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*A BID to make new history*

*Dear Business owner,*

*This has been another week of change for various regions in the Country including Essex. As you will have heard, Essex (excluding Southend and Thurrock) is moving into Tier 2 – High Alert from 00:01 on Saturday 17<sup>th</sup> October 2020.*

*Some of you may be surprised by this decision given the infection rates in Essex are relatively low when compared with other areas of the Country. The reason that Essex County Council made the request now is because infection rates have grown exponentially in the last couple of weeks.*

*Moving into Tier 2 was inevitable at some stage and the Leaders have agreed that a move sooner, before our infection rates become too high, should mean a return to fewer restrictions sooner.*

*Unfortunately, the change to Tier 2 does have implications for the hospitality sector.*

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### **From 00:01 17<sup>th</sup> October 2020**

#### **Meeting people inside**

The rule of 6 no longer applies inside. Unfortunately, social contact between households is no longer permitted indoors.

*This means that from Saturday you can only accept individual customers, or a group of customers who are either in one household, or who are in a support bubble.*

Please note that the onus is on businesses to make enquiries to ensure that any groups visiting your premise are from one household. This will be down to the business to record the details.

#### **Meeting people outside**

The rule of 6 still applies as before.

We have already received several enquiries about the use of marquees and whether sitting in a marquee is classed as 'inside or outside'. We have conferred with colleagues in Essex and are in agreement that **a marquee can be considered to be 'outside' and therefore groups of 6 could be seated together in a marquee, but only when over 50% of the sides of the marquee have been removed.**

## **Wakes**

Tier 2 has changed the maximum number of people who can meet for a wake. This has now risen from 6 to 15. If you intend to hold a wake be mindful that you must have a COVID-19 risk assessment and you must take all reasonable measures to limit the risk of transmission of the virus taking into account, all relevant guidance.

## **Other clarification**

The Working Safely During Coronavirus Guidance for Restaurants, pubs, bars and takeaway services has been updated since we last wrote. This guidance is regularly updated, and you are advised to keep a close eye on the following link for up-to-date information <https://bit.ly/3fMoh95>.

Some of you will have met Colchester Borough Council Officers out when we have been visiting premises to see that you are receiving our information, and are aware of the changes that are relevant for your premise and to see if we can assist you with any areas of compliance or answer any queries you may have.

There have been few questions enquiries posted to us via email or during some of these visits. Below is some clarification of the main areas that have come up.

## **Face coverings – for staff**

When we last wrote following the 22<sup>nd</sup> September announcements there was some confusion over the wording in the regulations as to what constituted a face covering for staff. At that time, we advised that until we had received information that a face mask or visor would be acceptable.

We have now received clarification and the face covering section in the working safely guide (Section 6.1) has been updated. Central Government have confirmed that **visors are not considered to be a face covering and therefore staff will need to wear a face mask.**

The guidance now states;

*Employers must ensure all staff of venues that provide food and drink wear face coverings in areas that are open to the public and where they come or are likely to come within close contact of a member of the public, unless they have an exemption. Employers must not, by law, prevent their staff from wearing a face covering where they are required to do so.*

*Where face coverings are required for staff, businesses are expected to provide these as part of their health and safety obligations. However, staff are welcome to use their own face coverings if they choose.*



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*If businesses have taken steps to create a physical barrier or screen between workers and members of the public then staff behind the barrier or screen will not be required to wear a face covering. Enforcement action can be taken if barriers and screens are in place which do not adequately mitigate risks.*

Colchester Borough Council are of the view that the above means face masks will now need to be worn by all staff (including door staff) when they are anywhere in the public side of the restaurant, café or pub including behind the bar/counter (unless the bar/counter is adequately screened. Staff need not wear a face mask in the kitchen unless your risk assessment deems it necessary.

### **Face coverings – for customers**

As you are aware customers are now obliged to wear a face covering when they enter your premise and at all times **unless** they are seated eating and drinking.

In practical terms this means customers (aged 11 and over) should wear their face covering until their food or drink order arrives at their table and should put their face covering on once they have finished eating/drinking, or if they need to leave the table to walk to the toilets or leave.

Some people don't have to wear a face covering for health, age or equality reasons. No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

You should take reasonable steps to encourage customer compliance, for example, by way of notices at the entrance and, if necessary, inside the premises.

You are not required to provide face coverings for your customers.

### **Table spacing**

The guidance on table spacing previously referred to 2m, or 1m+ (with the + being mitigation including seating side by side or in a back to back arrangement). There has now been a change in the wording together with a specific new regulation. The implications of these changes may be significant for you.

The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations, specifies that tables be appropriately distanced from each other. I have included the wording from the regulations for your information.

*A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—*

***an appropriate distance is maintained between tables occupied by different***



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**qualifying groups.**

(a) an “appropriate distance” means a distance between tables of—

(i) **at least two metres**, or

(ii) **at least one metre**, if—

(aa) there are **barriers or screens** between tables;

(bb) the tables are **arranged with back to back seating, or otherwise**

**arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or**

(cc) other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables;

The wording of the regulations includes the requirement that ‘**persons sitting at one table do not face any person sitting at another table at a distance of less than two metres**’. The diagonal distance between people sitting on different tables would count as face to face and these customers would therefore need to be 2 metres apart.

You must either;

- Ensure that your tables are positioned to ensure that measured diagonally people on adjacent tables are 2 metres apart, or
- Put up screens or barriers between the tables if you wish to reduce this distance.

You must check on an ongoing basis that these distances are being maintained.

This requirement will mean that tables in some premises, (particularly cafes and restaurants) may need to be moved further apart, or some tables removed entirely (or marked not in use) in order for you to comply with this regulation.

### **Restrictions on opening hours (10pm curfew)**

Pubs, bars, restaurants and takeaways are now required by law to close by 10pm. Please ensure that you have called last orders in good time and that your customers are aware that they must have left, and you must have closed your doors by 10pm.

### **Table Service, seated customers & payment**

As you are aware if you have a licence for the sale of alcohol for consumption on the premises you must both take orders from seated customers and ensure that customers are seated whilst they eat/drink.

Again the guidance has been refreshed regarding this;



OUR COLCHESTER  
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*From 24 September, in venues which sell alcohol, food and drink must be ordered from, and served to customers who are seated, in both indoor and outdoor settings. This means that a business that sells alcohol must introduce systems to take orders from seated customers, instead of at a bar or counter. Payment should also be taken at the table wherever possible but may be taken at a bar or counter if safety measures are in place.*

In effect this means if you have the means of taking a payment from customers at their seats you should be using this. If you do not have this facility you may take payment at the bar, but not as you used to pre-COVID. If you intend to take payments at the bar/counter either the bar/counter needs to be screened, or there needs to be 2m between the customer and the member of staff at all times. This could be achieved by way of a rope barrier, or markings on the floor, but you must ensure that you keep this separation if you do not have screening.

### **Smoking areas**

Whilst all of premises that we have visited so far have taken steps to prevent groups of more than 6 entering the establishment, the use of smoking shelters has occasionally caused problems in terms of social distancing. Please review your arrangements and ensure both that numbers of people smoking do not exceed 6 at a time and that smokers remain socially distant from other smokers.

### **NHS Test and Trace**

If you have not already done so, please ensure that you have downloaded your **NHS QR code and displayed it in a prominent position for customers to scan on arrival**. You must have an alternative available for those customers who do not have a smart phone. **Please note the new regulations require you to refuse entry to customers who refuse to leave their details (NB only one member of a group need provide details provided the number of people in the group is provided).**

You can generate a FREE unique code for your establishment at <https://www.gov.uk/create-coronavirus-qr-poster>.

We appreciate that again there is a lot of information to take in and what we have provided may not answer all of your questions. If you have any questions, our team is here to help, guide and support you. Please contact Licensing, Food and Safety at [Licensing.team@colchester.gov.uk](mailto:Licensing.team@colchester.gov.uk) or [Food.team@colchester.gov.uk](mailto:Food.team@colchester.gov.uk)

Kind regards,

Jon Ruder

Licensing, Food and Safety Manager