



## FAQs on COVID-19 Secure Workplace Guidance for Pubs

*This document has been produced by BBPA, BII and UKHospitality to provide some additional clarity on key questions from pub operators and licensees. This will evolve as more information becomes available.*

*The published Government guidance reflects the diversity of pubs in terms of layout and has been designed to be flexible whilst maintaining the safety of your staff and customers. Ultimately it is the responsibility of the licensee to assess the specific risks of their pub and to ensure an effective action plan is being followed to mitigate the potential risks wherever possible. This does present an opportunity for pubs to offer a full range of services both within the pub and in their outdoor spaces. This document attempts to offer some further clarity on key areas whilst respecting that there will not be a single answer for wider questions as that will be dependent upon the specifics of the pub.*

*The answers below represent our collective opinion and interpretation of the Government's guidance. It does not constitute a legal opinion.*

### **1. Is a risk assessment required?**

Yes, all pubs must undertake a risk assessment in order to ensure that they are COVID-19 Secure and can re-open.

The Government's COVID-19 Secure workplace guidelines set out the requirements against which you must assess your premises in order to make your business COVID-19 safe. As an employer, you have a legal responsibility to protect workers and others from risk to their health and safety. This means you need to think about the risks they face and do everything that is reasonably practicable to minimise them, recognising you cannot completely eliminate the risk of COVID-19.

You will need to undertake a risk assessment for your individual premises, assessed against the relevant UK Government COVID-19 Secure workplace guidance for pubs. For England, that guidance is [here](#). **Ensure that you have read and understood this guidance.** For pubs that include guest rooms, the workplace guidance for [Hotels and Guest Accommodation](#) and [Visitor Economy](#) will also be relevant.

Guidance from the Scottish Government is available [here](#) which includes [an operational guide and checklist](#).

### **2. Do I have to get permission from the police or local authority to reopen?**

No. If you have risk assessed your premises, taking regard of the Government guidelines, and put mitigation measures in place that work for your individual business, then you can reopen. There is no legal requirement (as of time of writing) to submit your risk assessment to the local authority for prior approval from the enforcement officers. Blanket measures determining what businesses can or cannot do with regard to their health and safety risk assessment, cannot be put in place.

### **3. Is my COVID-19 risk assessment linked to my premises licence?**

No. Your risk assessment is a health and safety document and will be enforced by Environmental Health officers. It is not related to licensing. Your premises licence, hours and conditions remain as they are on the licence. Police and licensing authorities should not be linking public health (i.e. the COVID-19 risk assessment) to the licensing objectives or enforcing health and safety via the Licensing Act.

#### **4. What happens if I don't undertake a risk assessment, or fail to implement mitigations?**

Where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they are empowered to take a range of actions to improve control of workplace risks. For example, this would cover employers not taking appropriate action to ensure social distancing, where possible. Failure to complete a risk assessment which takes account of COVID-19, or completing a risk assessment but failing to put in place sufficient measures to manage the risk of COVID-19, could constitute a breach of health and safety law.

#### **5. Can the police shut my pub if they believe I'm not following the guidance?**

Enforcement of staff and customer safety in pubs from a COVID-19 perspective is the role of EHOs who will provide advice on mitigation measures taken following a risk assessment. There is no role of the police in enforcing risk mitigation measures except in the instances of gatherings of more than 30 people in a public area, which is currently illegal.

Clearly if there is a public order in and around licensed premises this is for the police to enforce.

Neither the police nor EHOs have powers to issue blanket bans on pubs broadcasting of sport, which remains legal. However, the Government guidance recommends that broadcasting of live sport does not take place where this encourages shouting and chanting. Therefore, premises should fully consider this as part of their risk assessment process.

#### **6. What is the social distancing requirement for a pub?**

From 4<sup>th</sup> July it will be "2m, or 1m with risk mitigation where 2m is not viable, is acceptable". This does not mean that all customers and staff must be this distance apart at all times.

#### **7. Can I screen football matches?**

Yes, once you have considered and taken account of the steps below and have satisfied yourself that it is safe to screen football matches, you can do so.

The workplace [guidance](#) sets out a number of considerations for entertainment within pubs.

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. You may also want to consider posters and announcements about the rules.

#### **8. Do my customers need to pre-book?**

No, there is not a requirement to pre-book. This is suggested as one way to manage the flow of customers and help with track and trace. Other options are available and compliant with Government guidance.

#### **9. Do I have to take customers' contact details when they come to my pub? If so, how do I do this?**

No, there is no obligation to collect details on entry but you are strongly encouraged to do so. You can choose a number of ways to collect customer information to support the Government's track and trace programme.

The opening up of pubs is being supported by NHS Test and Trace. Government guidance is that you should assist this service by keeping a temporary record of your customers and visitors for **21 days**, in a way that is manageable for your business, and assist NHS Test and Trace with requests for that data if needed.

We will be shortly issuing an additional guidance note on this, once final details have been announced.

#### **10. Do I have to refuse entry to a customer that will not provide their contact details?**

No, provided that you have taken reasonable steps to obtain these contact details. That might be via a pre-booking app, at their table or on the door as they arrive.

#### **11. Is there anything that I strictly must not do under the guidance?**

The guidance allows each pub to individually assess its risk and take steps to address those risk. It provides a detailed list of possible actions that each pub should consider when it assesses its risks. It is likely that each pub will adopt a different set of actions, according to their circumstances.

However there are some elements that pubs must ensure such as:

- At this time, venues should not permit live performances, including drama, comedy and music, to take place in front of a live audience.

#### **12. What groups are allowed to meet in my pub?**

The guidance for groups in pubs reflects the current Government guidance for groups meeting generally. Currently this states:

##### **Going to a pub or restaurant with members of another household**

From 4 July, when eating or drinking out with people you do not live with, you should only meet one other household if you are seated indoors. People from more than two households at once cannot meet indoors. If you are eating or drinking outdoors, you can do so with one other household or in a group of up to 6 people from different households.

**In all cases, people from different households should ensure they socially distance as much as possible. Premises should also take reasonable steps to help you do so** in line with COVID-19 secure principles. It remains the case that you should only have close social contact with people you do not live with if you are in a support bubble with them.

This means that:

Two Households at the pub = allowed indoors or outdoors. Each household should remain socially-distanced from the other, but people within the same household do not. Anyone that has formed a “social bubble” with a household also does not need to remain socially-distant from that household, but they should remain so from the other household.

Up to 6 people from different households at the pub = only allowed outdoors. People should remain socially distant from each other.

#### **13. For customers indoors, can I only offer table service or are customers allowed to be served at the bar?**

The guidance does not exclude bar service. The workplace guidance for England advises that the following step should be considered:

“Indoor table service must be used **where possible**, alongside further measures such as assigning a single staff member per table. Outdoor table service should also be encouraged, although customers are permitted to stand outside if distanced appropriately. Where bar or counter service is unavoidable, preventing customers from remaining at the bar or counter after ordering.”

The intention of the guidance is that table service is considered as one of the ways in which a pub can seek to ensure social-distancing and as a means of controlling its capacity but bar service is not prohibited.

**14. Can customers use the fruit machines?**

Yes. Use of fruit machines, jukeboxes, pool tables etc should be included within your risk assessment. In particular, consideration should be given to social-distancing, cleaning requirements and if the machines create any pinch points in the pub.

If you have satisfied yourself that the machines can be played safely, then you can allow customers to do so. You may wish to provide a bar stool for players to ensure that they can be seated and that only one person plays a machine at any time.

Equally, games such as pool and darts are not prohibited in the guidance. If these have been risk assessed and appropriate mitigations have been implemented (e.g. enhanced cleaning, guidance for customers, prevention of pinch-points) so that you are satisfied they are safe, they can be played.

**15. Can I operate a carvery?**

Yes, if you have risk assessed how this will operate safely and have implemented any appropriate mitigations, e.g. ensure that staff serve the food rather than customers serving themselves.

**16. Must I put PPE measures in place for staff and/or customers – is this a legal requirement?**

No. Government guidelines state that PPE should not be used in most situations (i.e. if you do not already use it on a regular basis such as in a hospital, dentist etc.). You do not have to provide PPE for staff or customers in most circumstances, as you will have put appropriate mitigation measures into your risk assessment such as enhanced cleaning regime, etc. Customers may wish to use face coverings when visiting your premises, this is their choice and there is no obligation to enforce this. Equally staff may wish to wear face coverings, and if so, you should support them in doing so.

**17. Do I need to put up plastic screens as part of risk mitigation measures and in order to reopen?**

No. Again, this goes back to your risk assessment and the measures you have decided on to mitigate the risks around COVID-19. There are a range of measures you can put in place, and whilst screens are something to consider, and you may decide that screens are an appropriate mitigation depending on your business model and layout of the premises, you do not have to have them if other measures are in place.

**18. What are the publican's responsibilities with regards to keeping customers socially-distant at all times?**

Undertaking a risk assessment that considers and records how your pub will ensure social-distancing and the mitigations that will be applied will be key in demonstrating how you have met your responsibilities.

**19. What responsibility does the publican have for checking that any groups that meet at the pub are complying with the guidance on households etc?**

The guidance for gatherings of groups places the onus on the individuals within those groups to follow the guidance for social-distancing, whether that is a household group or a group of up to six from different households. A pub should take reasonable steps to help those groups maintain social-distancing, but there is no requirement for the staff to ensure those customers are complying.

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