

Re-open for business in the UK – How to safely re-open restaurants, pubs, and bars

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The government has announced that on 4 July 2020, it will commence the third stage of its plan to ease the 'lockdown' restrictions implemented in England due to COVID-19. Following the [re-opening of 'non-essential retail shops'](#) in stage two, this third stage will involve the re-opening of restaurants, pubs and bars as well as hairdressers, cinemas, museums and outdoor gyms.

Every restaurant, bar and pub must carry out a risk assessment addressing the risks of COVID-19 and proposing sensible measures to control those risks. Whilst the steps that need to be taken will vary depending on the size, location and nature of the business, the government has issued guidance on how to safely re-open bars, pubs and restaurants. We have set out below some of the key issues that venues should consider when planning for their re-opening. The guidance is specific to England, but the principles may also be of use to establishments offering food and beverages in other jurisdictions.

- **Keep a record of customers and staff shift patterns.** The opening up of the UK economy following the COVID-19 outbreak is being supported by the NHS Test and Trace service. Restaurants, bars and pubs are being asked to support this service by keeping a temporary record of daily customers (e.g. by using booking/reservation systems), and staff shift patterns, for 21 days and assist NHS Test and Trace by making that data available if needed. It is hoped this will help contain any clusters or outbreaks of the disease and prevent the need for a second 'lockdown'. The government is working with industry to design an appropriate record-keeping system in line with data protection legislation and is expecting to issue further details shortly.
- **Limit the number of customers.** Restaurants, bars and pubs should calculate the maximum number of customers that can reasonably follow physical distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) at the venue, taking account of likely pinch points, busy areas and potential adverse weather conditions that might prevent use of outdoor areas. The entry and number of customers at the venue should be managed to prevent overcrowding. Examples of ways to manage customer numbers include limiting entry to advance bookings only, using physical distancing markings and having customers queue at a safe distance.
- **Manage customer behavior.** Tables should be reconfigured to maintain physical distancing guidelines between customers of different households or support bubbles, e.g.

by increasing the distance between tables. On arrival and/or at the point of booking, customers should be reminded that indoor gatherings are limited to members of two households (or support bubbles) and outdoor gatherings should not exceed six people.

- **Manage service of food and drink.** Restaurants, bars and pubs should minimize customer self-service of food, drinks, cutlery and condiments, and physical distancing should be maintained when taking orders from customers. Indoors, table service should be used wherever possible, alongside further measures such as assigning a single staff member per table. Outdoor table service should also be encouraged, although customers can be permitted to stand outside if distanced appropriately. The number of surfaces touched by both staff and customers should be reduced; for example, by asking customers to remain at a table or in specific areas, and to not lean on any service counters. Contactless ordering (for example, through ordering apps) and contactless payment should also be encouraged where possible.
- **Provide guidance to customers.** Customers should be provided with clear guidance on expected behavior, physical distancing and hygiene on or before arrival; for example, via online booking forms and on-site signage. The guidance recommends that businesses should consider explaining to customers that if they fail to observe such safety measures, service will not be provided and, where necessary, police and local authorities have powers to enforce requirements in relation to physical distancing.
- **Implement additional hygiene measures.** Toilets and objects and surfaces that are touched regularly (e.g. tables, chairs, counters, menus and card machines) should be cleaned frequently and, ideally, between each customer use. If possible, doors and windows should be open to reduce touchpoints and maintain good ventilation. Staff should wash hands frequently and particularly before and after handling plates, cutlery and other customer items. Customers should also be encouraged to wash their hands regularly; for example, by using signs and posters to build awareness of the need to increase hand washing frequency and good hand washing technique. Restaurants, bars and pubs might consider providing hand sanitizer or increased hand washing facilities in multiple locations (including washrooms) to support this.
- **Protect staff.** Restaurants, bars and pubs should consider the minimum number of people needed at the venue to operate safely and effectively. Physical distancing must be maintained between staff wherever possible, including in break rooms and stock rooms. Businesses might consider putting staff into fixed teams or shifts to restrict the number of workers interacting with each other, assigning staff to specific areas or workstations (e.g. assigning a server a number of tables located in the same area of the restaurant), spacing working areas in kitchens to maintain physical distancing, discouraging non-essential trips within venues (e.g. by sending orders to kitchens electronically) and minimizing contact between kitchen workers and front of house workers (e.g. by having zones from which front of house staff can collect food).
- **Maintain open dialogue with employees.** Businesses should engage with employees and employee representatives on an on-going basis in relation to the re-opening plans and changes to the working environment. Employees should be involved in assessing risks and the development and review of workplace health and safety policies in partnership with the employer.
- **Reduce virus transmission through entertainment.** At this time, the government has made it clear venues should not permit live performances to take place in front of a

live audience to mitigate the risks of transmission of the COVID-19 virus. Restaurants, bars and pubs should also take steps to avoid people needing to unduly raise their voices. This includes by not playing music or TV broadcasts (e.g. of sports matches) that might encourage shouting, or at a volume that might make normal conversation difficult.

- **Face coverings.** Face coverings are not required for staff or customers. However, customers and workers who want to wear a face covering should be allowed to do so. Employers should support their workers in using face coverings safely if they choose to wear one. This means telling workers to wash hands thoroughly before putting on a face covering and after removing it, avoid touching their face covering when wearing it, change the face covering if it becomes damp or has been touched, change and wash the face covering daily and continue to frequently wash hands and practice physical distancing.
- **Reduce transmission during deliveries.** Procedures should be implemented to minimize any unnecessary contact during deliveries to the restaurant, bar or pub. Where possible and safe, drivers should be encouraged to stay in their vehicles and single workers or fixed pairs of workers should unload the vehicles. Further, cleaning procedures for goods and merchandise entering the premises should be implemented. Businesses might also consider reducing the frequency of deliveries by ordering larger quantities less often.

Implementing sensible procedures designed to reduce transmission of COVID-19 will be essential to encourage customers to visit restaurants, bars and pubs. Failing to complete a risk assessment or not putting in place sufficient measures to manage the risk of COVID-19 could also ultimately constitute a breach of health and safety legislation. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, carrying serious fines and even imprisonment for up to two years. Restaurants, bars and pubs should keep all re-opening policies under review to ensure they are effective and compliant with the latest government guidance.

These issues are rapidly evolving and we are working with a number of clients on implementing safe re-opening plans. For further information on this topic, please contact the authors, your usual Hogan Lovells contact or visit our [COVID-19 Topic Center](#) for the latest updates.

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