

22<sup>nd</sup> March 2021

Dear Business Owner,

I am sure that after this incredibly challenging winter, you are anxious to re-open and to maximise what you can do to trade successfully in the coming weeks. The purpose of this letter is to set out some of the **likely** relaxations that will apply as the Government commences easing of lockdown restrictions, hopefully as soon as the dates proposed within their “Roadmap”. Details of the Roadmap, including a summary, can be viewed at: [COVID-19 Response - Spring 2021 \(Summary\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/coronavirus)

**From 00:01 on 12<sup>th</sup> April 2021 (at the earliest)**

The Government’s Roadmap proposes that from 12<sup>th</sup> April 2021:

- Hospitality venues will be able to open for outdoor service, with no requirement for a substantial meal to be served alongside alcoholic drinks,pl and no curfew. The requirement to order, eat and drink while seated (‘table service’) will remain.
- All newly open settings must abide by the social contact rules. The Government will continue to enforce restrictions and require businesses to demonstrate robust strategies for managing the risk of transmission and to ensure social distancing rules are followed. Local authorities and the police will continue to provide support and advice to newly reopened settings, enabling them to operate safely. Where businesses do not follow the rules, the appropriate enforcement action will be taken.
- This will be accompanied by mitigations including workforce testing and continued social distancing guidance.

If the date for re-opening is to change, Government has committed to giving a week’s notice in advance so you should keep an eye on media coverage and the <https://www.gov.uk/coronavirus> website.

The Regulations and supporting guidance to cover the above relaxations have not been published yet and so we cannot give more specific advice at the current time. However, the Government have advised that the limits on persons meeting together outside at hospitality venues will follow “rule of 6/two households” as follows:

*“People will be able to meet outside in groups up to a maximum of 6 people (the Rule of 6) or with one other household, though people from different households will still need to socially distance from each other. This will apply in all outdoor settings. Applying either limit provides greater flexibility, recognising the different*

*situations faced by families and individuals; two households will be more helpful for families, while the Rule of 6 is likely to help people in different households to reunite outdoors, including those living alone or in shared accommodation. Those eligible to form a support bubble will still be able to do so, enabling close contact for many of those in most need of support, and will continue to be counted as part of the same household”.*

The above means that you will have to continue to ensure that people visiting your premises meet the Rule of 6/two household test **AND** that persons not from the same household/bubble are socially distanced at your tables in accordance with the guidance on social distancing that the Government has in place at that time. At the current time this means 2 metres or 1 metre with mitigation.

You will also note that there will no longer be a requirement to purchase a substantial meal (or any food at all) with a drink, but that table service must be utilised for all orders as before.

For service to be “Outdoor” requires that the sides of any “structure” used over a seating area, such as a marquee, must have **at least** 50% of the sides being open to the air. Please ensure that any structure you are using is at least 1m away from any wall or fence etc. If there is not 1m clear distance the side adjacent to the wall / fence will be considered to be a “closed side”.

Again, workplace testing has been alluded to in the Roadmap and further detail on this is anticipated from Government in due course.

### **Marquees**

Government have extended the relaxation on planning permitted development rights to allow marquees to be erected on sites for up to a maximum of 56 days in a calendar year. Should you intend utilising a marquee, or similar structure, to provide cover over seating for which you wish to use for ‘outdoor’ gathering restrictions, you must ensure that you are compliant with it being classed as “outdoor” as per the above. Should you intend to have a marquee, or structure, on site for more than a total of 56 days during 2021 you would need to obtain planning consent from our Planning Department to do so – they can be contacted at [Planning, Building Control and Local Land Charges · Colchester Borough Council](#)

Please ensure that any marquee, or structure, you use is erected properly and secured adequately. Further information on the safe erection of marquees can be found <https://www.muta.org.uk/MUTAMembers/media/MUTAMembersMedia/PDFs/MUTA-sBest-Practice-Guide-v2.pdf>

### **Takeaway Service**

Takeaway service remains permissible from hospitality venues without the requirement to obtain “change of use” via the planning system. Government have extended the ability for your businesses to do this temporarily until March 2022.

## **Placement of Seating and Tables on the Public Highway**

If you do not already have one, the placement of street furniture including tables and chairs on the pavement/public highway (footpath) is likely to require a Pavement Licence or Permit from the Licensing, Food and Safety Team. A fast-track process exists for these applications and details can be found at: [Food and drink businesses : Colchester Borough Council](#)

### **Table spacing**

Unless new guidance or Regulations that may be issued in the coming weeks address this matter, the expectation regarding table spacing will remain that contained within existing Regulations as follows:

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 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.

Please ensure that your table spacing is compliant with the requirements above. Ideally **remove any tables** that cannot meet this requirement. If this is not

possible please ensure that they are not laid and instead are clearly marked as not in use, ideally with the chairs removed to prevent them being used.

## **Noise**

We appreciate that this is a very difficult time for your industry and that you are going to want to maximise your ability to attract trade upon reopening. However, we would ask that you give careful consideration to the impact that reopening could have upon your neighbours. Apart from the return of comings and goings to your premises by customers, the requirement for outdoor service only has the potential to lead to greater noise impact from people socialising outdoors in greater numbers than may have happened previously at your premises. You will need to manage this as carefully as possible.

The position regarding entertainment and live music is unclear. Consequently, we do not yet know whether this will be permitted from 12<sup>th</sup> April. The suggestion in the Government Roadmap is that outdoor entertainment appears more likely to be scheduled to re-commence no earlier than 17<sup>th</sup> May. However, we await full details of Regulations and guidance on this and hope to be able to advise you prior to re-opening.

As and when any entertainment and live music returns your obligations to comply with licence requirements and not to cause a statutory nuisance to other residents remain. In addition, you will need to pay close attention to any Regulations and guidance issued by Government relating to how to carry out these activities in a COVID secure manner. For example, previous guidance had advised that activities should not encourage singing, dancing or the need for people to raise their voices to communicate in order to minimise the potential for spread of COVID-19. It is expected that Covid Measures will be with us post June 2021 in some form or another.

## **Licence Fees and Licensable Activities**

Please remember that you must have paid your annual licence fees in order to operate lawfully. If you have yet to do so, please contact our Licensing Team immediately.

You may also need to apply to vary your licence under certain circumstances, such as when changing the layout or area of the premises including outside seating areas, the hours which you intend to undertake licensable activities, or the activities you intend to carry out. For more details on this and contact details for our Licensing Team please open this link: [Colchester Borough Council](#) (licensing and Entertainment).

You must put in place suitable systems to ensure that you continue to promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Public Nuisance and Protection of Children from Harm. I must remind you that your Premises Licence/Club Premises Certificate could be at risk should the Council determine the inappropriate sale/supply of alcohol or breaches of COVID-19 regulations connected to your premises.

## **Guidance**

The Working Safely during Coronavirus Guidance for Restaurants, pubs, bars and takeaway services is regularly updated so please keep a close eye on the following link for up-to-date information [Restaurants, pubs, bars and takeaway services - Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/restaurants-pubs-bars-and-takeaway-services-working-safely-during-coronavirus-covid-19)

### **Face Coverings – for staff**

Staff must wear face masks when they are anywhere indoors in the public side of the restaurant, café or pub including behind the bar/counter (unless the bar/counter is adequately screened). Although internal use of the premises by customers is prohibited in the proposed 12<sup>th</sup> April re-opening, customers may be entering to use the toilet or collect takeaways. Consequently, you must ensure that staff comply with face covering requirements in those circumstances.

### **Face Coverings – for customers**

You should minimise any need for customers to enter your premises. Customers (over 11 years) must wear a face covering at all times when they are inside your premises – this should only be for access to toilet facilities or the collection of takeaways (if necessary). 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.

### **Preparing for Reopening**

The Roadmap provides businesses and the public with plenty of notice to prepare for the gradual removal of restrictions and we should all make best use of the notice period.

You should consider the following checks and considerations before reopening:-

- Review your COVID safe measures and risk assessment, including refresher training for staff, signage and queue management.
- If you intend to open for outdoor service on or after the 12<sup>th</sup> April, you must assess how many customers you can safely accommodate, seated, allowing for adequate social distancing, queue management, ordering and payment.
- Make sure you have enough trained staff to manage your customers safely and in accordance with the regulations and guidance. Make sure your customers understand your rules and maximum capacity.
- Where possible, let customers know about your rules and seating capacity before you open. Using social media is a good way to get the message out and manage customer expectations.
- Make sure you have systems in place to take orders and payments at the table.
- If you provide food, ensure your kitchen staff review your food supplies for durability dates, condition and labelling.

- Check for any pest activity.
- Make sure your staff have the necessary food, safety and COVID awareness training. Refreshers courses are recommended for all.
- Carry out a deep clean of your kitchen ready for trading.
- Review your menu and allergens controls. It's recommended to keep your menu simple.
- Consider introducing COVID testing for your staff.
- We understand it will likely remain mandatory to display the NHS Test and Trace QR 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. For those customers that cannot use the NHS Test and Trace app, you must have a method of manual recording. You can create your free NHS Test and Trace QR code poster at <https://www.gov.uk/create-coronavirus-qr-poster>.
- **Please ensure that you check your licence conditions and plans to ensure that you can use outside areas. If your licensable plan does not include the outside are, they will need to ensure you have off sales on your licence**

### **Grants**

Businesses should visit [Business Support Grants · Colchester Borough Council](#) to find out more about grant schemes, the criteria and application process.

### **Further Assistance**

We appreciate that once again there is a lot of information to take in and what we have provided may not answer all of your questions.

Please remember you can sign up to our Colchester Borough Council group to keep you with the latest updates: [Social Media · Colchester Borough Council](#)

If you have any questions, we are here to help 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



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