

Dear Business Owner,

Whilst it is encouraging that the Covid 19 infection rate remains relatively low on the island, as well as recent developments on vaccines, our priority must remain to follow the public health guidelines to prevent an increase in case numbers to allow for the road to recovery plan from the Government to go ahead at the planned key dates.

Businesses such as yours play a critical role in controlling the spread of Covid-19 and keeping the Island safe. Operating your business in a 'Covid secure' way will protect employees and customers, and provide reassurance to your customers that they can visit your business safely.

The Island's Regulatory Services Team wish to offer some practical advice around the operation businesses in the hospitality sector following the release of the Government's response, which sets the roadmap out of the current lockdown for England. This is a step-by-step plan to ease restrictions cautiously.

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

Currently, England is still step 1 of this plan where the 'stay at home rule' has been relaxed however many restrictions still remain in place [Coronavirus restrictions guidance](#). You should refer to the [closures guidance](#) for the latest rules for closing certain businesses and venues in England.

### **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 (see links above), 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).

#### **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**

Any premises which serves alcohol for consumption on those premises must ensure that food/drink is ordered from, and served to, customers via table service. They must take all reasonable steps to ensure that customers remain seated whilst consuming food/drink. If your premises does not serve alcohol, then customers may go indoors to order and pay for food/drink.

The premises' includes any outdoor seating areas that you provide, or any area adjacent to your premises which people habitually use for consumption of food/drink purchased from your premises; for example, a green space or public bench adjacent to your premises. You must take reasonable steps to ensure that people who consume food/drink purchased from your premises in these areas are served via table service. If you cannot achieve this, then you must not sell food/drink for consumption in this area.

To prevent customers unlawfully consuming food/drink (including alcohol) in areas adjacent to your premises without being served via table service, we advise that you do not sell 'takeaway' food/drink (including alcohol) in open containers. To do so could be considered unlawful.

### **A reopening message from the police licensing team**

Please ensure that staff training has been conducted prior to reopening, both for existing and new members of staff. As well as the potential for customers to over-indulge following a long period of lock down, there is also the potential for the presence of a higher percentage than usual of customers who have turned 18 over the lockdown period and who have no experience of responsible alcohol consumption. These points should be factored in when completing risk assessments as to the need for SIA door supervisors, as well as the need to ensure that customers adhere to all COVID secure measures which are in place.

As well as these essential measures it is important to remember that your staff will often be seen as trusted individuals by customers who may feel unsafe or need help in reporting an incident such as harassment or an assault. To ensure customer safety is taken into consideration please make sure staff know how to respond in the event of such an incident.

Additional material from our Police Licensing team has been produced in the form of a due diligence pack, which includes further guidance on such matters. If you would like the full content please contact our team via email on [force.licensing@hampshire.pnn.police.uk](mailto:force.licensing@hampshire.pnn.police.uk)

### **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.
- 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).
- **The rules on what you need to do when a group enters your venue have changed.** You must ask every customer or visitor to scan the NHS QR code using their NHS COVID-19 app or provide their name and contact details, not just a lead member of the group. The QR code will need to be positioned somewhere easily accessible for all customers and where it does not cause a pinch point for queuing. Hospitality venues must take reasonable steps to refuse entry to a customer or visitor who does not provide their name and contact details or who has not scanned the NHS QR code.  
<https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

### **COVID-19 early outbreak management**

Early identification and response will be critical to prevent further cases and key to minimise any possible wider outbreak in the community. Please ensure you have considered what to do should you be notified of a case in the workplace. Refer to the 'guide for employers, businesses and workers' attached to the email, and contact Environmental Health or Public Health England if you require further advice

### **Testing for People without symptoms**

The government have introduced tests for people without symptoms. They are called [lateral flow tests](#) or rapid response tests. For options of how to get the tests visit [Keep the Island Safe](#). These will assist in the recovery as will allow for early detection and a break in the chain of transmission, stop outbreaks and protect your staff, customers and business.

## Tables and chairs on the highway

Some premises already have the benefit of a Street Furniture Permit, or recently introduced Pavement Licence, which allows the placing of furniture and other items on the highway. Please familiarise yourself with the conditions of the licence or permit and plan layout before re-opening. Also, please 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. Initially the Pavement licence regime was put in place until September 2021, but this has now been extended until September 2022.

Full details of the application process can be found on the Licensing departments [webpage](#).

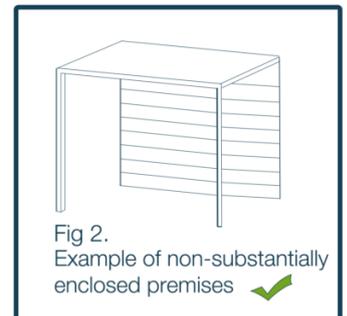
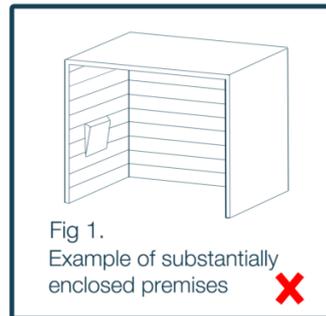
## Is a marquee outside a pub considered 'indoors' or 'outdoors' for the purposes of the restrictions?

For the purposes of the 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.



## Fire safety of your venue and additional structures

In order to comply with relevant fire safety legislation you **must** complete a fire risk assessment of your venue and any additional structures. The risk assessment needs to identify the fire hazards and persons at risk, you must endeavour to remove or reduce these risks and protect people from fire. An example risk assessment form can be found [here](#).

Information to help those manage the safe erection, by checking with the manufacture or by use and deconstruction of temporary demountable structures (TDS) can be found on the HSE website [here](#).

## 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 noisy, ask them politely to leave.
- Monitor noise levels from the boundary of the nearest residential property especially late at night (after 23:00) 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 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.

## 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.

## Legionnaires' disease: lockdown risk and reopening safely

When buildings reopen after lockdown, it is essential that water systems are not put back into use without considering the risks of Legionnaires' disease. As a result of the pandemic, there is the potential for an increased number of people to be susceptible to Legionnaires' disease due to a compromised respiratory system.

The Chartered Institute of Environmental Health has produced useful [guidance](#) to help you take reasonable steps to ensure the safety of your water system prior to reopening.

## Questions and help

If you have any queries regarding the safe and lawful operation of your business during the current COVID-19 restrictions, please contact the Regulatory Services team by emailing [covidregs@iow.gov.uk](mailto:covidregs@iow.gov.uk)

## Additional useful sources of information

UK Hospitality's [FAQs](#)

## 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](#)

### 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](#)