

From: licensing@winchester.gov.uk  
Subject: Update from Public Protection Service: Tier 2 Restrictions
Date: 3 December 2020 at 13:02
To:



Dear business owner,

From 2 December 2020, the Winchester district falls under the Tier 2 restrictions as outlined in [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#). The Government has issued specific [guidance for those within Tier 2](#), and updated it's [guidance for people who work in or run restaurants, pubs, bars, cafes or takeaways](#).

Hampshire Constabulary's Police Licensing Team recently shared an email regarding the new Tier 2 restrictions in Hampshire with local Pubwatch schemes. As not all premises in the district are members of a Pubwatch scheme, we attach this email for your information.

There is no substitute for reading the regulations and guidance in full, but the following headlines apply to licensed premises within Tier 2:

Operating hours

- Restricted businesses must not accept orders for food/drink for consumption on the premises* between 22:00 and 05:00.
- Restricted businesses must close no later than 23:00.

Meeting other people

- People can only meet with their own household or support bubble indoors.
- People can only meet in groups of up to 6 persons outdoors.
- There are [exceptions](#) to these rules outlined in the regulations and guidance. These include exceptions for weddings, funerals, education, work and support groups.

Consumption of alcohol on the premises

- Premises which provide alcohol for consumption on the premises* can only serve alcohol as part of a table meal (and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal). This does not include hotel room service.

Alcohol via takeaway/delivery service

- Sale of alcohol via takeaway/delivery may occur between 05:00 and 23:00, in accordance with your existing Premises Licence or a Temporary Event Notice, without the requirement for a pre-order. The customer can enter the premises to collect the alcohol.
- Sale of alcohol via takeaway/delivery may occur between 23:00 and 05:00, in accordance with your existing Premises Licence or a Temporary Event Notice, but the alcohol must be pre-ordered via phone, website/app, or post, or via drive-thru. The customer cannot enter the premises to collect the alcohol.

Seating / table service

* Any premises which serve alcohol for consumption on these premises*

- Any premises which serves alcohol for consumption on those premises must ensure that food/drink is ordered from, and served to, customers via table service. They must take all reasonable steps to ensure that customers remain seated whilst consuming food/drink.
- Any premises which does not serve alcohol for consumption on those premises* does not need to have table service in effect, but must take all reasonable steps to ensure that customers remain seated whilst consuming food/drink.

* For the purposes of these regulations, an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

In short, customers cannot purchase a 'takeaway' alcoholic drink and then drink it in the premises' front garden or pub garden, for example.

What is a table meal / substantial meal?

The regulations define a 'table meal' as *"such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal."*

The Government's [guidance for Tier 2 restrictions](#) states as follows: *"Having a table meal will include being seated (as the legislation requires) and includes a meal of a type usually consumed at a breakfast, lunch or dinnertime setting. There is no requirement for cutlery or plates."*

[The Local Government Association](#) states as follows: *"it would be difficult to argue that a single sausage roll or a snack pork pie constitutes a main meal, whereas if it was served plated with accompaniments such as vegetables, salad, potatoes it could be considered substantial. There is also a need to consider the issue of sharing meals. Whereas a platter or dishes designed to be shared could constitute a meal for a couple of people, sharing a single meal or plate of food between a group would be unlikely to be deemed a substantial meal."*

If you have any queries about whether the food offering at your specific premises constitutes a 'table meal', please get in touch with the Health Protection Team at EHealth@winchester.gov.uk

If you are already registered as a food business, but the change in your provision of food/drink is substantially changing, you must notify the Health Protection Team at EHealth@winchester.gov.uk e.g. Moving from a 'wet-only' premises to wanting to start preparing and serving food.

If you are not registered with Winchester City Council as a food business already, you must [register as a food business](#) and you are strongly advised to contact them immediately to discuss the circumstances of your business.

Is a marquee outside a pub considered 'indoors' or 'outdoors' for the

purposes of the restrictions on meeting people under Tier 2?

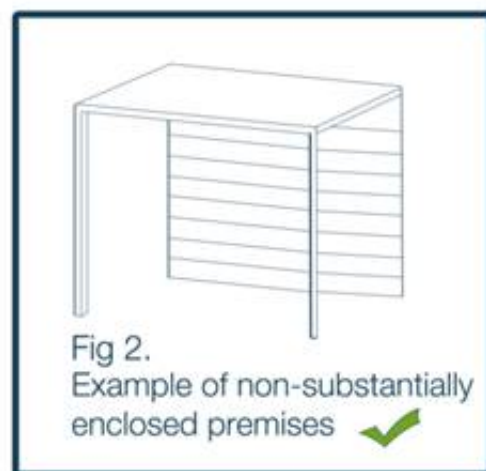
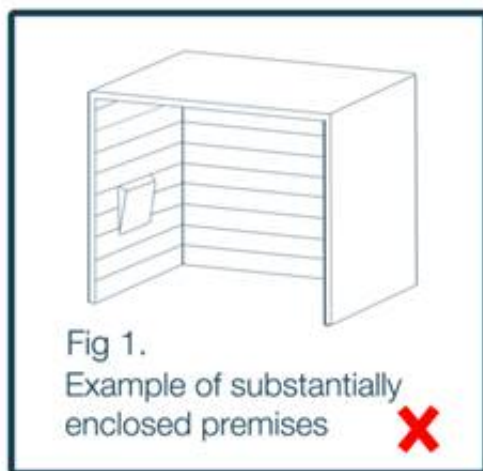
For the purposes of the Tier 2 regulations, an indoor space is defined in the same way as in the [Smoke-free \(Premises and Enforcement\) Regulations 2006](#).

The Smoke-free Regulations specify that both enclosed and substantially enclosed spaces should be classed as 'indoors.'

Enclosed: This is an area with permanent walls and doors without any gaps. Windows and doors aren't classed as gaps. An enclosed structure may be permanent i.e. a building or even a marquee (temporary).

Substantially enclosed: This would be a structure (with a roof/ceiling) with an opening in the walls where the opening would make up less than half of the area of the total wall space. Again doors and windows are not classed as gaps.

UK Hospitality states: "A marquee or any similar structure must not be wholly enclosed or substantially enclosed to be 'outdoors'. In practice this means it must not have sides (including doors, windows or other fittings that can be opened or shut) that enclose more than 50% of the shelter, if you want to use it as an outdoor space. Basically, if a marquee is a square but two of the sides are open to the air – then it can be used as an outdoor space. In the same marquee has three or four sides enclosing it – it counts as an indoor space.



Christmas Parties

December is usually a very busy time for the hospitality industry, as groups of friends, family and colleagues make large bookings for Christmas parties. Unfortunately, the Tier 2 regulations do not permit for this style of celebration to go ahead this year.

When taking bookings for customers to sit indoors, premises must take reasonable steps to establish that the group consists of one household or support bubble. When taking bookings for customers to sit outdoors, premises must not take bookings for more than six persons. They also must not take multiple bookings of six persons who are all from the same party, as there is no guarantee that these tables won't mix and socialise with one another.

Some companies have approached hospitality businesses under the pretence of booking a 'business meeting' with food and drink. There is an exception in the regulations for gathering where reasonably necessary for work purposes, but a sociable lunch or dinner would not be considered 'reasonably necessary.' Please approach bookings such as these with caution and exercise due diligence in ensuring that you are not breaching regulations.

Entertainment

Under Tiers 1 and 2, there is no requirement for entertainment premises to close. However, if you are considering providing entertainment (live music, comedy act etc) at your premises, please do contact the Licensing Team so that we can advise on how this can go ahead safely and legally:

licensing@winchester.gov.uk

Temporary Event Notices (TENs)

Many hospitality businesses will submit Temporary Event Notices (TENs) to the licensing authority to authorise additional licensable activities or extend the hours on their Premises Licence for the Christmas festivities.

Whilst Tier 2 restrictions require premises to close no later than 23:00, we have seen a rise in businesses enquiring about opening earlier than their usual licensable hours for a festive breakfast / brunch with a glass of Prosecco or similar. Please check your Premises Licence closely before doing this, as you may require a TEN.

TENs must be submitted no less than 10 working days in advance of an event (not including the date that the licensing authority receive the TEN, or the first day of the event). Late TENs must be submitted no less than 5 working days in advance of an event. We have listed the deadlines for the submission of Christmas TENs below for your convenience:

Date of Event	Deadline for Standard TEN	Deadline for Late TEN
Saturday 12 December	N/A	06/12/2020
Sunday 13 December	N/A	06/12/2020
Monday 14 December	N/A	06/12/2020
Tuesday 15 December	N/A	07/12/2020
Wednesday 16 December	N/A	08/12/2020
Thursday 17 December	N/A	09/12/2020
Friday 18 December	03/12/2020	10/12/2020
Saturday 19 December	06/12/2020	11/12/2020
Sunday 20 December	06/12/2020	11/12/2020
Monday 21 December	06/12/2020	13/12/2020
Tuesday 22 December	07/12/2020	14/12/2020
Wednesday 23 December	08/12/2020	15/12/2020
Thursday 24 December	09/12/2020	16/12/2020
Friday 25 December	10/12/2020	17/12/2020

Friday 25 December	10/12/2020	17/12/2020
Saturday 26 December	10/12/2020	17/12/2020
Sunday 27 December	10/12/2020	17/12/2020
Monday 28 December	10/12/2020	17/12/2020
Tuesday 29 December	10/12/2020	17/12/2020
Wednesday 30 December	13/12/2020	20/12/2020
Thursday 31 December	14/12/2020	21/12/2020
Friday 1 January	16/12/2020	22/12/2020

We strongly advise that you submit any TENs for the Christmas period as soon as possible. We are also currently advising premises users to submit a coronavirus risk assessment with their TENs to demonstrate an understanding of the risks during the coronavirus pandemic.

Temporary Event Notices can be submitted on our [website](#).

Working Safely during COVID-19

COVID-19 is a public health emergency. Everyone needs to assess and manage the risks of COVID-19, and in particular businesses must consider the risks to their workers and customers. Employers have a legal responsibility to protect workers and others from risk to their health and safety. This means thinking about the risks they face and doing everything reasonably practicable to minimise them.

The Government has published guidance in relation to working safely during the coronavirus pandemic. This guidance will be updated over time, and will be useful for businesses as they develop new ways of working or to help prepare for the time when they are able to reopen.

Key actions that must be taken to protect staff and customers are as follows:

- **Complete a [COVID-19 risk assessment](#)** and share it with your staff;
- **Increase how often you clean** surfaces, especially those that are being touched a lot. Ask your staff and your customers to use hand sanitiser and wash their hands frequently;
- **Ask your customers to wear face coverings** where required to do so by law; namely when not sat down at a table whilst consuming food and/or drink. [Some exemptions apply](#);
- **Make sure that everybody is social distancing**. Make it easy for everyone to do so by putting up signs or introducing a one way system that your customers can follow. Enable people in the same party who do not live together to remain a safe distance apart;
- **Increase ventilation** by keeping doors and windows open where possible and running ventilation systems at all times;
- **Take part in NHS Test and Trace** by keeping a record of all your customers for 21 days. From 18 September 2020, this is enforceable

customers for 21 days. From 16 September 2020, this is enforceable by law. Find out more about [information that must be collected](#), and the requirement to display an [official NHS QR code](#);

- Let customers know that by law they can only visit in **groups of up to 6 people** (unless they are visiting as a household or support bubble which is larger than 6). This applies indoors and outdoors. COVID-19 secure venues, such as places of worship, restaurants and hospitality venues, can still host larger numbers in total but groups of up to 6 must not mix or form larger groups;
- **Ensure that staff wear face coverings**. This is required by law where staff are in customer facing areas, unless an [exemption](#) applies;
- **Close the premises to customers between 11pm (23:00) and 5am (05:00)**. This is required by law. Delivery services can continue after 11pm;
- **Ensure that all customers remain seated**. Prevent social contact by ensuring that customers sit down to eat and drink at the venue (this is required by law). If you have a licence to sell alcohol, you must provide table service only i.e. all orders and payments must be taken from seated customers, instead of at a bar or counter. This applies to both indoor and outdoor areas of the premises;
- **Keep groups apart** by spacing out tables and managing the number of customers in the venue;
- **Manage food and drink service safely** by avoiding situations where customers need to collect their own cutlery and condiments from elsewhere in the venue;
- **Lower music and other background noise**, such as broadcasts of live sport. Customers must be discouraged from shouting, singing and dancing in the venue.

If you have any queries regarding the safe and lawful operation of your business during under the current COVID-19 restrictions, please contact the Public Protection Team in one of the following ways:

Health Protection 01962 848 097 EHealth@winchester.gov.uk

Licensing 01962 848 188 licensing@winchester.gov.uk

Public Protection Winchester City Council



www.winchester.gov.uk

www.visitwinchester.co.uk

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Police Licensing
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