

SHOP



STAY



# Reopening Westminster's hospitality sector

## Advice for Pubs, Bars and Restaurants

2 July, 2020



City of Westminster



# Introduction

Pubs, bars and restaurants will be able to open from 4th July. The Government has issued [guidance](#) about how business should operate from this date to minimise the risks of operating in a Covid-19 secure way to prevent the risk of transmitting the virus.

The guidelines provided are quite straightforward but have created a lot of discussion about what you can and can't do. There are measures required for maintaining hygiene and reducing contact; for example, apps, contactless payments, table service, provision of hand sanitizers and reducing capacity and queues. The guidance covers safe working and operating practices; working from home; travelling to and from work; tips for social distancing within the premises, particularly toilets and high-volume areas, etc.

This document seeks to provide some additional information that relate to queries that the council has received or that we feel should be highlighted as business prepare to and operate from the 4th July. This document is not intended to replace government guidance.

## Summary of Key Actions

- A Covid-19 Secure risk assessment has been carried out and appropriate mitigation measures identified to enable the safe operation of the business.
- All staff are provided with a copy of the Covid-19 Secure risk assessment and understand the mitigation measures that the business has put in place.
- Review your licences and assess if there are any restrictions or conditions that need to be considered as part of your plans for operating.
- If you need additional permissions to remove some restrictions or apply for permissions to use, for example additional outside space you should make an application as soon as possible to the council to prevent any delay in operating.
- Protect staff wellbeing by ensuring safety and hygiene measures are in place as well as ensuring workers are complying with health advice and are not unwell.
- Have provisions in place to record contact information for staff, visitors and patrons'. For patrons' this can be achieved on booking or entry, with name and a contact number (if there is more than one patron then you can record the name of the 'lead member' of the group and the number of people in that group).
- Undertake a deep clean of the premises and implement additional hygiene and cleaning measures and practices
- Ensure venue is set up to adhere to newly assessed capacity limits and physical distancing of individuals and groups is possible. The minimum safe social distancing for the venue must be 2 metres unless this is not possible. In that case 1 metre with appropriate mitigation is acceptable.
- Ensure patron awareness of, and compliance with, requirements (including collection of contact information).
- Be ready to work with the councils Public Health Departments and NHS in the event of a case of coronavirus (Covid-19) in a staff member or patron, or an outbreak affecting your business.



- Complete and consider displaying the “Staying Covid-19 Secure in 2020” notice provided in the government guidance, Keeping workers and customers safe during Covid-19 in restaurants pubs, bars and takeaway services.
- Prepare signage to display at your venue relating to social distancing, payment, queuing, hand cleansing, capacity and that customers should not enter if they have any coronavirus (Covid-19) symptoms.

## Risk assessments

All businesses should undertake a risk assessment to ensure they are operating as a Covid-19 Secure business. This is to protect both staff and customers from infection, or the potential spread of infection from asymptomatic people. The government has produced a [webpage](#) that explains how you can write your risk assessment.

The risk assessment is key to understanding how you can reopen safely while protecting yourself, your staff and your customers from coronavirus. It should be written, and then shared with your staff. It should be a dynamic document which can be amended, initially after each shift, so that you can reflect and adjust your working practices and update the risk assessment to suit. For example, you might find that your customers ignore markings on the floor, but will follow signage instead, or rearranging furniture may be more helpful. Make sure your staff know what the risk assessment says and where a copy of it is kept. You may be asked for it by a police officer or council enforcement officer.

Part of your risk assessment should detail how you will manage the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers.

## Capacities and Groups

There is no specific maximum capacity you are allowed. Instead your capacity should be based on the number of people you can host whilst maintaining the measures set out in the guidance and will vary based on the profiles of each group in your premises.

### You should not allow people to:

- Gather indoors in groups of more than two households (a support bubble counts as one household) - this includes when dining out or going to the pub.
- Gather outdoors in a group of more than six people from different households; gatherings larger than six should only take place if everyone is from just two households.
- Interact socially with anyone outside the group they are attending a place with, even if they see other people they know.
- Parties and celebrations where attendees are not from two households should be avoided.



It may be possible to control this through a table booking system if you have one and by giving advice on arrival. Customers inside the premises should remain seated and be encouraged not to move about. You should offer table service, preferably ordering through an app to avoid as much contact with staff as possible. Don't let people move furniture around and don't let separate groups of people mingle, even if they know each other.

If you have put in place table bookings, please tell your customers so they don't turn up expecting to be able to get a seat. This can create issues with managing the access to the premises and could cause confrontation. Use your social media accounts and signage on the premises to advise customers of the measures you have put in place to ensure they remain safe. If you are limiting the time people can book a table for, make this clear to them. Customers won't be able to go anywhere else easily, so be prepared for them wanting to stay beyond their allotted time slot.

## Test and Trace

Businesses are advised to retain information about their customers for 21 days should NHS Test and Trace need it.

The following information should be collected by the venue, where possible:

### Staff

- the names of staff who work at the premises
- a contact phone number for each member of staff
- the dates and times that staff are at work

### Customers and visitors

- the name of the customer or visitor. If there is more than one person, then you can record the name of the 'lead member' of the group and the number of people in the group
- a contact phone number for each customer or visitor, or for the lead member of a group of people
- date of visit, arrival time and, where possible, departure time
- if a customer will interact with only one member of staff (e.g. a hairdresser), the name of the assigned staff member should be recorded alongside the name of the customer

No additional data should be collected for this purpose.

Some businesses, such as restaurants will be able to collect customer information via their table booking system. Others have set up a phone number the main organiser can text with their name which will record when they visited the premises.

A number of businesses have asked us about if they can do this in light of the general data protection regulation (GDPR). The answer is yes you can but you must make sure you keep the data confidential and secure, not use the information for any purpose other than assisting NHS Test and Trace and not share it with anyone other than those people authorised by the government to collect the information for the purposes of preventing the spread of coronavirus. [The Information Commissioner's](#) website has more information.

The government has issued [further guidance on test and trace](#) which is available via GOV.UK website.



## Social Distancing – 2m or 1m plus

In his announcement, the Prime Minister stated that in some cases social distancing had been relaxed to 1 metre plus mitigation. To be clear the 2 metre social distancing rules still apply. However, it is recognised that in some scenarios this is not viable, and so you can reduce social distancing to 1 metre providing other mitigating measures are used such as face masks, hand sanitising, back to back or side by side rather than face to face working. There still must be social distancing between people in different households and staff and customers and wherever possible this must be 2 metres.

### Staff

It is important to protect your staff from coronavirus. The best protection for your staff is regular handwashing and to maintain a 2m distance from other staff and customers where possible, and 1m with mitigation where it isn't. Staff should travel separately and to not car share, avoid public transport and have a change of clothes for the workplace. It is recommended that regular shifts are organised so people are working with the smallest number of different people as possible.

Make sure your staff are aware of the measures you've set out in your risk assessment, including the wearing of PPE. Have a staff debrief at the end of the night – what went well, what went wrong, how do we need to change it?

You are required by law to report if a member of staff tests positive for coronavirus. This is vital so Environmental Health can start contact tracing. You may need to ask all your staff to self-isolate if one becomes infected so reiterate the advice to stay at home if they feel unwell, have a temperature or cough. You can report if a member of staff has tested positive for virus by [submitting a form](#) on the Health and Safety Executive's website.

## Queues

It is your responsibility to manage the queues that form outside your premises and to ensure that customers are maintaining social distancing. This is 2m, or 1m with mitigation where this is not viable. You are required to manage your own queues and ensure compliance with the social distancing rules. The council has produced guidance for [Queue Management with Social Distancing](#). Business should review this guidance document when undertaking their assessments and planning the operation of their business.

### Door staff

You should risk assess how many door staff you think you will need for inside your premises, to manage outdoor areas, any queue that may form and prevent entry to people who have not booked or when the premises have reached full capacity. It may be the number you assess to be sufficient is less than your licence condition due to your capacity being greatly reduced.

The council's guidance on [Queue Management with Social Distancing](#) sets out further advice on security arrangements for business including the management of queues.



## Entertainment

At present venues should not permit live performances, including drama, comedy and music to take place in front of a live audience. This includes entertainment such as acoustic music, lapdancing etc.

All venues are required to take steps to avoid people needing to unduly raise their voices to each other which includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult, loud background music, communal dancing, group singing or chanting.

Careful consideration should be given to the showing of football matches, or other live sport, on your TVs. Sporting events can raise the likelihood of customers shouting, cheering or raising their voices which may increase the risk of aerosol transmission. It may be particularly difficult to control this behaviour and therefore businesses must assess the risk and whether sporting events or matches should be shown.

It may not be possible for you to provide your usual facilities such as snooker, pool, darts due to the requirement that all customers should remain seated and due to the communal nature of the activity, the need to sanitise between uses etc. At the time of writing the Government strongly recommends that indoor sports not be provided.

## Off sales

There is a new law coming into force which if approved will allow any premises with on sales only to add off sales to their licence for a temporary period, until September 2021. Alongside this will be a streamlined licensing regime that will enable you to apply for a licence for placing table and chairs on the pavement outside your premises (pavement licence). However, this legislation is unlikely to come into force until the end of July.

Businesses must adhere to their current licensing terms and conditions. The council has provided a [fast track process for applying for a tables and chairs licence](#) under the existing legislation which could be applied for to enable the use of outside space until the new law takes effect. Business that wish to apply for tables and chairs licences under this fast track scheme must ensure that any area that is intended to be used for tables and chairs has enough space to allow safe and free pedestrian movement on the highway.

Temporary Event Notices can also be used in conjunction with the tables and chairs licence to provide customers seated at tables with alcohol. For more information on how the council is supporting the Hospitality Sector to open visit our [website](#).

If you already have on and off sales on your licence, you may need to check your conditions to ensure that you don't have restrictions on which make it difficult to work to your new model of operation. If you have any questions relating to this please contact the Licensing Service on 020 7641 4141 or email [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk).



## Operating your business responsibly

It is important that you continue to operate responsibly. Licensed premises must ensure that they promote the Licensing Objectives and that any changes to the operation of their business does not adversely impact them in any ways. The licensing objectives are:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance, and
- Protection of children from harm

We want businesses to reopen safely but also to be mindful of the impact of reopening on residents and other businesses in the area.

You should take steps to make sure that any customers drinking and/or smoking outside the premises are behaving in an orderly way and are supervised by staff and/or security. This will help prevent any public nuisance or obstruction of the public highway.

## Waste

You should have arrangements in place to remove waste and litter and make sure it won't accumulate from customers outside the premises. Any area used by customers outside should be swept and washed. You will need to make sure you are following the refuse storage arrangements for your business.

## Noise

It is anticipated that there is likely to be additional noise generated across the city from businesses operating outside spaces and with queuing. Businesses should ensure that noise levels are kept to a minimum. Businesses will be required to take proactive steps to minimise the noise disruption from their operation.

You should make sure that no noise coming from the premises could cause a nuisance. Loudspeakers should be kept well within the premises and should not be located in an entrance lobby or outside.

Our Noise Service will be fully operational, and we have brought in extra resources for expected busy times. Officers will be monitoring complaints and where these complaints are linked with businesses the council will actively engage with businesses to advise them on the need to reduce the noise nuisance. If businesses continue to generate a public nuisance then the council may take more formal enforcement action depending on the severity of that nuisance.

## Alcohol in open containers

If you are providing alcohol in open containers you may want to consider the use of non-glass containers. Westminster has a city-wide Controlled Drinking Zone under a Public Spaces Protection Order. This Order makes it an offence for anyone who, without reasonable excuse, fails to surrender any alcohol in their possession when asked to do so by a police officer, police community support officer, or authorised person from the council. If you intend to provide alcohol for consumption off the premises in unsealed containers you may need to apply for a pavement licence to allow people to drink outside your premises.



# Frequently Asked Questions

## Licensed Businesses

### What licensed business can open from the 4th July?

The government has confirmed that pubs, bars and restaurants can open from the 4th July.

### Can I open my licensed business at 00:01 on the 4th July?

No, the regulations prescribe that pubs, bars and restaurants can open from 6am on the 4th July.

### Do I have to do a risk assessment before I open?

Yes, all pubs, bars and restaurants must undertake a COvid-19 secure risk assessment and implement any mitigation and safety measures before they open. The government has provided guidance on this process via the GOV.UK [website](#).

If you fail to undertake a risk assessment, or fail to implement mitigation then either the council or Health and Safety Executive (HSE) can take a range of actions to ensure that the business either implements sufficient mitigation or close the premises to protect staff and customers.

### Can I use an outside space for tables and chairs?

If you have an outside space that is not public property that area may be used but licensable activities may be limited depending on what the area is to be used for. Any outside space that is not part of the licensed premises area, as shown on the licence cannot be used for licensable activities. However, if the premises want to use the area for the consumption of alcohol the premises licence must allow off sales and have no conditions that restrict that use, for example conditions that prohibit the sale of alcohol off the premises in open containers.

A temporary event notice could be used to provide licensable activities, including off sales in any outside space for a temporary period. However, there are certain limitation on the number and frequency of these notices. Temporary Event Notices can be submitted via the council's [website](#).

If you wish to use an outside space which is part of the highway you will need a licence for the use of that space. At present there is only one type of permission for this. A tables and chairs licence under the City of Westminster Act 1999 will be required to permit tables and chairs in the defined area. The council has established a [fast track tables and chairs licence application](#) process for these permissions specifically to support the hospitality sector open quickly.



### **Can I provide alcohol for consumption off the premises?**

If you have a premises licence under the Licensing Act 2003 which permits the sale of alcohol for both on and off the premises then you can provide alcohol for consumption in any outside space. However, some licences may have restrictions on the sale of alcohol so you should check your licence to ensure that any conditions are adhered to.

If your licence does not permit the sale of alcohol or it does permit alcohol but only for sale on the premises then you can apply to vary your premises licence. Please note that a full variation application will be required and there is a 28 day statutory consultation period where residents and responsible authorities can make representations to such applications. Applications that do receive adverse representations can take up to 2 months to determine at a public hearing.

Business who cannot provide off sales and wish to use an outside space in conjunction with a tables and chairs licence can use Temporary Event Notices to enable them to provide off sales of alcohol on a temporary basis.

The government have put forward draft legislation that, if agreed would suspend conditions that restrict off sales in any way. However, the proposed legislation is subject to amendment and is unlikely to be in force before the 20th July 2020.

### **How can I have an outside space if I have conditions that prevent me from selling alcohol off the premises in unsealed containers?**

If you have conditions that restrict the selling of alcohol off the premises then you will have to comply with the terms and conditions of the licence. If you wish to amend the licence then you will need to apply vary the premises licence to either temporarily or permanently remove these conditions. However, it is likely that a full variation will be required in these circumstances and therefore a 28 day consultation period is required for the application. If adverse representations are received the application could take up to 2 months.

Business can use Temporary Event Notices to provide off sales of alcohol for a temporary period.

The government have put forward draft legislation that, if agreed would permit off sales for the same period as already permitted for on sales. However, the proposed legislation is subject to amendment and is unlikely to be in force before the 20th July 2020.

### **Can I open windows and doors to provide better ventilation in the premises even if my licence conditions restrict this?**

If your conditions restrict the opening of windows or doors, then you must comply with these conditions. However, we do understand that it may be necessary to consider this as possible mitigation to enable a free flow of air to disperse possible aerosol particles from customers. If you have specific questions on this, please contact a member of the Licensing Service to discuss your risk assessment and licence conditions.



### **Can I show football matches or other live sporting events on TV?**

Yes, however you must have undertaken a risk assessment and considered whether it is safe to do so. The governments [guidance](#) states "All venues should ensure that steps are taken to avoid people needing to unduly raise their voices to each other. This includes, but is not limited to, refraining from playing music or broadcasts that may encourage shouting, including if played at a volume that makes normal conversation difficult. This is because of the potential for increased risk of transmission, particularly from aerosol transmission.

Due to the potential for customers to raise their voices, shout, sing and cheer the business must consider the appropriate mitigation measures to reduce the risk of aerosol transmission from customers.

### **If I am a sexual entertainment venue (strip club/lap dancing venue) can I open?**

Yes you can open but only as a bar and you have the appropriate licence to sell alcohol. Lap dancing, strip tease, table/pole dancing or any other sexual entertainment is classified as a live performance to an audience and is therefore prohibited at the moment.

### **Can I have live music at my venue?**

No, this is deemed as a live performance to an audience which is not permitted at the present time.

### **Can I have karaoke at my venue?**

No, this is deemed as a live performance to an audience which is not permitted at the present time.

### **If I am a theatre or cinema can I open my bar and/or restaurant?**

Yes you can open your bar and/or restaurant if the licence conditions permit this. If you have a licence that have conditions that restrict the service of alcohol and food to persons attending the theatrical performance or exhibition of a film then this will not be possible unless the licence is varied or you operate under a Temporary Event Notice.

### **If I operate a casino can I open?**

No, casinos are currently not permitted to open.

### **Can I have a private pre-booked event?**

You can have private pre-booked events, but these have to be assessed and the associated risk mitigation put in place. Any event should comply with the terms and restrictions of any licence that provides the permission for any activity on the premises.

Indoor gatherings should only be occurring in groups of up to two households (including support bubbles) while outdoor gatherings should only be occurring in groups of up to two households (or support bubbles), or a group of at most six people from any number of households. It is against the law to gather in groups of more than 30 people, except for the limited circumstances as set out in law. In these specific cases, those operating venues should take additional steps to ensure the safety of the public and prevent large gatherings or mass events from taking place.



## Customers

### How can I encourage safe customer behaviour?

Place signs at entry points stating that:

- Customers should not enter if they are unwell
- Only a number of patrons are allowed to be seated according to the patron limit or density quotient of each separate space
- Patrons not adhering to the seating limits will be asked to leave.
- Businesses have the right to refuse service or entry.

### What do I do if a customer does not comply with my business' control measures?

If a customer at the venue is in breach of the government guidance or is not cooperating, a business has the right to refuse entry to customers or ask them to leave.

### Am I able to take temperature checks to screen patrons entering the venue?

Temperature checks for patrons are not currently recommended for the hospitality industry. However, if a venue wanted to introduce these measures as part of their screen process at the point of entry they are entitled to do so.

### Who do I need to collect contact information from?

Venues should have a process to request, record and securely store contact details of staff, visitors and customers. For groups of customers businesses can take the 'lead member' of that groups contact information and then record the number of people in that group rather than take everyone's contact information. It is advised that in addition to staff, visitors and customers information the contact information of maintenance workers, contractors and delivery workers are also taken. Further [guidance](#) has been produced on test and track from the government.

### What information am I required to collect from patrons?

The venue must request that the patrons name and a contact phone number.

Venues must keep a secure record of those details, the date and time at which the person attended the facility, and the area/room and table number at which they were seated.

Venues are not required to record patrons' IDs to verify their information.

### Do I need to disclose to customers that data will be retained?

Yes, there should be a collection notice displayed informing patrons and other visitors of the requirement to record their contact details, the purpose for doing so and that records will be destroyed after 21 days.



### **How long do records need to be kept?**

Keep the record for 21 days from the date the individual attended the venue. This enables contact tracers to quickly contact those who were potentially exposed in the event that a positive case of coronavirus (Covid-19) is detected at the venue. Securely destroy the record after 21 days from the date the individual attended the venue.

Note that this only applies to customer records put in place to prevent the spread of coronavirus.

Businesses must take reasonable steps to protect patrons' personal information from being misused, interfered with and lost, as well as from unauthorised access, modification and disclosure.

### **What if a patron or visitor does not want to give their details?**

Explain the purpose for collection, which is to assist any contact tracing in the event of an outbreak or potential exposure to someone with coronavirus at the venue and in order to protect the patron and the health and safety of their family and friends.

If the patron or visitor still declines to provide details after being given an explanation, they cannot be compelled to do so. However, you can therefore refuse entry to that person or the group if they are not willing to provide the information as this could impact the safety of that customers, other customers or staff in the event of an outbreak of the virus.

### **Do I need to keep electronic records or would written down (pen and paper) suffice?**

Businesses can determine how to best securely record and store visitor details. A simple handwritten log or register will suffice but considerations must be made on how to minimise the risk of transmission if staff and patrons share the record-keeping materials. For example, only have one staff member per shift collect customers' details and/or regularly clean the pens used to write down details.

Records should be securely stored, and information not used for any other purpose other than the reason for which it was collected, namely to trace in the event that a positive case of coronavirus (Covid-19) is detected at the venue.

### **Do I have to do an ID check to verify patron and visitor details?**

No. You should request and record each person's name and phone number as well as the time and date they visited.

### **Do I have to get every single patron and visitor's details, or just one from each group?**

The details of one person in the party is sufficient.

### **What if the patron or visitor does not have a phone number?**

Invite the patron to provide an email address instead or any other alternative means of contact to assist with contact tracing in the event of an outbreak or potential exposure.



### **Can I record visitor contact details from when they made a booking or reservation?**

Records should reflect all the patrons and visitors who attend your venue, not only those making the booking. Details from a booking or reservation can be used as long as the person actually attended the venue at the time they booked for.

### **What do I need to do to comply with privacy regulations when collecting and keeping visitor details?**

The [Information Commissioners Office](#) provides a guide on the reasonable steps you could take to protect the personal information you are collecting from patrons and visitors. This includes steps to protect the information from misuse, interference and loss, as well as unauthorised access, modification or disclosure.

### **Am I allowed to collect data from customers who are under the age of 18?**

Yes.

### **Do I have to request patron and visitor details each time they come in, even if they are regulars?**

Yes.

### **Can customers bring their own keep-cups or takeaway containers?**

It is up to the business to decide if they accept customers' own cups or takeaway containers. Businesses are not obliged to accept them.

### **I have tested positive for coronavirus (Covid-19) since going to a venue this week. What do I do?**

The NHS Contact and Trace will interview every confirmed case and undertakes contact tracing. This includes determining each place that person attended while they were infectious. The team will contact the venue you attended and provide guidance on the public health actions required at the venue.

### **What if patrons are unable to use contactless payment and want to use cash?**

The business can decide how it wants to operate its customer payment process. Businesses can implement a contactless payment only option if there is a clear limit in the total amount payable per transaction. However, businesses can decide to accept credit and debit chip and pin payments and/or cash payments as well. As part of the risk assessment the business would assess the risk associated with these processes and the mitigation to protect customers and staff from infection.



## Useful links and contacts:

[Reopening Westminster's hospitality sector](#)

[Westminster's fast-track use of outdoor space for the hospitality sector](#)

[General advice on the easing of restrictions from 4th July.](#)

[The Government has issued very comprehensive guidance about how business should operate from 4th July.](#)

[GOV.UK has a webpage that will help you to write your risk assessment.](#)

[UK Hospitality have provided guidance for pubs and bars.](#)

[The Health and Safety Executive has produced further information and guidance on Covid-19 risk assessments.](#)

[You can report if a member of staff has tested positive for Covid-19 by submitting a form on the Health and Safety Executive's website.](#)

[Allowing people to drink in public spaces near your premises may be problematic due to the city-wide Controlled Drinking Zone.](#)

## Contacts

Licensing Service:

Tel: 020 7641 4141 | Email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk) | Web: [westminster.gov.uk/licensing](http://westminster.gov.uk/licensing)



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