



## FAQ on Licensing

### Background

The Government has announced that pubs and restaurants can open in a limited fashion from 4 July 2020.

The legislation is soon to be drafted, but as of 29 June 2020, it has yet to be made into an Act, consequently the advice here is based on the government guidance documents available.

- The different types of guidance for your business can be found here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>
- The specific guidance for pubs and restaurants is detailed here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

It also provides a useful checklist to ensure you consider many of the risks your business will face as you reopen.

This guidance should also be considered alongside the guidance describing how to meet with people outside your home: <https://www.gov.uk/guidance/meeting-people-from-outside-your-household-from-4-july#staying-alert-when-meeting-people-you-do-not-live-with>

### Can my pub or restaurant open on 4 July 2020?

Yes, legislation is currently being drafted to permit pubs to reopen on 4 July 2020, but only under specific conditions and via the implementation of a risk assessment by the business.

### Are customers allowed to drink inside my pub or restaurant?

The [Meeting People Outside Your Home](#) guidance advises that:

- You can continue to meet in any outdoor space in a group of up to six people from different households.



- From 4 July, you can also meet in a group of two households (including your support bubble), in any location - public or private, indoors or outdoors. This does not need to be the same household each time.

The Guidance for Pubs and Restaurant does not prohibit multiple groups of two households meeting indoors - as long as you have in operation a suitable risk assessment to consider and mitigate the risk of Covid-19.

In theory if you have a large venue, you may be able to accommodate for example, three groups of two households. However, these groups should not mix and there should be ample measures in place to prevent close contact. It is highly unlikely that you will be able to operate to the same capacity as you did prior to Covid-19. Any previous capacities indicated on the premises licence or a fire risk assessment will not be likely viable under Covid-19 restrictions.

It is against the law to meet in groups of over 30 except in very specific circumstances.

#### **Can I have more than 30 people in my premises?**

Yes. Whilst it is a criminal offence for more than 30 people to gather in a public place, this restriction does not apply to premises that are open for customers such as a supermarket, shop or public house.

In this regard, these premises should only be accessed by small gatherings of family groups – the collective number of individuals in these gatherings within a premises may exceed 30 – this will depend on the maximum capacity you think you can hold. However, should your premises be targeted or used as a venue for 30 people to intentionally gather together and not adhere to social distancing guidelines you should refuse service and call the police.

#### **Can I play music or provide other entertainment at my pub or restaurant?**

The guidance strongly advises against the provision of any entertainment, including music which may encourage people to sing or dance and therefore spread disease through droplets or close contact. You may wish to cover the dance floor with tables and chairs.



**Do I need to maintain a 2m social distancing policy?**

Yes, the guidance states that employers should make every reasonable effort to ensure 2m social distancing is maintained, although 1m with risk mitigation where 2m is not viable is acceptable.

**Do I need to create a robust risk assessment to show how my pub or restaurant will meet the guidance requirements?**

Yes, it is the responsibility of the business to ensure staff and customers are protected as much as possible. You may be asked to show this on inspection to evidence that you have considered all risks and put measures in place.

**How should I control the entry to and exit from my premises?**

Your risk assessment should cover this. If busy, you may want to control access and create a queue outside. This requires social distancing to be implemented and you may want to consider the adopting systems used at supermarkets. You should display signs identifying the corona virus symptoms and asking anyone with such symptoms not to enter. You will need to monitor your safe capacity at all times – depending on your premises, this may require you to count people in or out.

**Am I required to have door staff?**

If you have conditions on your licence that require door staff these will still apply. If you do not have such conditions you have discretion – however it is important that you consider the need to control entry into the premises and ensure that the number of people within remains in line with your identified safe capacity.

**Can door staff search customers?**

Door staff should adhere to social distancing guidelines. If you deem your premises to be at risk where searches would normally be necessary, it is recommended that you adopt strict dress codes to reduce the amount of potential hiding spaces. Bags, jackets etc. can be removed for door staff to search 2 metres away from a customer using gloves. If in doubt, or if customers refuse to comply, you should play it safe and refuse access.



**Can I, or door staff, physically eject someone if necessary?**

Whilst it is hoped that customers act sensibly, and the social distancing measures in place may create a more relaxed environment, you have the right to ask someone to leave your premises and refuse service. Physical engagement by door staff should be a last resort and only if the individual is endangering him/herself or others. The customer should be given a clear warning that should they not leave they will be physically removed.

**What do I do if more people enter the premises than I can safely accommodate?**

If the amount of people in your premises results in you being unable to maintain safe social distancing you should take steps to reduce the number immediately by stopping service, closing the premises or asking people to leave or go outside. Once you are aware of a breach and increased risk, failure to take steps to rectify it could jeopardise your licence. You can refuse service to anyone at any time with good reason and you can close your doors to prevent access.

**How do I ensure social distancing in the toilets?**

Premises should take reasonable steps – however there is also a responsibility on your customers. However, if serving alcohol you must accept that the decision making capacity of customers may be impaired. You will need to make an assessment of your overall capacity and the capacity of your toilets.

If your toilets are large enough and the number of customers you allow to enter are significantly reduced you may not need to do anything other than display signs advising customers to adhere to social distancing.

You may consider in more compact areas to create a physical barrier to prevent the use of a middle urinal or sink. You may, if social distancing guidelines can be complied with, situate someone in the bathrooms or have someone stationed outside the toilet doors controlling entry. You should also consider opening any disabled access toilets for general use if it assists in dealing with numbers.



### **How should I manage the bar/service areas?**

It is strongly recommended that table service is provided to reduce the number of customers approaching. However, this may not be possible in all circumstances. It is not advisable not to have customers gathering at the bar in breach of social distancing – nor to have your staff working in close proximity to each other. You should therefore consider having specific serving points at your bar with adequate social distance space between them and require customers to queue up behind each other, again maintaining social distancing.

### **Can I refuse cash payments?**

It is up to you. If staff wear gloves or wash hands etc in line with government guidance, cash payments can be accepted. However, if you wish to reduce the risk and only accept card payments you may do so, but you should make clear customers are aware before entering.

### **Do I need to record the details of everyone who enters my pub of restaurant?**

The guidance advises you should assist in potential test and trace requirements by keeping a temporary record of all those customers and visitors to your businesses for 21 days, in a way that is manageable to your business. After 21 days you should destroy the data.

### **Can I use the outdoor areas of my business to serve food and alcohol?**

Use of the outside areas still requires compliance to the law and the Covid-19 guidance documents. It is expected that many businesses will look to utilise their beer gardens or carparks. Again there are the above limitations on the groups that do attend and also the business will need to have in place suitable risk assessments to maintain for example social distancing.

### **Do I need to have off sales to sell alcohol for consumption off the premises?**

The MKC Licensing Authority recently wrote to all on-sale only licensed premises to suggest application for a minor variation to add the provision of off sales to a premises licence. Legislation is currently being drafted that may, temporarily grant the provision of off sales at premises that currently don't have that facility. Please contact [Licensing](#) to discuss.

### **Can I place tables and chairs in front of my premises for customers to use?**

You will need to contact [Highways](#), and there is a fast track application process likely to progress through government very shortly.



**Where can I access practical advice to support the operation of my business?**

The [Government Guidance](#) document does contain helpful checklists and example of risk mitigation you may wish to employ at your premises.

**Who will enforce the guidance when I open on 4 July?**

A number of local government agencies can enforce Covid-19 legislation. You should also be aware that it is your responsibility to promote the licensing objectives:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

30 June 2020