



Cllr James Jamieson  
Local Government Association  
18 Smith Square  
Westminster  
London  
SW1P 3HZ

**2<sup>nd</sup> July 2020**

Dear Cllr Jamieson,

**RE: COVID-19 SECURE GUIDELINES – ENFORCEMENT**

During this difficult period of closure for the majority of pubs, restaurants, coffee shops, hotels and the wider hospitality industry, we have been working with Government and other stakeholders on the guidelines to allow our members to reopen safely from 4 July in England (and have worked in partnership with the devolved administrations regarding their reopening roadmaps for the sector). We have also worked closely with the LGA and National Police Chiefs Council on good practice and advice during the closure period on areas such as takeaways from licensed premises and toilet provisions, where partnership working has been very successful between enforcers and business.

We are aware of many examples where local authorities have been supporting the hospitality businesses in their areas during this difficult period and are continuing the same support leading up to and after reopening, which we very much welcome. Given we have new health and safety guidelines and other legislation around reopening, we understand that this is a challenging period for local authorities, police and the hospitality sector and where working together we can enable a safe and successful start to those hospitality businesses that have been closed, while tackling the impact of the coronavirus.

We have, however, received reports from our members of councils issuing letters ahead of reopening that in our view go above and beyond the practices that need to be in place for businesses to be able to open safely in a number of different local authority areas across England.

The requirement for premises to reopen is health and safety based. The Government's COVID-19 Secure guidelines are the framework against which to reopen premises and make businesses COVID-19 safe. This requires businesses to undertake a risk assessment for individual premises and work activities, assessed against the relevant Government COVID-19 Secure guidelines. The risk assessment is undertaken under the Health and Safety at Work (Etc.) Act 1974, in the same way as other health and safety risks in the workplace are already assessed and managed.

We are concerned that some authorities are exceeding this legal requirement to risk assess, by issuing blanket advice that does not reflect the process, or the spirit of flexibility, set out in the Government's COVID-19 Secure guidance. This includes instructing businesses of the specifics of what they can and cannot do, and in some cases linking health and safety legislation to the Licensing Act 2003 objectives, which in our view is not legally related.

Examples of activities where local authorities are issuing advice to businesses include:

- Direction that televised sport cannot be shown in any circumstance
- Compulsory table service and no bar service in all situations
- Use of plastic screens and PPE as mandatory
- Prescriptive track and trace requirements as opposed to the flexibility Government has proposed
- Informing businesses of maximum capacities regardless of the size of venue
- Informing businesses that gaming machines must be switched off and that pool tables cannot be used
- Informing businesses that 2-metre social-distancing must be applied instances even though 1 metre with mitigations is acceptable

Each business that is reopening soon has or will be undertaking these detailed risk assessments to minimise the risk to staff and customers for their own individual premises. The Government guidelines set out areas for premises to consider when doing their own assessments, and this will be different depending on the premises in question. Whilst some of these measures may be appropriate depending on the premises, it is up to each venue to assess and put in place the mitigation measures that are most effective for them as part of their own risk assessment.

We understand that reopening is challenging for everyone involved, however it is not helpful where local authorities are issuing their own interpretations of how the guidance should be applied on a blanket basis, rather than businesses undertaking their own assessments using the Government guidelines and putting the risk mitigation measures in place that work for that particular business. It would be helpful if the LGA/CIEH could advise those local authorities that may be misinterpreting the COVID-19 Secure requirements of the nature of the guidelines, and the flexibility permitted providing mitigating factors are put in place. We of course understand that enforcement of staff and customer safety in hospitality venues from a COVID-19 perspective is the role of EHOs, who will provide advice on mitigation measures taken following a risk assessment being undertaken by the premises on a case by case basis.

We are, as ever, very happy to work in partnership on this as we have done on many areas, to ensure a safe and successful opening of hospitality from this weekend and as ever very happy to virtually meet your or colleagues to discuss any issues arising.

Yours sincerely,



Kate Nicholls, CEO, UKHospitality



Emma McClarkin, Chief Executive, British Beer & Pub Association



Steve Alton, Chief Executive, BII