



FAQ on Licensing

Background

The Government has announced that some pubs and restaurants can open in a limited fashion from 2nd December 2020.

- 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 in terms of the national system of tiers. Milton Keynes is currently in Tier 2.

<https://www.gov.uk/guidance/local-restriction-tiers-what-you-need-to-know>

Can my pub or restaurant open on 2 December 2020?

Yes, but alcohol can only be supplied with a table meal and inside groups are restricted to one household (plus their single adult household bubble). You can also use outside areas for a group of up to six people from different households. Alcohol supply must again be with a table meal. Different rules on who can be inside the venue may apply if you are hosting a wedding reception or a wake.

Last orders must be by 10pm and you must be closed by 11pm.

Is a marquee or similar an outside space?

No, not if it is enclosed. If it is more than 50% open, then yes.



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

Yes, but dancing is prohibited and there is guidance about how that entertainment is provided. This is to stop spread of disease through droplets or close contact. You may wish to cover any dance floor with tables and chairs.

What are rules on face masks?

Unless you have an exemption, masks must be worn in all public areas whether it's a member of the public or an employee (excluding whilst sitting down). Face visors do not technically satisfy the legal definition of a mask but can provide reassurance if worn by persons exempt from masks. Children under 12 do not have to wear masks.

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. 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.

How close can people sit?

Different groups should be 2 metres apart, but this can be reduced to 1 metre if you have controls in place. The guidance gives examples of this but face to face space normally needs to be 2 metres.

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 always need to monitor your safe capacity – depending on your premises, this may require you to count people in or out.



Legally you must display a sign instructing patrons to wear a mask and you must have a system to recording who is at the premises. This can either be the QR track and trace code that people can scan into via their phone OR it can be a written system whereby you have recorded the details of a lead person in each group to your businesses for 21 days, in a way that is manageable to your business. After 21 days you should destroy the data.

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 assess 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 mandatory to provide that table service. Bars cannot be used as a drinking area. Customers must be seated.

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.

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

Yes, but use of the outside areas still requires compliance to the law and the Covid-19 guidance documents. It is expected that some businesses will look to utilise their beer gardens or car parks even in Winter. Again, there are the above limitations on the groups that do attend, and the business will need to have in place suitable risk assessments to maintain for example social distancing.

Do I need to have off sales on my licence to sell alcohol for consumption off the premises?

No due to a temporary change in the law. 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 December 2nd?

Several 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

2 December 2020