

12th May 2021

Dear Business Owner,

I last wrote to you prior to the Step 2 of the Governments roadmap on 12th of April. Last night it was confirmed that England will move into step 3 of the roadmap on 17th May. We know this is a busy time for you as you prepare for your re-opening or where you have already opened adapting you premise. Please see information below that will be important for you as a business:

The government have revised their "[Guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways](#)" to help businesses keep staff and customers as safe as possible. There are some noticeable changes to the requirements in both the regulations and in the guidance, your attention is drawn to the following:

Step 3 – from 00:01 on 17th May 2021

Below are the key points and changes

- The opening of indoor attractions and entertainment such as cinemas, theatres, and play centres. Nightclubs and sexual entertainment venues remain closed.
- Indoor areas at hospitality venues can reopen to serve customers in groups of up to 6 people or 2 households. Covid control measures must be in place.
- Outdoor areas can hold groups of up to 30 people, subject to covid control measures being in place.
- At any premises serving alcohol, customers will still be required to order, be served and eat/drink while seated indoors or outdoors (even if no alcohol is ordered).
- If a hospitality venue does not serve alcohol, then customers will be able to order and collect food and drink from a counter but must consume food and drink while seated at a table.
- There will not be a requirement for a substantial meal to be served alongside alcoholic drinks, and no curfew.
- You are still required by law to risk assess your business activity to keep people safe and prevent the spread of coronavirus. The below control points must be in place along with any others your risk assessment identifies as necessary in line with the government guidance for your industry sector at <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

The Controls that should be followed as part of this process are listed below

- Self-isolation of any staff with symptoms or if they test positive.

- Consider use of the workplace test by registering at <https://www.gov.uk/get-workplace-coronavirus-tests> .
- Minimising contact between staff.
- Maintaining social distancing between staff wherever possible.
- Using a consistent pairing system if relevant, fixing which workers work together to reduce the opportunity of spreading the virus across the workforce.
- Ensure the rule of 6 or 2 households is followed indoors.
- Social distancing between different qualifying groups (see table spacing below).
- Increasing the frequency of hand washing and surface cleaning.
- Ventilation within indoor areas. This can be achieved by opening doors and windows as appropriate and / or use of a mechanical system bringing in fresh air.
- Encouraging contactless payments.
- Use of face coverings or other mitigating control measures by staff needing to get close to others, such as taking payment etc.
- Informing customers to wear face coverings when not seated.
- Providing hand sanitiser at tills, WC facilities and other appropriate points.
- Use of one-way systems where possible.

Social contact

You must ensure that you do not facilitate gatherings between a greater number of people than is permitted and should take steps to ensure customer compliance with the rules on social contact. Under these rules outdoor gatherings are currently limited to “rule of 6/two households” (with a support bubble counting as a single household) as follows:

The above means that you will need to continue to ensure that people visiting your premises meet the Rule of 6/two household test.

Ensure that you have configured your seating such that your customers can maintain social distancing guidelines between groups of customers. That is at least 2m between tables, or at least 1m if

- (a) there are **barriers or screens** between tables.
- (b) 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
- (c) 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 check on an ongoing basis that these distances are being maintained.

This requirement is much easier to comply with if you **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.

Structures & Marquees

Any space that you are using for customers to sit during Step 3 can now be indoors or outdoors. Therefore, if you erected a marquee or similar structure outside for use under Step 2, if you now choose to make the marquee enclosed, the side walls can be reattached.

If the marquee or structure is substantially enclosed (more than 50%) then all measures in relation to seat spacing, social distancing and the rule of 6 or two households will apply the same as inside a pub or restaurant etc. Note: for any enclosed space the Health Act will apply as such there can be no smoking within a marquee or similar outdoors enclosed structure.

If you decide to keep your marquee as an 'outdoors' structure (with at least 50% of the sides open) then you will benefit from the Step 3 allowance of groups of up to 30 people being able to gather outside, again remaining seated whilst drinking and eating.

Please ensure that you have considered any such structures carefully in relation to these requirements. Should you intend to have a marquee, or structure, on site for more than a total of 56 days during 2021 (including Steps 2, 3 and beyond) you will need to obtain planning consent from our Planning Department.

Please ensure that any marquee, or structure, you use is erected properly and secured adequately. Best practice advice is available from MUTA, the relevant UK trade association, here: [Best practice guide – erection of marquees](#).

Please also have due regard to the electrics and lighting that you propose to use within any such structure as there were several dangerous incidents reported across the UK during Step 2 in relation to fires and collapses or wind related damage caused by the unsafe use of marquees and related equipment.

Toilets

Ensure the toilet facilities form part of your re-opening plan. Consider floor markers to make it easier for customers to maintain social distancing whilst queuing. Consider placing hand sanitiser at the entrance to the toilets and ensure there is both a good supply of soap at the wash hand basin and suitable options for hand drying (paper towel or hand dryer).

Keep the toilets well ventilated and increase cleaning in line with usage paying particular attention to hand contact points. Use disposable paper towel to clean all surfaces rather than a reusable cloth.

Test and Trace

All hospitality premises with seating are required to display the official NHS QR code poster. There is a new version available which we would prefer you to [download](#) and use please.

There are changes to the system. Previously the lead member of any group could check in on behalf of the group. **The requirement now is that every visitor aged 16 and over must check in or provide their contact details.**

As previously you will need to have a system to ensure that you can and do collect information from your customers who do not have a smartphone or who do not want to use the NHS Covid-19 App. You must keep this data for 21 days and provide it to NHS test and trace (or Essex and Southend contact tracing service, or Colchester Borough Council) if it is requested. [Check what data you need to collect and how it needs to be managed.](#)

If you previously relied on booking data for this purpose you will need to consider how to adapt this to ensure that all customer's details are now recorded. Likewise if you have regular customers it is not sufficient to rely on memory as to who was there on any given day, all customers must provide their details each time they visit the premise.

You are also required to **take reasonable steps to refuse entry** to those who refuse to check in or provide contact details.

In terms of staff you must assist the test and trace service by keeping a record of all staff working on your premises and shift times on a given day and their contact details. You must keep this data for 21 days and assist NHS Test and Trace with requests for that data if needed. This could help contain clusters or outbreaks. It is advisable to keep a note of which tables each member of staff was assigned to at any given time during each shift.

IMPORTANT STEP

Live Music & other events

Events can commence from Step 3 ([preferably outdoors](#)), subject to meeting COVID-secure requirements including social distancing. This means ensuring that those attending an event do not mix beyond what is permitted by social contact limits, including approaching other tables or sitting at different tables.

Organisers should take proactive steps to encourage audiences to support the safety of the event and discourage activities which can create aerosol such as shouting, chanting and singing along.

The guidance for restaurants, pubs, bars and takeaway services still requires music to be kept at a low volume and advises that you should prevent entertainment that encourages communal dancing, group singing or chanting.

Organised events should be ticketed and held in a separate room from regular food and drink customers to prevent mixing with event attendees.

Please keep updated with the guidance for changes and further information.

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>
and

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

Potential for noise complaints in relation to the live events

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. However, we would ask that you give careful consideration to the impact that reopening could have upon your neighbours.

As 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.

Please also note that if you have a current restriction in the form of a licence condition on the use of your outdoor spaces then this must be adhered to. If you had not previously realised this and this will cause problems for your reopening plans please contact the licensing Team immediately to discuss whether a variation or minor variation will be required.

Smoking areas

There is no guidance on smoking areas in step 3 but as all customers are required to remain seated whilst eating and drinking and all are doing so outside you are advised to designate a smoking area within your outside space and identify it as such so that customers are clear where they can and cannot smoke whilst under the current restrictions.

Face coverings – for staff

Staff must wear face masks when they are anywhere indoors in the public side of the restaurant, café or pub or takeaway including behind the bar/counter (unless the bar/counter is adequately screened

Face coverings are not required outside, however if your staff need to walk from the publicly accessible inside areas to outside to serve food/drink they will need to wear a face covering. We would urge you to ensure your systems mean that staff do not need to come into close contact with a member of the public but if this cannot be avoided again the staff member should wear a face covering even outside.

Face Coverings – for customers

Customers also need to wear a face covering in such premises and you must take reasonable steps to inform customers of this requirement

No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

Workplace testing

Any employee in a household or support bubble with school age children can collect LFT from any community test centre or [LFT collection point](#) as an employer this is the first option if any of your staff are eligible for tests via this scheme.

You can also order rapid lateral flow tests (LFT) for other employees to use. The test kits are entirely free of charge until 30 June 2021.

[Register to order coronavirus tests for your employees.](#)

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 Licensing 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: [Licensing - Colchester Borough Council](#)

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.

Placement of Seating and Tables on the Highway

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

Outbreaks in the workplace

As part of your risk assessment, you should have an up to date plan in case there is a Covid-19 outbreak. Nominate one member of staff who will contact the relevant team at Colchester Borough Council testandtrace@colchester.gov.uk

If you do have an outbreak, or you become aware that any of your customers have tested positive please do contact the team as soon as possible. They will require information such as the date and time of onset of symptoms (or time of test if asymptomatic), last date and time in the workplace, name and contact details for any contacts of the positive case going back 48 hours from the date & time of the onset. They will also require the test and trace records for that date. You will be provided with information to give to staff and will be given assistance with identifying control measures if more are needed.

Further Assistance

We appreciate that 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 Colchester Borough Councils Twitter and Facebook page group to keep you with the latest updates:

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Kind regards

Jon Ruder
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