

Worcestershire Regulatory Services

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Please ask for: Peter Maloney, Senior Practitioner,
Community Environmental Health.

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7 April 2021

Dear Sir / Madam,

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

12 April 2021 – lifting of a number of business restrictions.

We have all been through challenging times since March 2020 but there is light at the end of the tunnel with the vaccination programme. However, although this is progressing with speed, Covid is still with us. It continues to transmit through human contact and we all need to do our utmost to help prevent the spread of this disease.

We are fast approaching the Government's Step 2 out of Lockdown, with the Prime Minister confirming on Monday that hospitality and non-essential retail businesses can re-open. However, as you will know, in relation to hospitality, and to help reduce the likelihood of COVID transmission, this is restricted to outdoors only until later this year.

So, whilst we are all hopeful for glorious weather to accompany outdoor hospitality, you will no doubt be considering the installation of marquees and other temporary structures. **Please bear in mind that these structures must not be “substantially enclosed”. You will find attached to this letter a FAQ document which considers this further and provides a pictorial guide to structures that are either substantially enclosed and thus cannot be used during Step 2, and other structures that are not substantially enclosed.**

When erecting temporary structures, please ensure that they are stable, and are suitably weighted down or attached to the floor, such that they cannot be blown over in the event of strong winds.

We also wish to remind you of the change in the regulations in relation to the collection of customer contact details. All customers over 16 (not just the lead member of the party) will have to provide their contact details, either via the NHS QR Code system, or via a system that you employ to obtain those details.

We also ask that social distancing and face covering messages you provide to your customers are maintained.

You are required to have a Covid safe risk assessment. Please make sure these are updated as necessary and, equally importantly, that your control measures are followed.

You also need to ensure that you continue to comply with food safety and allergen management requirements, including assessing any changes to working practices or menus which might create food safety hazards.

Finally, should your business be looking to use or extend outdoor areas to provide seating and service for customers once it is permitted by Government, it is important that you give careful consideration to preventing noise nuisance to your neighbours. In particular you should ensure that music noise does not affect neighbours – loudspeakers in outdoor areas have significant potential to cause problems. Noise from customers using outdoor spaces will also need to be monitored and proactively managed, with any rowdy or excessively noisy behaviour being dealt with promptly. Temporary structures such as marquees have minimal sound insulation properties and will allow transmission of noise to neighbours in the same way as outdoor areas. Failure to effectively manage noise from your premises can result in formal action including a licence review and even criminal proceedings, so please give this part of your operation serious thought prior to what we hope will be a very successful re-opening of the economy.

Some key sources of further information can be found at:

<https://www.gov.uk/coronavirus>

<https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm>

<https://www.worcsregservices.gov.uk> has links to up-to-date government guidance documents and testing programmes.

Whilst we are very aware of the impact the restrictions are having on hospitality businesses and appreciate that the majority are working tirelessly, often at great expense, to provide a safe and welcoming environment for their customers, WRS will not hesitate to take enforcement action against those that are wilfully or persistently non-compliant.

The health of the public continues to be of paramount importance and none of us wish to see a repeat of infection levels over the past year. We also understand the need of businesses to be able to operate at full capacity as soon as possible. We will continue to work with you and your teams proactively to enable you to operate in a safe and effective way until restrictions can be further lifted. Please do not hesitate to contact us for further advice.

Yours sincerely,



David Mellors

Community Environmental Health & Trading Standards Manager