

# SUMMARY OF RESTRICTIONS AND GUIDELINES FOR OUTDOOR AREAS AT HOSPITALITY VENUES

30<sup>th</sup> April 2021

## **INTRODUCTION**

This document summarises restrictions and guidelines as they apply to outdoor areas at hospitality venues such as cafes, restaurants, bars, pubs, hotels, social clubs and members' clubs, which are permitted to reopen from 30<sup>th</sup> April 2021.

The most up-to-date information on *The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021* can be found [here](#). Further guidance on all restrictions can be found on the [NI Direct website](#). Please note that businesses and venues must stay up to date with regulations and how they impact their individual business. There is a wealth of advice and support on the [nibusinessinfo.co.uk](http://nibusinessinfo.co.uk) website.

This document contains a summary of the latest requirements and restrictions for businesses to which it applies. It should be read in conjunction with the full guidance document produced by Tourism NI and the Department for the Economy, which can be found [here](#).

It is important to note that the virus is still in circulation and everyone must continue to take precautions. For business owners, this means completing a risk assessment and implementing appropriate controls. These will include social distancing; restricting group sizes; the use of face coverings where appropriate; and good hygiene practices. For visitors this means following those controls when visiting hospitality venues.

Failure to comply with legal requirements could result in enforcement action including premises improvement notices, fixed penalty notices and/or prosecution.

## **1: WHICH BUSINESSES CAN REOPEN?**

Outdoor areas of hospitality venues such as cafes, restaurants, bars, pubs, hotels, social clubs and members' clubs can reopen with mitigations in place.

As of 30<sup>th</sup> April 2021, businesses are permitted to serve food and/or drink for consumption outside. Please note that it is not a requirement to serve a meal with alcohol.

Indoor areas must remain closed, with a limited number of exceptions. An indicative date has been set for the reopening of indoor hospitality on 24<sup>th</sup> May. This is subject to review by the Northern Ireland Executive.

With regards to off-licence businesses, intoxicating liquor sold or provided for consumption off the premises must be sold in the manufacturer's original sealed packaging.

## **2: OUTDOOR VERSUS INDOOR**

A place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of regulation 2 of the *Smoke-free (Premises, Vehicle Operators and Penalty Notices) Regulations (Northern Ireland) 2007*. Otherwise it can be classed as outdoor.

**Enclosed:** premises are considered to be enclosed if they have a ceiling or roof and are wholly enclosed with the exception of doors and windows.

**Substantially enclosed:** premises are considered to be substantially enclosed if they have a ceiling or roof and an aggregate area of openings in the walls which is less than half of the areas of the walls or similar structure. What the structure is made of does not matter. There are also requirements in relation to the distance of any openings from solid walls.

In other words, a premises is indoors if it has a roof – regardless of the type of the structure and material – and at least 50% of the wall area is closed. If there is no roof, then it is considered to be outdoors. In this regulation “roof” includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including for example, a canvas awning.

If you are in doubt about whether or not a structure complies, please speak to the Environmental Health department at your local council.

Indoor areas must remain closed to the public except to allow one individual from a party to make payment; or to allow use of toilet facilities, baby changing, or breast-feeding facilities. All relevant control measures, namely the use of face coverings, social distancing and good hand hygiene, should be in place.

### **3: CURFEW AND CLOSING TIME**

Businesses will not be subject to curfew when they reopen on 30<sup>th</sup> April.

The *Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2021* do not impose an earlier closing time for the hospitality sector. Businesses should operate according to the terms of their liquor licence, if applicable.

From 30 April, the closing time of 23:00 for takeaways and the 20:00 closing time for off-licences and selling of alcohol will also be removed.

### **4: USE OF INDOOR AREAS**

Indoor areas cannot be used by visitors, other than in the following cases:

- To allow one individual from the party to make payment. However payments should be taken outside at the table as far as possible.
- To access and use toilet facilities.
- To access and use baby changing or breast-feeding facilities.

Venues should take steps to prevent queues from forming indoors. If they are unavoidable then they should be managed appropriately with relevant control measures including the use of face coverings, social distancing and good hand hygiene.

### **5: 'PERSON RESPONSIBLE'**

A 'person responsible' in terms of a business is defined in regulations and can include the owner, proprietor and/or manager. Any of these persons can be held accountable for any non-compliances with regulations.

## **6: RISK ASSESSMENT**

As a business owner, you have a legal responsibility to protect workers, customers and others from risks to their health and safety. All businesses should complete a risk assessment which includes the risks posed by COVID-19. Further information and how to complete it can be found within the main guidance document referenced above.

HSENI has produced an example risk assessment which shows the kind of approach that can be taken to reduce the risks posed by COVID-19. This can be found [here](#).

Your risk assessment must include:

- All reasonable measures to limit the risk of transmission of COVID-19.
- The maximum number of people who can be seated in each part of the premises in use. These numbers should be prominently displayed at each part of the premises.
- The volume at which any background or ambient music will be played so as to enable visitors to converse without having to raise their voices.

The risk assessment must be retained on the premises and made available immediately for inspection by visitors to the premises or to a relevant person on request.

## **7: TABLES AND LIMITATIONS ON TABLE NUMBERS**

No more than six persons - including children - from two households can be seated at a table. The only exception to this is if a single household comprises more than six persons.

Tables should be spaced at least 2m apart. Where it is not reasonably practicable for a social distance of 2m to be maintained, a business owner must take reasonable steps to ensure that:

- Close face to face contact between persons is limited
- Barriers or screens are installed and maintained, and
- Personal protective equipment is used where appropriate and is made readily available

If you are in doubt about whether your premises complies, please speak to the Environmental Health department at your local council.

Orders for food and drink must be placed when visitors are seated at the table. Visitors may not move within the premises unless to enter or exit the premises; access a table; make a payment; access and use toilet facilities, baby changing or breastfeeding facilities; or to access a smoking area.

## **8: COLLECTION OF VISITOR INFORMATION**

To help with the *Test, Trace and Protect* contact tracing programme, all venues to which this guidance applies must collect the following details from **every visitor over the age of 16**.

- Name
- Telephone number

- Date of visit
- Time of arrival

This information must be recorded and retained for 21 days, commencing on the date of the person's visit. Once the 21 days has passed, the data must be destroyed securely, as soon as is reasonably practical.

Further information about maintaining records for the purposes of contact tracing can be found [here](#).

## **9: SOCIAL DISTANCING**

A person responsible for the organisation or operation of the business must take reasonable measures to ensure that staff and visitors comply with social distancing measures at all times.

This will include:

- Providing information on how to minimise the risks of COVID-19
- Altering the layout to assist staff and visitors in maintaining 2m social distancing. This can include the layout of the venue, visitor flow, as well as table positioning and size.
- Managing queues to ensure that social distancing is maintained.
- Maintaining good cleaning and hygiene procedures, in particular at high touch points.

Both staff and visitors must observe social distancing of 2m from each other, unless members of the same household or party.

Where it is not reasonably practicable to maintain social distance of 2m, the business must take reasonable steps to ensure that close face-to-face contact is limited by following the advice in section 7.

## **10: MOVEMENT OF VISITORS WHILST AT THE VENUE**

Movement within the venue is restricted to the following:

- For one individual from a party to make payment, if payment cannot be taken from the table.
- Use of toilet facilities.
- Use of baby changing or breast-feeding facilities.
- Access to smoking areas,

Orders can only be placed at the table, and food and/or drink can only be consumed whilst seated at a table. Food and drink, including intoxicating liquor, must not be consumed in any part of the premises which is indoors. Please also note that the table cannot be part of the bar.

## **11: FACE COVERINGS**

In general, visitors are not required to wear face coverings whilst outdoors.

However, face coverings are mandatory in certain indoor settings and for any visitor accessing indoor areas of the venue for any of the permitted activities described at section 10.

Businesses should actively manage this by ensuring that all visitors are aware of where face coverings are expected to be worn. This could be achieved through signage, website information, information given at booking and information on arrival.

Staff who work in these indoor settings must also wear a face covering unless they are separated from members of the public by a partition. Businesses may wish to consider making face coverings available to staff in customer-facing roles.

Some circumstances make it difficult for some people to wear face coverings. In these cases people may have a 'reasonable excuse' not to wear a face covering. Further information about the use of face coverings can be found [here](#).

## **12. HYGIENE CONTROLS**

Full advice on hygiene controls can be found in the overarching guidance document [here](#).

Hand hygiene is a vital component in ensuring that the risk of transferring the virus is minimised. Hand sanitisation will be identified in your risk assessment as an important control in reducing the spread of COVID-19. Controls can include:

- Making staff and visitors aware of the requirements for good hand hygiene.
- Providing hand sanitation facilities at all points of entry to the premises (outdoors and indoors) as well as high traffic areas and in particular at restrooms and service points.

## **13: ENTERTAINMENT**

The following is not permitted on the premises:

- Dancing
- The provision of music – whether live or recorded – for dancing.
- Live music.

Ambient music is permitted, provided that the volume is controlled.

## **14: RESTRICTIONS ON GATHERINGS**

There is a gathering when two or more persons are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other.

Up to ten people – including children – from a maximum of two households can meet outdoors for a permitted reason. Outdoor gatherings of more than ten people are not permitted.

As with all aspects of hospitality, businesses should ensure that social distancing is in place, as well as good hand and respiratory hygiene practices.