

ADMIRAL ADVICE re GOVERNMENT GUIDANCE

Last updated July 3rd 2020

Workplace Guidance for Pubs

Published very late on 23rd June

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

SUMMARY

- If you take COVID and safety seriously, you will naturally do the right things
- If you disregard the above, you will endanger many people's health, place unnecessary stress on our key services (NHS) and endanger our Premises License. Admiral will not be tolerant of such an approach and reserves the right to immediately remove our discounted rent policy in specific cases
- The whole guidance does need to be read, and seriously considered
- Complete a documented RISK ASSESSMENT*.
 - Include your customer details collection mechanism (see 'Test and Trace' section below)
 - If you intend to show TV sport – document your specific mitigation actions
- Place the prescribed 'COVID-19 SECURE' poster* prominently in pub and digitally (where applicable)
- Work to 2M.
- Expect Local Authority / Licensing / EHO monitoring on and after July 4th
- Don't be in the papers or on social media on July 5th for inadequate social distancing!

**LOTS of assistance provided in our RISING FROM LOCKDOWN material on our website*

Key points to note

2M or 1M

The consistent phrasing regarding social distancing (SD) throughout is "2m, or 1m with risk mitigation where 2m is not viable, is acceptable". We assume that this means that **the baseline expectation is still 2m**, but allowing 1m plus mitigations where 2m is not possible. This indicates that 1m without mitigations should not occur and should not be used as a basis for planning.

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YOUR RISK ASSESSMENT

- With all of the lists of actions, they are headed as being “Steps that will usually be considered” and on page 8 it highlights that all the recommendations in the document must be considered as part of the risk assessment process
- You must consult on, and share, the results of your risk assessment with your staff and colleagues
- There is an ongoing need to monitor the measures taken to make sure that they continue to protect customers and staff

CUSTOMER VISITOR DETAILS (more detail in ‘Test and Trace’ below)**

- “The opening up of the economy following the COVID-19 outbreak is being supported by NHS Test and Trace. 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.”
- Until we have any further Government guidance on this matter (which has been requested) Admiral’s suggestion (just one of many possibilities) is that:
 1. You have a **Dated** loose-leaf register + pen + sanitizer by your entrance, requesting that ALL visitors record their name, phone #, time of entry.
 2. Ideally, record the above **via tear-off strips / small pages / cards**
 3. Once an individual completes, they **place their details in a sealed box**. This preserves anonymity; prohibits a photo being taken of a list of personal details and is therefore GDPR compliant
 4. Each night the day’s records are sealed in a DATED envelope and filed. After 21 days, each night the oldest day’s records are destroyed (representing strong GDPR measures).
 5. That **you have clear signage asking people to sign-in and explaining WHY** (to assist HHS Test and Trace if required) incl. explaining the GDPR safe-guarding approach being taken
- 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 contact details

SERVICE / CUSTOMER #s / GROUPS

- Record your social-distanced capacity in your Risk Assessment; and observe it
- Service can be via Bar OR Table, whichever is preferable and can be done most safely
- No lingering at the bar; ensure SD (ideally 2M) distancing in the order and payment transaction
- Promote contactless payment
- All indoor customers are seated
- Prevent over-crowding and ensure social distancing (SD)
- Two households / bubbles can sit together
- Keep distinct groups of customers below 30. This would be the maximise size of a function/wedding etc. and clearly only with appropriate social distancing; no hugging etc!

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TOILETS

- Using signs and posters to build awareness of good handwashing technique.
- Consider the use of SD and the adoption of a limited entry approach, with one in, one out.
- To enable good hand hygiene, consider making hand sanitiser available on entry to toilets where safe and practical.
- Setting clear use and cleaning guidance for toilets, with increased frequency of cleaning

EXTERNAL AREAS

Noise - To the extent your external areas are used to a greater extent AND for improved ventilation purposes, you are likely to have windows open, be conscious of noise pollution and your neighbours right to relative peace and quiet

MACHINES / DARTS / JUKE BOXES / POOL

- Machines CAN be used
- We advise that playing of AWP (Fruit Machines), Darts and Juke Boxes (no singing!) is fine so long as all machines and equipment are cleaned regularly and ideally accompanied with hand sanitizer. To encourage seating, put a stool by the AWP where practicable
- Re Pool: Clean the Pool balls each day and leave set up on the table. This ensures the balls have been cleaned each day; make customers are aware. Demonstrates that Pool can be played and encourages someone to have a game

ENTERTAINMENT and SKY/SPORT BROADCASTING

- No live in-pub performances
- You can broadcast sport, but do so COVID-sensitively
 - This activity and your mitigating actions to be specifically documented in your RISK ASSESSMENT (and then obviously adhered to)
 - Audience to be seated with SD; remaining calm
 - Sound likely to be a bit lower than normal
 - Be incredibly cautious in the early days especially on the weekend of July 4th. Expect to be inspected by local licensing / police – who are likely to be very intolerant. Co-operate and comply with local licensing requests to NOT broadcast if so requested

PPE

We agree that – “workplaces should not encourage the precautionary use of extra PPE”

Face Coverings -

Not required

Support employees that choose to wear one, BUT

“change it if you have touched it” (therefore not pragmatic)

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SOCIAL MEDIA

We would urge you to be incredibly careful with social media posts, especially in the early days from July 4th.

Any posts should emphasise and SHOW the strong SD measures in place.

Therefore, you should know that inadequate SD measures will very likely be posted and publicised by some of your customers/visitors and will likely invite local authority/EHO attention.

MYTHS

No matter what newspaper or social media feed you read, the following is **not** true:

- That there is any specific max' consumption volume per customer, e.g. "a 3 pint rule"
- That there is any max' dwell-time per customer, e.g. "cannot be in the pub for > than 2 hours"

For absolute clarity, there are no restrictions similar to those above

**** NHS Test and Trace Data Collection Request** *(more detail)*

Released July 2nd 2020 : <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace>

The purpose of maintaining records

You can play a significant role in helping your staff, customers and visitors understand the importance of NHS Test and Trace and play their part in stopping the spread of COVID-19. Please do this by explaining why you are asking for contact information and encouraging them to provide it.

Information to collect

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

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- 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

No additional data should be collected for this purpose.

You should collect this information in a way that is manageable for your establishment. If not collected in advance, this information should be collected at the point that visitors enter the premises, or at the point of service if impractical to do so at the entrance. It should be recorded digitally if possible, but a paper record is acceptable too.

Recording both arrival and departure times (or estimated departure times) will help reduce the number of customers or staff needing to be contacted by NHS Test and Trace. We recognise, however, that recording departure times will not always be practicable.

If someone does not wish to share their details, or provides incorrect information

Although this is voluntary, please encourage customers and visitors to share their details in order to support NHS Test and Trace and advise them that this information will only be used where necessary to help stop the spread of COVID-19.

If a customer or visitor informs you that they do not want their details shared for the purposes of NHS Test and Trace, they can choose to opt out, and if they do so you should not share their information used for booking purposes with NHS Test and Trace.

The accuracy of the information provided will be the responsibility of the individual who provides it. You do not have to verify an individual's identity for NHS Test and Trace purposes.

How records should be maintained

To support NHS Test and Trace, you should hold records for 21 days. After 21 days, this information should be securely disposed of or deleted. When deleting or disposing of data, you must do so in a way that does not risk unintended access (e.g. shredding paper documents and ensuring permanent deletion of electronic files).

General Data Protection Regulation (GDPR)

[Guidance \(click this; clear and simple\)](#) is available from the Information Commissioners' Office. The data that we are asking you to collect is personal data and must be handled in accordance with GDPR to protect the privacy of your staff, customers and visitors. This section sets out the steps you can take to comply with GDPR.

GDPR allows you to request contact information from your staff, customers and visitors and share it with NHS Test and Trace to help minimise the transmission of COVID-19 and support public health and safety. **It is not necessary to seek consent from each person, but you should make clear why the information is being collected and what you intend to do with it.**

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Personal data that is collected for NHS Test and Trace, which you would not collect in your usual course of business, must be used only to share with NHS Test and Trace. It must not be used for other purposes or you will be in breach of GDPR. **We would prefer you to record and protect information electronically (see link for many digital options)**, but we understand this might not be possible.

<https://www.admiraltaverns.co.uk/wp-content/uploads/2020/07/Track-and-Trade-BBPA.pdf>

When information should be shared with NHS Test and Trace

NHS Test and Trace will ask for these records only where it is necessary, either because someone who has tested positive for COVID-19 has listed your premises as a place they visited recently, or because your premises have been identified as the location of a potential local outbreak of COVID-19.

OTHER FAQs

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

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. It will also likely result in Admiral revoking its current rent discounts.

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.