours on their Premises Licence.

TENs must be submitted no less than 10 working days in advance of an event (not including the date that the licensing authority receive the TEN, or the first day of the event). Late TENs must be submitted no less than 5 working days in advance of an event.

We strongly advise that you submit any TENs as soon as possible. We are also currently advising premises users to submit a coronavirus risk assessment with their TENs to demonstrate an understanding of the risks during the coronavirus pandemic.

Temporary Event Notices can be submitted on our [website](#).

Further Guidance

Business Help : <http://www.southampton.gov.uk/coronavirus-covid19/businesses/>

Premises Licence Information : <http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/>

UK Hospitality's [industry guidance, FAQs and webinars for the hospitality industry](#)

Government Guidance and Legislation

[Reopening businesses and venues in England](#); this guidance details the steps to reopen certain businesses and venues in England

[Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#)

[How to make your workplace COVID-secure](#)

[Register to order rapid lateral flow tests for your employees](#)

Self-isolation

- [Self-isolating: check if you can get a £500 Test and Trace Support Payment](#)
- [Self-isolating: stay at home if you think you have coronavirus](#)
- [NHS test and trace: what to do if you are contacted](#)

Licensed Premises Reopening Checklist

If you are planning to reopen your licensed premises on, or after 12th April 2021, you must give careful consideration to that matters included in this checklist to ensure that your premises is compliant and safe for both staff and customers.

Premises Licences



Do you have a copy of your Premises Licence, and is your Premises Licence Summary displayed in a prominent location at the premises?

If you require a new copy of your premises licence, please email licensing@southampton.gov.uk



Have you checked whether the conditions on your premises licence remain appropriate for the way you're operating?

You must comply with ALL conditions. If you need to change the conditions on your licence, please visit our website.



Are your CCTV cameras working and fully functional?

Remember to check any licence conditions specific to CCTV at your premises to ensure that they can be complied with.



Can you fulfil your licence conditions with regards to provision of SIA licensed door supervisors?

Have a discussion with your door supervision provider prior to re-opening.



Are your designated premises supervisor (DPS) details still correct?

You can't lawfully sell alcohol without a DPS. You can apply to specify a new designated premises supervisor on our website.



Are your premises licence holder details still correct?

Is the same individual/company running the premises? Has their address changed? You can apply to transfer the premises licence on our website.



Has the annual fee for the premises licence been paid?

Non-payment of the annual fee will result in the premises licence being suspended. Please contact the Licensing Department if you are unsure whether payment has been made.



Do you have enough Personal Licence Holders to authorise the sale of alcohol at the premises?

Some of your staff may have left the business during the periods of closure. You can apply for a new personal licence on our website.

COVID-19 Safety



Review your COVID-19 Secure risk assessment to ensure that it continues to be relevant and fit for purpose

Refer to Government Guidance and utilise the HSE risk assessment template if you don't have a risk assessment already.



Review your procedures

Ensure to review your operational procedures in relation to social distancing, safe use of toilet facilities, wearing of face coverings and table service.



Communicate with your customers

Consider giving your customers advance notice of operational and safety issues such as wearing of face coverings, hand washing, how to make reservations and table/booking sizes.



NHS Test and Trace QR code

Ensure that you have an NHS QR code displayed at your premises, or another system in place to collect data for the purposes of NHS Test and Trace.



Staff testing

Consider introducing COVID-19 testing for your staff and ensure that you have procedures in place in the event of a positive test. Free rapid tests are not available for all businesses; register via GOV.UK.

Health and Safety



Kitchens and food preparation

Please refer to the Food Standards Agency's [Reopening checklist for food businesses during COVID-19](#).



Water system management and Legionella

The Chartered Institute for Environmental Health has produced useful guidance on ensuring the safety of your water system prior to reopening, which can be found [here](#).



Fire safety systems

Ensure that you complete checks of your fire extinguishers, emergency lighting, alarm and detection system and all fire exits prior to re-opening. Check your fire risk assessment also; is it due for a review?



Marquees and other temporary structures

Remember to check whether these are considered 'indoors' or 'outdoors' in accordance with the Smoke Free Regulations. These structures must also be included in fire risk assessments and COVID-19 secure risk assessments.



Evidence of pests

Check your premises for evidence of pests and contact a pest control specialist where necessary.



Ventilation

Good ventilation (including air conditioning) can help to reduce the risk of spreading coronavirus. See the [HSE website](#) for guidance. Remember not to wedge open any fire doors, as this could present a fire safety issue.



Review and refresh your staff training

Assess your staff training requirements prior to reopening to ensure that your staff are suitably trained on food hygiene, alcohol sales, COVID-19 secure measures and other safety considerations.



The impact of trading outdoors

As customers can only sit outdoors to consume food and drink, you must consider the additional noise that this will create and the impact on nearby residents. Create a noise management plan where appropriate.



Outdoor furniture

If you're putting furniture on the pavement or the road for customers to use, you need to ensure that you have the necessary licence/permit in place. Visit our website for information on how to obtain permission.

Any questions?

If you have any questions about reopening your business safely, please refer to the guidance links below.

[GOV.UK COVID-19 Response \(Step 2 – not before 12 April\)](#)

[GOV.UK Reopening businesses and venues in England](#)

[Guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways](#)

[Food Standards Agency: Reopening and adapting your food business](#)