

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE C**

**MONDAY, 14 SEPTEMBER 2020 AT 13:30 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

## **A G E N D A**

### **1 NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

### **4 MINUTES**

**3 - 10**

To confirm and sign the Minutes of the Meeting held on 12 August 2020.

### **5 LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW PB’S, 54 – 57 KEY HILL, HOCKLEY, BIRMINGHAM, B18 5NX**

**11 - 140**

Report of the Interim Assistant Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 1:30pm.

### **6 OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 12 AUGUST 2020</b>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD  
ON WEDNESDAY 12 AUGUST 2020 AT 1000 HOURS AS AN ON-LINE  
MEETING.**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds and Nagina Kauser.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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**NOTICE OF RECORDING/WEBCAST**

- 1/120820 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/120820 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/120820 Apologies were submitted on behalf of Neil Eustace and Councillor Nagina Kauser was the nominated Member.
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**LICESNING ACT 2003 PREMISES LICENCE – GRANT – FOODSTARS, 31 - 32  
MANCHESTER STREET, BIRMINGHAM, B6 4HL**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Seniha Gazioglu – Account Manager – Foodstars

Vero Bolognese – Head of Operations

Alistair Taylor – Head of Growth

**Those Making Representations**

PC Abdool Rohomon – West Midlands Police (WMP)

\* \* \*

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy to outline the report.

Afterwards, the Chairman invited the applicant to make their submission. At which stage Seniha Gazioglu, made the following points on behalf of the applicant: -

- a) That she was the Account Manager for Foodstars; which were a 'delivery only' company who rent out kitchen services. The food companies can then prepare and deliver food to homes, offices and more.
- b) The premises would not be open to the public and there would be internal and external cameras around the building.
- c) The premises could hold around 40 kitchens.
- d) The demand for online retail due to Covid-19 had created an opportunity to adapt to meet the current demand. It was a more affordable alternative to the high street.
- e) Employment has increased due to the volume of kitchens.
- f) The customer had lots of online options; people were more likely to stay at home and this business would eliminate the need to go out for food.



- g) The idea is that the restaurants can have a kitchen in the premises, and they will be delivering restaurant quality food to people's homes or offices. They wanted to re-create the restaurant experience at home for customers.
- h) People can order from their favourite restaurants and enjoy a glass of wine, without having to leave the comfort of their homes.
- i) That profits would come from alcohol; therefore, it was necessary to be able to pair food with alcohol and would help businesses survive in these uncertain and difficult times.
- j) They would only sell alcohol if food was being ordered. They would not accept orders that contained just alcohol.
- k) Many online retailers were using 'Deliveroo' and they were trying to create a fair platform for restaurants to adapt their businesses.
- l) They had agreed terms with the Council and would work closely with responsible authorities to ensure compliance and a model that could be used for other businesses.
- m) When the premises take the alcohol off the shelf and bag it for delivery the sale is made, and the buyer and seller relationship remains unchanged. The courier is simply facilitating the order.
- n) The online retailer is responsible for the goods being dispatched from the unit, same as a sweater.
- o) The orders are received directly at each kitchen, where their own staff will hand the items for delivery to the driver. This offers another layer of protection as the bags will be checked and the packages will also be labelled.
- p) The delivery driver has to check the age of the person receiving the order. They must enter the date of birth/age of that person and the premises will be overseeing all transactions.
- q) The police did propose that if delivery companies were to be used then delivery should take place at least 24 hours after the order took place, however they would not agree to this condition since many other restaurants did not have to do that and therefore, they felt it was unfair.
- r) They did not feel that their 'offerings' would appeal to under age or vulnerable persons since they would only be able to get alcohol if they ordered food. Which would reduce the risk of people trying to obtain booze.
- s) They would primarily only be selling fine wines and beers.

In answer to Members questions Vera Bolognese made the following points: -

- a) They trained staff to level 2 and level 3 – which included how to handle alcohol safely. They already had refresher training in place and would be well equipped to handle requests without issues.
- b) The software gave them the ability to see orders and check them in real time.
- c) They created a relationship with drivers, offering them refreshments and they were able to use the facilities. They wanted to keep the drivers happy and continue to create good relationships with them.
- d) They worked with drivers to ensure they understood the expectations and followed the correct procedures. They would be reminded every single time they took a delivery that they must carry out age checks.
- e) If it came to their attention that alcohol was being sold without food, they had a procedure in place and would be extremely tough on licensees. If they failed to comply with the procedures, they would be fined and not allowed to sell alcohol again.

In response to questions from Members Seniha Gazioglu, made the following points on behalf of the applicant: -

- a) No active advertising would take place in relation to alcohol.
- b) That it was a premium offering and therefore had relatively high price points, so would be attracting young professionals, or families due to the nature and style of the restaurants they partnered with.
- c) They had agreed to be fully transparent with the Council and were happy to provide records of transactions and refusals so they could review the documents.
- d) CCTV recordings would be kept for 31 days and they would also have an incident log.
- e) That she could provide visuals of the ID checks so Members could understand. There is a declaration page when people get to the checkout and then when the driver gets the delivery, they receive a notification reminding them that the order has an age restricted product which includes the law. When they arrived at the delivery address, they have a form to fill in the date of birth and age of the person in receipt of the goods. If the person is not over 18 then they won't be allowed the product and it is disposed of.
- f) That other operators were selling alcohol without food.
- g) The alcohol was premium and therefore would not be attractive for people who just wanted to get drunk.
- h) That they had prioritised both the alcohol and the late-night refreshment licence and 2am would allow the kitchens to operate for a longer amount of

time and deliver dinner to people late at night. Alcohol would give them larger profit margins.

- i) Each individual kitchen would have a personal licence but the premises licence would be with them and they would be accountable and staff and drivers would be trained.

In answer to Members questions Alistair Taylor made the following points: -

- a) They had used a model that is already complaint, similar to supermarkets. They had just added a middle step and the final step of trained staff checking orders.
- b) They had control over the alcohol.
- c) They would not be employing their own drivers, instead they would be using a shared resource which would ensure the service was fully utilised.
- d) They would be using a large number of drivers as they anticipated over 100,000 orders per week.
- e) That they couldn't do much about people deliberately trying to break the law. There had to be some reliance on individuals that they wouldn't do that, they would take every step to stop it happening, but if people were deliberately fraudulent then they couldn't prevent that.
- f) They did not have a minimum spend on orders to buy alcohol.
- g) They would be selling all kinds of foods; the premises would be occupied by 40 different kitchens.
- h) People could make multiple orders.
- i) They had ultimate control over the individual kitchens.
- j) Staff would be checking all orders.
- k) The average preparation time for food orders is 12 minutes.
- l) Items can be removed from the site.

PC Rohomon, on behalf of WMP, made the following points: -

- a) That they were concerned regarding the 'middle step' and as a result, the accountability over the alcohol.
- b) The responsibility was handed to the delivery drivers, who were not even employees of the company but just a third party.
- c) The companies who offered delivery drivers did not usually provide training to employees – it was relatively easy to become a delivery driver.

- d) The premises would have no idea which driver would turn up, they may even get new drivers they had never met before.
- e) There were already growing problems with parties and unlicensed events going on. Alcohol was known for creating and causing crime and anti-social behaviour (ASB) therefore it needed controlling and accountability was a key point.
- f) That they asked the premises to use drivers that they employed.
- g) Supermarkets employed their own drivers, so there was more accountability.
- h) Under the Licensing Act premises should not be selling alcohol to drunks. However, because they would not be selling the alcohol on the premises, they passed the alcohol to the driver to deliver they wouldn't be committing an offence.
- i) At the point the alcohol leaves the premises, the sale is made. Therefore, the premises don't commit any offence if they sell to a drunk person and the driver doesn't commit an offence either as he was not selling the alcohol, only supplying it.
- j) PC Rohomon also referred to the Licensing Act in that the driver would not be committing an offence if they delivered alcohol to children because the alcohol was being delivered by a third party and not an employee of the premises.
- k) There were no guarantees that the premises would only sell premium alcohol.
- l) People could give the drivers false details such as date of birth.
- m) There was no accountability in terms of training, as the premises did not employ the drivers so there would be no guarantee that the drivers would be adequately trained in alcohol sales/delivery.
- n) That the 24-hour delay on orders or if the premises employed their own drivers reduced the risk.

Alistair Taylor asked PC Rohomon why other premises were using Deliveroo or similar delivery services with less control measures.

PC Rohomon confirmed he was not aware other premises were but would be carrying out inspections of the premises Alistair Taylor had mentioned.

In summing up, PC Rohomon on behalf of WMP made the following points: -

- That the proposed operation style had no control or accountability.
- There could be issues with alcohol delivery to drunks or minors and there would be no come back whatsoever.

- The only way forward was for the premises to employ their own drivers, which could be put as a condition on the licence.

In summing up, Alistair Taylor, on behalf of the premises made the following points: -

- He thanked the committee for their time and advised that he had covered everything he wished to discuss.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/120820

**RESOLVED:-**

That the application by Foodstars BH Ltd for a premises licence in respect of Foodstars, 31-32 Manchester Street, Birmingham, B6 4HL **BE GRANTED IN PART, IN THAT THE APPLICATION FOR THE PROVISION OF LATE NIGHT REFRESHMENT IS GRANTED, BUT THE APPLICATION FOR THE SALE OF ALCOHOL IS REFUSED.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder, the prevention of public nuisance, and the protection of children from harm.

The Sub-Committee's reason for refusing the part of the application relating to the sale of alcohol was due to concerns expressed by West Midlands Police, regarding the degree of control and accountability that the applicant company would have in terms of the Foodstars delivery service, which would allow customers to order alcohol to be delivered to their homes starting at 11.00 hours, throughout the day, and until 23.00 hours.

The Police objections were outlined in full in the Report. In addition, the Police attended the meeting to address the Sub-Committee directly, and explained that the food and/or kitchen element of the delivery operation was not the issue; the concern was the accountability once alcohol left the premises. The proposed drivers who would be undertaking the deliveries were not employees of the company; they would be self-employed individuals. In this regard, the Foodstars operation would be entirely different from alcohol deliveries offered by, for example, supermarkets; supermarket delivery drivers are employees of that company.

The use of self-employed drivers created difficulties in terms of enforcement under the Act, regarding sales of alcohol to drunk persons, and/or to children. There would be no accountability whatsoever for these offences under the Act. As a result, the Police had requested that the arrangement should be that the

drivers would be employees of the applicant company; the applicant company had declined that. An alternative course was proposed by Police, namely a 24 hour delay in between order and delivery; that was also declined by the applicant company. This was very unfortunate, as these were sensible precautions which would have given the Sub-Committee confidence, such that the application might have been granted.

The Sub-Committee found the application for provision of late night refreshment to be satisfactory. As regards the sale of alcohol, the Sub-Committee carefully considered the operating schedule put forward by the applicant company and the likely impact of the application, but were not persuaded that either the applicant or the proposed operation of the premises were capable of upholding the licensing objectives when offering alcohol for home delivery. The lack of control and accountability were unacceptable. The remarks of those representing the applicant company, relating to “training” for the self-employed drivers, did not reassure the Sub-Committee at all; the Police had already observed that these individuals would not be employees.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives could be adequately promoted and that therefore the licence might be granted for sales of alcohol; however Members considered that neither reducing the permitted hours nor refusing the proposed Designated Premises Supervisor would address the concerns raised by West Midlands Police relating to control and accountability. The Sub-Committee therefore resolved to grant only the part of the application relating to the provision of late night refreshment.

The Sub-Committee has given due consideration to the City Council’s Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant and by West Midlands Police.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates’ Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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**Please note, the meeting ended at 1150.**

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 14<sup>th</sup> September 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>PB's, 54 – 57 Key Hill, Hockley, Birmingham, B18 5NX</b>
<b>Ward affected:</b>	<b>Soho &amp; Jewellery Quarter</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

**2. Recommendation:**

To consider the review and to determine this matter.

**3. Brief Summary of Report:**

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 18<sup>th</sup> August 2020 in respect of PB's, 54 – 57 Key Hill, Hockley, Birmingham, B18 5NX.

Representations have been received from West Midlands Police, Environmental Health and Public Health, as responsible authorities.

**4. Compliance Issues:****4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

## **5. Relevant background/chronology of key events:**

On 18<sup>th</sup> August 2020, Superintendent Morris, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Nickeshia Reid-Davidson in respect of PB's, 54 – 57 Key Hill, Hockley, Birmingham, B18 5NX.

The application was accompanied by the required certificate, see Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee B met on 19<sup>th</sup> August 2020 to consider whether to take any interim steps and resolved that the Designated Premises Supervisor be removed and that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on the 4<sup>th</sup> September 2020.

An additional representation has been received from West Midlands Police, which is attached at Appendix 3.

A representation has been received from Environmental Health, as a responsible authority. See Appendix 4.

A representation has been received from Public Health, as a responsible authority. See Appendix 5.

A copy of the current Premises Licence is attached at Appendix 6.

Site location plans at Appendix 7.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

## **6. List of background documents:**

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision of 19<sup>th</sup> August 2020, Appendix 2  
Additional representation received from West Midlands Police, Appendix 3  
Copy of representation from Environmental Health, Appendix 4  
Copy of representation from Public Health, Appendix 5  
Current Premises Licence, Appendix 6  
Site location plans, Appendix 7



## **7. Options available:**

Modify the conditions of Licence  
Exclude a Licensable activity from the scope of the Licence  
Remove the Designated Premises Supervisor  
Suspend the Licence for a period not exceeding 3 months  
Revoke the Licence  
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 19<sup>th</sup> August 2020.



### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

#### I - Superintendent 7005 Morris

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

#### 1. Premises details: PBs

Postal address of premises, (or if none or not known, ordnance survey map reference or description): **54 - 57 Key Hill, Hockley**

Post Town: Birmingham

Post Code (if known): **B18 5NX**

#### 2. Premises Licence details:

Name of premise licence holder (if known): **Ms Nickeshia Reid-Davidson**

Number of premise licence (if known): **2866**

#### 3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



#### 4. Details of association of the above premises with serious crime, serious disorder or both: (Please read guidance note 2)

In March 2020 the UK Government stated that all licensed premises should close and not allow people inside the premises to drink or eat. This was a result of the pandemic Covid 19 virus that was spreading through the country and was introduced with other measures to stop the spread of the virus.

On the 4<sup>th</sup> July 2020 the government announced a relaxing of the lock down measures allowing licensed premises to open with strict social distancing guideline's to stop the spread of the virus. The guidelines can be found in the document Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services, <https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077816/working-safely-during-covid-19-restaurants-pubs-bars-takeaways-1408201.pdf>.

These measures included no loud music in venues (quiet background music), no standing (expect to go to the bar) all customers should be seated in 'bubbles' with a 2 meter gap between each group or if not viable 1 meter plus with mitigation, no live entertainment indoors, no dancing and a COVID safe risk assessment must be in place. The risk assessment to demonstrate how the premises are mitigating their circumstances and preventing the spread of the disease. Having a risk assessment is mandatory.

On Saturday 15<sup>th</sup> August 2020 at approximately 01.30 am the premises was served with an ASB closure notice as it was trading and not adhering to the COVID safe trading guidelines issued by the Government, This notice was signed by a senior officer of West Midlands Police due to their concerns about the premises being reckless in the way they were operating and putting the public's health in danger by risking the spread of COVID 19.

The closure notice was deemed necessary as the premises licence holder – Nickeshia Reid Davison - had ignored previous advice and education given to her from West Midlands Police Officers of how to trade safely within the current COVID guidelines contributing to a public nuisance.

PC Reader and two other officers attended the premises around 10 past midnight on 2<sup>nd</sup> August 2020. The visit was recorded on bodycam.

In a statement PC Reader has noted he could hear the music before he got to the venue. The premises licence holder was standing outside the venue, together with customers when questioned about the volume of the music she stated 'they like it loud' and the premises was hosting a birthday party. She was then questioned about the capacity of the venue and how many customers she had currently got at the venue – she could not give a definitive answer. PC Reader states that inside the venue was dark with disco lights on. He saw people dancing on a raised platform and other customers standing around the inside the premises. He states that he couldn't hear what the premises licence holder was saying to him as the music was so loud.

PC Reader spoke with the premises licence holder again on 6<sup>th</sup> August 2020 and raised his concerns again, about the lack of COVID safe trading at the premises and gave her advice on how to trade COVID safe and best practices. This was followed with an email sent to her as detailed in his statement. She also confirmed that the premises would be open on the evening.

On the evening of 6<sup>th</sup> August 2020 PC Reader again visited the venue with other officers and again this was recorded on bodycam. He first visited the premises at about 6.20pm and the premises licence holder was stood in the rear car park. She informed PC Reader that it was a Jamaican Independence event. There was a DJ set up outside with large speakers. The premises licence holder confirmed that she had received the email sent by PC Reader but had not had time to action it. At this time there was no one inside the venue which had no music playing and the lights were on. During this visit PC Reader noted breaches of the premises licence operating conditions (speakers

being outside) and again had a conversation regarding how to address these. She also stated she understood social distancing and if he came back later he would see that the premises was trading safely.

PC Reader returned at 9.50pm on the same evening. As he approached the premises he noted that the music was significantly louder than on the earlier visit. Although the venue was not busy. PC Reader ends his statement stating that he is concerned by the poor management of the premises where enhanced measures should be in place to protect customers due to the pandemic and risk of infection per government guidelines.

Sgt Giess who is the Licensing Sergeant for Birmingham attended the premises on two occasions on 14<sup>th</sup> August 2020. On both of these visits Sgt Giess noted that the music was loud, customers were standing and there was no seating in the main area of the venue. On his second visit at the premises persons from the venue noticed him walking towards the entrance and the music was turned down considerably. On both of these early visits the premises only had a couple of customers present.

Sgt Giess returned to the premises at 01.30am on 15<sup>th</sup> August and will state that when he attended the venue there were over 30 persons inside all standing and around half that number outside with no social distancing in place at the premises. The music inside was that loud that he had to walk outside with the premises licence holder to hold a conversation. It was at this visit that the premises was served with the closure notice which was rescinded the following day.

Officers have spoken with the premises licence holder who is also the DPS on a number of occasions (at least 7) recently and have offered guidance and explained what the expectations are of a licensed premises to trade safely in the current situation. The premises licence holder has also been sent emails and left voice mails which have not been answered. The most notable request being for a copy of the premises COVID 19 risk assessment which has not been forthcoming.

Covid 19 is a worldwide virus that has unfortunately seen many people die. It is an infectious disease which is spread as a result of activities carried out by people, hence the reason for the social distancing measures that the Government had to introduce.

The risk of spreading infections is deemed a "public nuisance". In the case of *R v Rimmington & Goldstein* (2005) UKHL 63, it quoted the leading modern authority on public nuisance as *Attorney general v PYA Quarries Ltd* (1957) 2 QB 169.

The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to **endanger the life, health, property, morals** or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (*Rimmington* at [3]).

Public nuisance is a common law offence which carries an offence of life imprisonment. It is WMP's stance that a serious crime under the definition in RIPA has been fulfilled on the above facts "Serious crime" is defined by reference to s.81 of the Regulation of Investigatory Powers Act 2000. It includes: An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

The effects of the virus have been shown across all media outlets for many months, and so West Midlands Police are very concerned that these premises decided to ignore the governments social distancing guidelines and various advice given by officers putting the safety of the people and the wider community at risk as well as their families and the wider communities they live in.

Signature of applicant:

Date: 18/2/20.

Rank/Capacity: Supt 705 Mem

Contact details for matters concerning this application: 55410 Chris Jones

Address: Birmingham Licensing Team, Partnerships Office, Police HQ, Lloyd House  
Birmingham. B4 4DG.

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

# **West Midlands Police**

## **CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

**Premises: PBs**

**Premise Licence Number: 2866**

**Premise Licence Holder: Ms Nickeshia Reid-Davidson**

**Designated Premise Supervisor: Ms Nickeshia Reid-Davidson**

**I am a Superintendent in West Midlands Police.**

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The actions of the premises took in deciding to open have placed an unnecessary risk to the health of the individuals, families and local communities, at a time where the country is experiencing a national emergency. This is causing a public nuisance

Public nuisance is a serious crime and combined with the national threat that Covid 19 possesses, it warrants the use of this power.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

**Signed** \_\_\_\_\_

**Gareth Morris**  
Supt 7005  
BW NPU



## BIRMINGHAM CITY COUNCIL

### LICENSING SUB COMMITTEE B

WEDNESDAY 19 AUGUST 2020

#### **PB'S, 54-57 KEY HILL, HOCKLEY, BIRMINGHAM B18 5NX**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Nickeshia Reid-Davidson in respect of PB's, 54-57 Key Hill, Hockley, Birmingham B18 5NX, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

and

- that Nickeshia Reid-Davidson be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the amended Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the updated Guidance entitled '*Closing Certain Businesses and Venues in England*' issued by HM Government on 3rd July 2020, and the Guidance entitled '*Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services*' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

Members heard the submissions of West Midlands Police, namely that on at least seven occasions from the start of August 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, the Police had observed a general failure by PB's to follow the Government Guidance. Upon visiting the premises, Police found that loud music was playing at a volume which made conversation difficult, and also observed that patrons were not seated but were standing (some were in fact dancing). The Police ascribed these failures to unsatisfactory management by the premises licence holder, who is also the designated premises supervisor.

The Police spoke directly to the premises licence holder to advise, to offer guidance and to explain what is expected of a licensed premises to trade safely in the ongoing Covid-19 pandemic. These numerous attempts to advise had little effect. It was observed that the premises licence holder was even in breach of some of the existing conditions on the licence, for example by placing large speakers outside the premises. Police had requested that she supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; this had not been forthcoming.

Finally on 15<sup>th</sup> August 2020 a Police Sergeant served the premises with an ASB Closure Notice at 01.30 hours, as it was trading whilst not adhering to the Government Guidelines. The Police Sergeant was concerned that the premises licence holder was being reckless in the way that she was operating, and was endangering public health by risking the spread of Covid-19. The Closure Notice was rescinded the following day.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with both the law and the Government Guidance when trading, in order to save lives. It was therefore a flagrant public nuisance for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

The premises licence holder then addressed the Sub-Committee. Having heard her submissions, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee was not impressed with the licence holder's representations, or her answers to questions. All in all, the Sub-Committee considered her to have failed to take her responsibilities seriously.

The Sub-Committee therefore determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed by the suspension of the Licence but also removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police and by the premises licence holder at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.



**From:** Abdool Rohomon  
**Sent:** 04 September 2020 10:43  
**To:** Licensing  
**Cc:** 'Duncan Craig'  
**Subject:** Extra Reps - PB's

Dear Licensing,

West Midlands Police wish to make additional representations against PB's Key Hill, these are on top of the representations made in the expedited review application.

West Midlands Police will show how the premise licence operator has not complied with the number of conditions imposed on the premise licence, some of those that were imposed by a licensing committee (following the premise licence being reviewed in July 2018). These breaches have been witnessed by officers during the visits to the premises since they reopened after Covid lockdown.

West Midlands Police also have intelligence of note and concern around people that attend the premises and even run parts of the operation. Although this is intelligence it does go some way to show how poor the premises is operated.

West Midlands police have also had reports that the premise licence holder for PB's held an event at another licensed premises, after Pb's had had its licence suspended. Initial reports indicate that this event may have resulted in Covid breaches, this is still being investigated as the report only came in from last weekend.

Supporting paperwork will be submitted in due course

Regards

**Abs Rohomon. BEM**

**PC 4075 Rohomon. BEM**  
**BW Licensing**  
**Police headquarters**  
**Lloyd House**  
**Colmore Circus**  
**Birmingham**  
**B4 6NQ**

**From:** Jane Dunsford  
**Sent:** 02 September 2020 15:39  
**To:** Licensing  
**Subject:** Review of PB's 54- 57 Key Hill, Birmingham by West Midlands Police

Dear Licensing,

I would like to join the review on behalf of BCC Environmental Health, I attach my reasoning.

Regards

Jane Dunsford  
Environmental Protection Officer

Environmental Protection Unit  
Regulation & Enforcement  
Neighbourhoods Directorate  
Birmingham City Council  
Manor House  
40 Moat Lane  
Birmingham  
B5 5BD

On behalf of Birmingham City Council's Environmental Health Department I have reviewed West Midlands police documentation, calling for a review of PB's 54- 57 Key Hill, Hockley, Birmingham and would like to join this review on the grounds of Public Nuisance. The premises is know to Environmental Health and due to complaints from residents on Key Hill Drive in 2018, Environmental Health called the license in for review (known then as De Oriole) on the grounds of Public Nuisance due to intrusive noise from MC shouting into a microphone, loud amplified music, noise from customer vehicles and noise from groups of customers gathering on key Hill Drive shouting and screaming and cars blocking Key Hill Drive.

From that review conditions were attached to the license including provision of a noise management plan, installing a noise limiter approved by Environmental Health and no external speakers to be used. The license was reviewed in July 2018 and to date Environmental Health have received no noise management plan or been asked to approve a noise limiter.

I have visited the site on a number of occasions whilst investigating this complaint in 2018 and would advise that due to the small size of the site and single entrance and exit doors it would be very hard to socially distance inside the site and on the rear car park.

Birmingham Public Health

PBs  
B18 5NX

**Expedited Review Response**

On Behalf of:  
Dr Justin Varney  
Director, Birmingham Public Health

3 September 2020



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The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

# Contents

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Contents ..... 0

2. Overview of the Grounds for Review ..... 3

3. Public Health response ..... 5

4. References ..... 7

## PBs, 54-57 Key Hill, Hockley, B18 5NX

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### *Public Health's Response to Expedited Review*

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing, those objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of the Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott  
Public Health Service Lead: Places  
Birmingham Public Health  
PO Box 16732, Birmingham B2 2GF  
[publichealth@birmingham.gov.uk](mailto:publichealth@birmingham.gov.uk)

## 1. Premises or club details

<i>Name of premises</i>	PBs
<i>Postal address of premises</i>	54-57 Key Hill Hockley B18 5NX
<i>Premises licence holder</i>	Nickeshia Reid-Davidson
<i>Premises licence number</i>	2866
<i>Designated Premises Supervisor</i>	Nickeshia Reid-Davidson

## 2. Overview of the Grounds for Review

On Saturday 15th August 2020 at approximately 01.30 am the premises was served with an ASB closure notice as it was trading and not adhering to the COVID safe trading guidelines issued by the Government. The notice was signed by a senior officer of West Midlands Police due to their concerns about the premises being reckless in the way they were operating and putting the public's health in danger by risking the spread of COVID-19.

The closure notice was deemed necessary as the premises licence holder had ignored previous advice and education given to her from West Midlands Police Officers. PC Reader and two other officers attended the premises around 10 past midnight on 2nd August 2020. The visit was recorded on bodycam.

In a statement PC Reader has noted he could hear the music before he got to the venue. The premises licence holder (PLH) was standing outside the venue, together with customers when questioned about the volume of the music the PLH stated "they like it loud" and the premises was hosting a birthday party. When the PLH was questioned on how many customers she had currently got in the venue she could not give a definitive answer. PC Reader states that he saw people dancing on a raised platform and other customers standing around the inside the premises, and that he couldn't hear what the premises licence holder was saying to him because the music was so loud.

PC Reader visited the premises again on 6th August 2020, and raised his concerns again about the lack of COVID safe trading at the premises and gave her advice on how to trade COVID safe and best practices. This was followed with an email sent to her as detailed in his statement. On the evening of 6th August 2020 PC Reader again visited the venue with other officers and again this was recorded on bodycam. He visited the premises at about 6.20pm and the premises licence holder was stood in the rear car park. She informed PC Reader that it was a Jamaican Independence event. There was a DJ set up outside with large speakers. The premises licence holder confirmed that she had received the email sent by PC Reader but had not had time to action it. At this time there was no one inside the venue which had no music playing and the lights were on. During the visit PC Reader noted breaches of the premises licence operating conditions (speakers being outside) and again had a conversation regarding how to address these. She also stated she understood social distancing and if he came back later he would see that the premises was trading safely.

PC Reader returned at 9.50pm and noted that the music was significantly louder than on the earlier visit, although the venue was not busy. PC Reader ends his statement stating that he is concerned by the poor management of the premises where enhanced measures should be in place to protect customers due to the pandemic and risk of infection per government guidelines.

Sgt Giess (the Licensing Sergeant for Birmingham) attended the premises on two occasions on 14th August 2020. On both visits Sgt Giess noted that the music was loud, customers were standing and there was no seating in the main area of the venue. On his second, persons from the venue noticed him walking towards the entrance and the music was turned down considerably. On both of these early visits the premises only had a couple of customers present. Sgt Giess returned to the premises at 01.30am on 15th August and will state that when he attended the venue there were over 30 persons inside all standing, and around half that number outside with no social distancing in place at the premises. The music inside was that loud that he had to walk outside with the premises licence holder to hold a conversation. It was at this visit that the premises was served with the closure notice which was rescinded the following day.

Police officers have spoken with the premises licence holder on a number of occasions (at least 7) recently and have offered guidance and explained what the expectations are of licensed premises to trade safely in the current situation. The licence holder had also been sent emails and left voice mails which have not been answered. The most notable request being for a copy of the premises COVID-19 risk assessment which has not been forthcoming.

West Midlands Police's stance is that a serious crime under the definition in the Regulation of Investigatory Powers Act 2000 (RIPA) has been fulfilled on the above facts. Serious crime is defined by reference to s.81 of RIPA, and it is an offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

### 3. Public Health response

Licensing Objective	Response
<i>Public safety</i>	<p>In licensing terms, Public safety takes into consideration overcrowding (leading to an increased risk of violence or to the safety of people in the premises). The COVID-19 guidance for premises is clear, people should be seated, people should not be crowding, and certainly should not be dancing in proximity. There is also a lack of a risk assessment for the premises, which cannot explain how they can ensure that overcrowding does not take place.</p> <p>Public Safety also concerns anyone being hurt or having an accident in licensed premises (who should seek medical care and report to the relevant authorities). Public Health has no confidence, based upon the information presented, that the licensee is taking appropriate measures to protect people from harm, in this instance from the heightened risk of transmission of COVID-19.</p>
<i>The prevention of public nuisance</i>	<p>The risk of spreading infections is deemed a "public nuisance". In the case of <i>R v Rimmington &amp; Goldstein</i> (2005) UKHL 63, it quoted the leading modern authority on public nuisance as <i>Attorney general v PYA Quarries Ltd</i> (1957) 2 QB 169. The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property, morals or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (<i>Rimmington at [3]</i>).</p> <p>It is clear from the significant lack of action from the licence holder to implement COVID-19 guidance for premises of this nature that a public nuisance is indeed being created. COVID-19 is a virus that kills and causes significant harm and is easily transmissible. It is the opinion of Birmingham Public Health that the observations reported by WMP in the application for the expedited review constitute a significant risk of harm through the risk of spreading infection, this constitutes a clear public nuisance.</p>



## Summary

The Director of Public Health, Dr Justin Varney, has been made aware of this expedited review and has made the following statement:

*"As Director of Public Health, I support the police view that this venue is failing to protect the health and wellbeing of the population through inadequate COVID-19 risk reduction measures. Given the significant threat from COVID and the clear national guidelines on the expectations of hospitality venues to ensure COVID safety for customers, the police report represent a serious concern about the management of the venue."*

The COVID-19 regulations for licensed premises are clear, they are also readily accessible and available. The guidance was first published on the 11th May 2020, and was last updated on the 12th August 2020. We consider it wholly unacceptable that any licensee should either a) plead ignorance to the existence of this guidance, and b) that a licensee should, if they are aware of the guidance, choose to not follow that guidance.

In the grip of a global pandemic, in a city that has seen significant infection rates and death, and is currently on the Government watchlist due to an increase in infection rates, it is the view of the Director of Public Health for Birmingham City Council that the licence holder has shown a flagrant disregard for the licensing objectives and that the licensing committee should consider all options at their disposal, with revocation of the licence not being considered a disproportionate response in this instance.

There have been no less than seven incidents whereby responsible authorities (namely WMP) have had cause to visit the premises in just 13 days, between the dates of 2<sup>nd</sup> August – 14<sup>th</sup> August (inclusive), that is the equivalent of nearly once every two days. During these visits, guidance and education on COVID-19 compliance was given, with scant, if any evidence of implementation by the licence holder of this guidance (below)

Government guidance<sup>1</sup> states that:

*All venues should ensure that steps are taken to mitigate the increased risk of virus transmission associated with aerosol production from raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes, but is not limited to, lowering the volume of background music, and refraining from playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult.*

The Government guidance<sup>1</sup> also states that:

*Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risk. For example, loud background music, communal dancing, group singing or chanting*

It is the view of Birmingham Public Health that COVID-19 guidance (above) has not been followed, despite the significant intervention of WMP on at least 7 occasions. It is the opinion of Birmingham Public Health that the actions (or inaction) of the Licence Holder to promote the licensing objectives is creating a significant public health risk.

It is only fair that we offer the licence holder or representative the opportunity to present their evidence at the licence review, and to view any further footage, for example any bodycam footage or CCTV before we advise the committee on what action we think that they should ultimately take. However, at this time, we can see no other option than revocation of the licence being the advisable course of action given the evidence presented to date. We are willing to withhold our final advice until we have listened to and viewed all of the evidence available through attendance at the licensing committee hearing.

#### 4. References

- <sup>1</sup> HM Government: Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services.



## Public Health

PO Box 16732  
Birmingham  
B2 2GF

[publichealth@birmingham.gov.uk](mailto:publichealth@birmingham.gov.uk)

[www.birminghampublichealth.co.uk](http://www.birminghampublichealth.co.uk)  
[www.birmingham.gov.uk](http://www.birmingham.gov.uk)



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## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2866 / 3

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
PB's 54 - 57 Key Hill Hockley	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B18 5NX
<b>Telephone Number:</b>	
Not Specified	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
M3	Sale of alcohol by retail (both on & off the premises)

**The times the licence authorises the carrying out of licensable activities**

Thursday – Saturday	15:00	-	02:00	All
Sunday	15:00	-	00:00	All
From the end of permitted hours on New Year's Eve to the commencement of hours on New Year's Day				All

**The opening hours of the premises**

Thursday – Saturday	15:00	-	02:00
Sunday	15:00	-	00:00
From the end of permitted hours on New Year's Eve to the commencement of hours on New Year's Day			

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off Supplies

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Ms Nickeshia Reid-Davidson	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Ms Nickeshia Reid-Davidson	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 19/000186/LAPER	<b>Issuing Authority</b> SANDWELL METROPOLITAN BOROUGH COUNCIL

Date 08/10/2019

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider:  $\frac{1}{2}$  pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

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**BIRMINGHAM CITY COUNCIL**

the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

## **BIRMINGHAM CITY COUNCIL**

### **Annex 2 – Conditions consistent with operating schedule**

#### **2a) General conditions consistent with the operating schedule**

The Licence Holder will ensure that all staff are briefed on the Licensing Objectives, in particular no underage drinking, no drunkenness on the Premises or outside of the Premises, no use of drugs, no violent or anti - social behaviour and the need to protect children from.

#### **2b) Conditions consistent with, and to promote the prevention of crime and disorder**

The Licence Holder will ensure responsible management controls on the premises i.e. capacity levels.

Training and Supervision of all staff to adopt best practice, and to adhere to the Portman Group policy on drinks strategy.

Staff will receive ongoing training including the identification of anti - social behaviour or unusual behaviour.

Proof of age scheme in force at the Premises.

The Licence Holder will ensure that internal and external lighting is checked regularly.

The Premises have the benefit of 8 CCTV cameras installed and they will be operated and maintained to the satisfaction of West Midlands Police.

#### **2c) Conditions consistent with, and to promote, public safety**

A member of staff on the Premises will be trained in first aid.

Health and safety risk assessments will be carried out regularly.

All electrics, gas and fire equipment will be checked and maintained in working order and tested annually.

Fire Risk assessment will be carried out weekly.

#### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

A zero tolerance to drunken and anti - social behaviour shall be adopted at the Premises.

Management and staff voluntarily follow best practice e.g. control of noise from pubs and clubs.

The Licence Holder will ensure that out of hours deliveries are monitored.

All staff will be trained to ensure that patrons vacate the premises quietly.

Ventilation of the premises will be maintained to prevent nuisance of odour and noise.

The Licence Holder will ensure that recorded music sound levels are monitored.

The Licence Holder will ensure that all windows will be kept closed after 23.00 hours.

#### **2e) Conditions consistent with, and to promote the protection of children from harm**

Children must be accompanied by a responsible person who has attained the age of 18.

No children are allowed at the bar serveries.



## BIRMINGHAM CITY COUNCIL

### **Annex 3 – Conditions attached after hearing by licensing authority**

#### **3a) General committee conditions**

Conditions as attached below by Licensing Sub Committee C on Wednesday 5<sup>th</sup> July 2018 following a Review of the application made by Environmental Health:

No outdoor speakers shall be used for the playing of amplified music.

After dispersal of patrons at closing time, the Premises Licence Holder shall ensure that staff from the premises undertake a litter patrol in the general vicinity of the premises.

#### **3b) Committee conditions to promote the prevention of crime and disorder**

The premises to have a written dispersal policy, to be provided in advance to both Birmingham Central licensing department and BCC Environmental Health officers (address for each responsible authority as determined in the statement of licensing policy for Birmingham City Council), the dispersal policy to be agreed in writing with both Birmingham Central licensing department and BCC Environmental Health officers. The dispersal policy to be implemented at all times the premises is open for licensable activity

Door supervisors – the number of door supervisors is to be determined through a written and documented risk assessment. The risk assessment to be provided to any officer of any authority upon request.

The risk assessment must take into account the dispersal policy and deployment of security staff outside the premises.

Door supervisors deployed outside the venue will wear hi visibility coats and have body worn CCTV cameras. Body worn cameras must be operational and recording at all times the premises is open for licensable activity

Images from any bodycam footage, to be made immediately available and downloadable to any officer from a responsible authority

#### **3c) Committee conditions to promote public safety**

N/A

#### **3d) Committee conditions to promote the prevention of public nuisance**

To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the premises (including the designated smoking area) after 23:00 hours. In addition the DPS shall ensure that an appropriate number of Door supervisors/ the DPS, or other nominated persons shall monitor and control people entering and queuing and exiting the venue after 23.00. If necessary, they shall remind customers to be respectful of neighbors and where necessary they shall take appropriate steps to avoid customers using Key Hill Drive (including use for car parking) to avoid such activities causing a nuisance.

No new customers shall enter the premises after 1 am Friday to Saturday.

The DPS shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, smoking area, number of Door Supervisors, number of persons allowed on key Hill Road customer access and egress (include parking) and dispersal of customers from the surrounding area at the end of the night. All operational controls and management actions required by the approved noise management plan shall be instigated at all times. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.

All external doors and windows shall be kept closed during regulated entertainment except as necessary for safe and effective access and egress.

## **BIRMINGHAM CITY COUNCIL**

Prior to any regulated entertainment involving amplified music taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the serve any area of the premises used for amplified music or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume of music is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position or tampered with in any manner unless prior approval is given,
- b) The device shall be capable of either:-
  - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
  - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
- c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment is operational,
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

No drinks shall be removed from the premises.

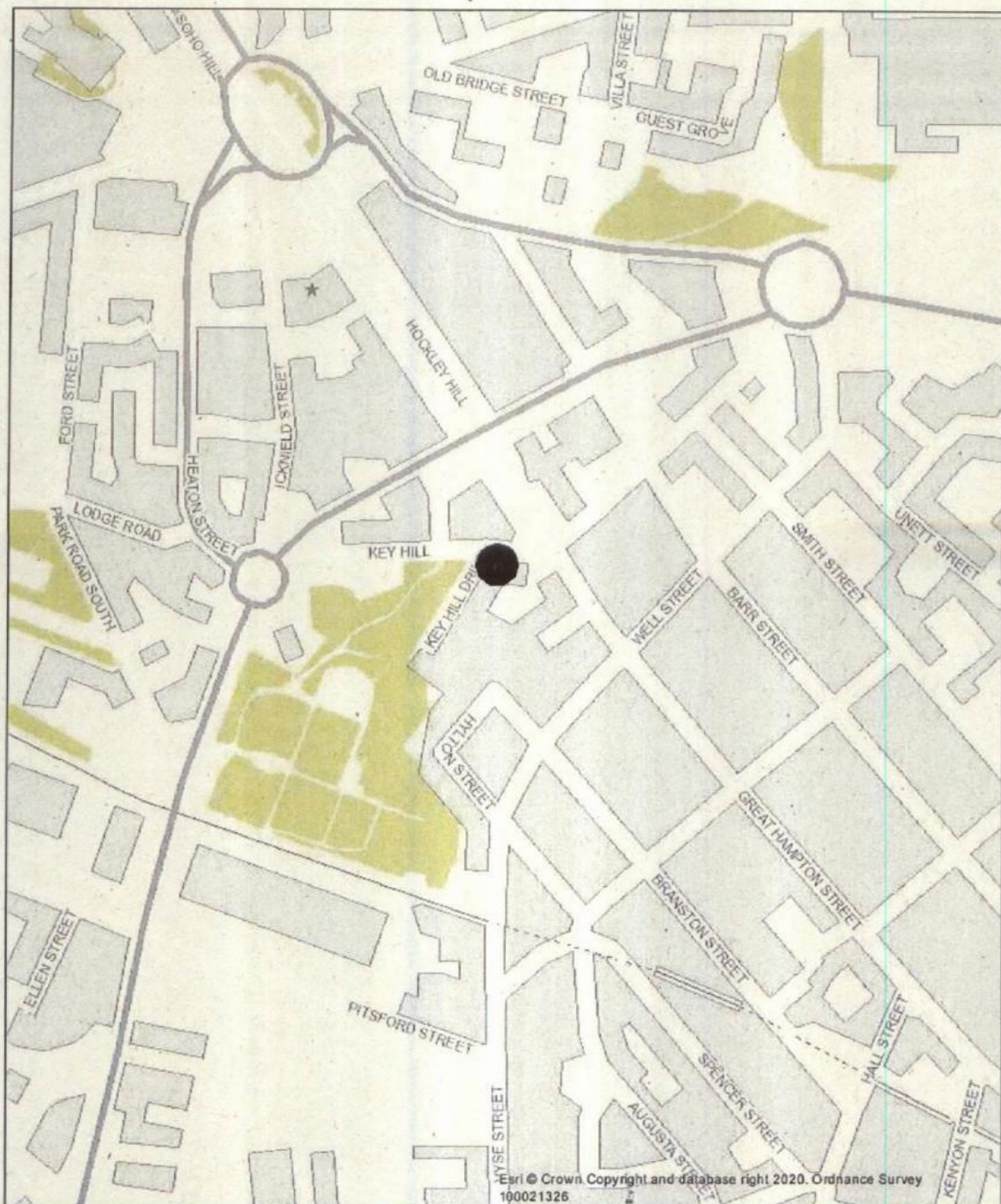
### **3e) Committee conditions to promote the protection of children from harm**

N/A

**BIRMINGHAM CITY COUNCIL**

**Annex 4 – Plans**

The plan of the premises with reference number **112813-2866/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



**Birmingham**  
City Council

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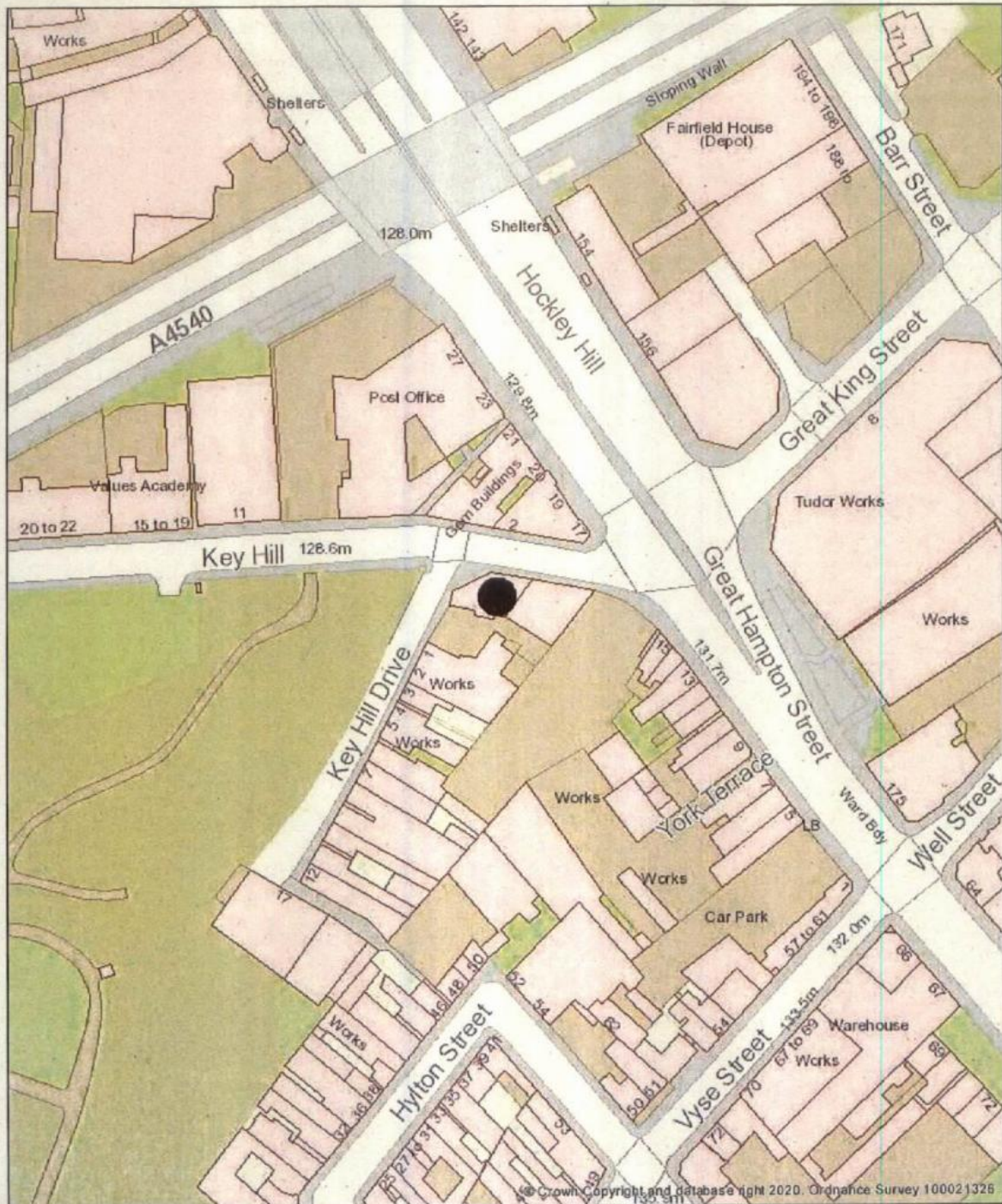
Date of Map Creation: 18/08/2020

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Scale: 1:4,000

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**Birmingham**  
City Council

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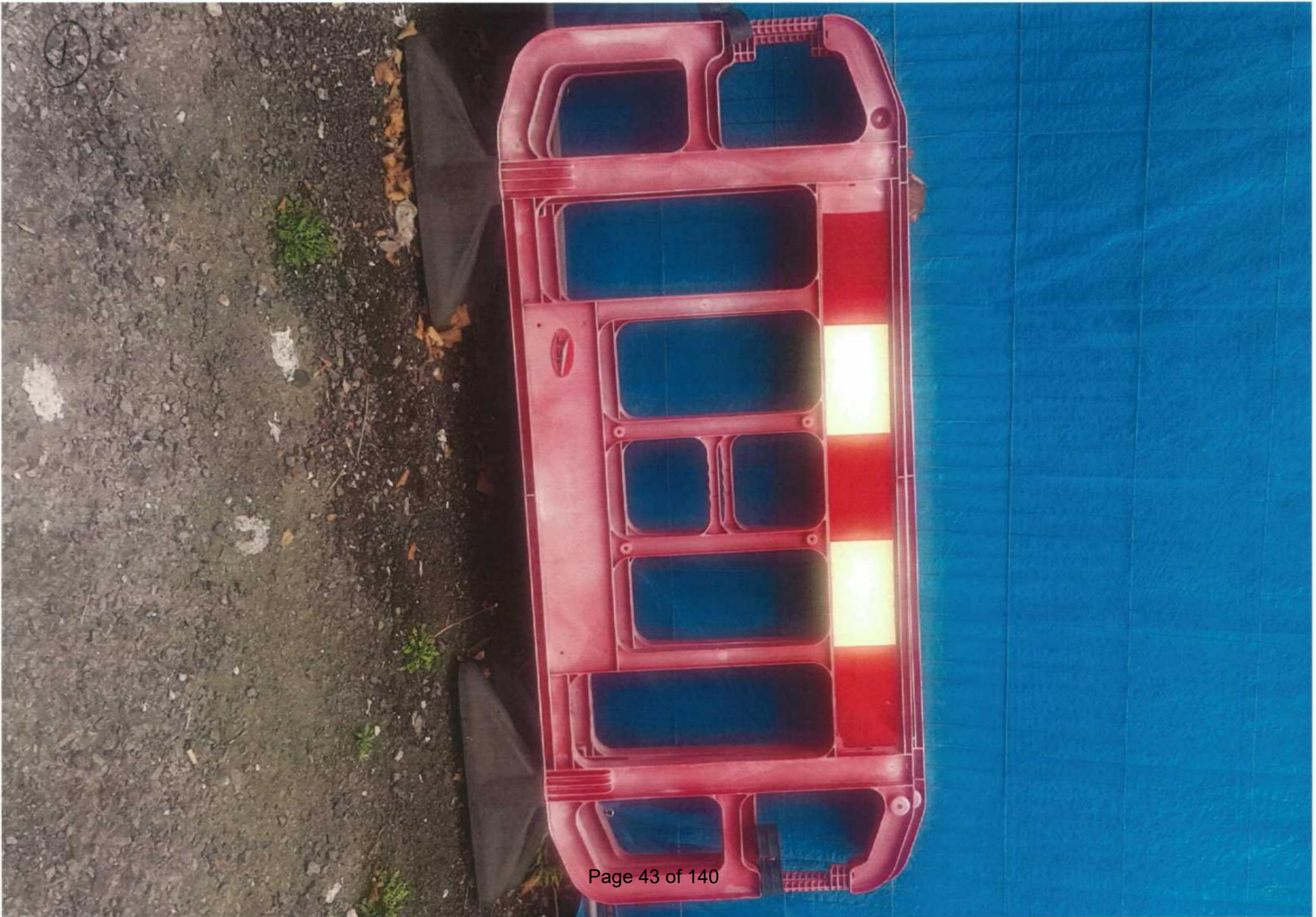
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Scale: 1:1,250











2













LEFT INPUT  
0dBu 10kR

RIGHT INPUT  
0dBu 10kR

THRESHOLD  
KNEE  
RATIO  
FAST/SLOW

BAND SPLIT  
COMPRESSOR SIDE CHAIN

VCA

VCA

THRESHOLD

REMOTE VCA

PEAK LIMIT  
DETECTOR

cloud

# CX335 INTELLIGENT COMPRESSOR/LIMITER



**CAUTION**  
RISK OF ELECTRIC SHOCK  
DO NOT OPEN



AVIS: RISQUE DE CHOC ELECTRIQUE - NE PAS OUVRIR  
NO USER SERVICEABLE PARTS INSIDE  
REFER SERVICING TO QUALIFIED PERSONNEL

**WARNING** TO REDUCE THE RISK OF FIRE OR  
ELECTRIC SHOCK, DO NOT EXPOSE THIS EQUIPMENT  
TO RAIN OR MOISTURE

INPUTS AND OUTPUTS ARE BALANCED

PIN 1 IS GROUND  
PIN 2 IS NON-INVERTING (+)  
PIN 3 IS INVERTING (-)



INPUT IMPEDANCE IS 10k OHMS  
MINIMUM OUTPUT LOAD IS 600 OHMS

## PB's COVID - 19 RISK ASSESSMENT

### Hazards - Coronavirus (COVID-19)

#### Who may be affected?;

Employees, contractors, visitors and customers could all be at risk of coming into contact with the virus and falling ill. Special consideration needs to be taken with vulnerable groups with the classification extended to those with the most serious underlying health conditions as defined by PHE

#### Control Measures

	M	T	W	T	F	S	S
Enhanced hand wash routines implemented with reminders via signage around the venue and around the toilet cubicles							
Controls to manage queues are implemented both internally and externally in order to adhere to the social distancing guidelines							
Management and Security Staff are available to monitor queuing, occupancy and advise on social distancing							
Delineated drinks dispense point at the bar							
Temperatures taken on entry along with names, email addresses and mobile numbers being taken - and bookings are only be taken onlinee							
Regular WC checks and clean down							
Doors (non fire exit), to be pinned open to help with crowd control and flow of people							
Surface sanitiser used is effective against contractable viruses and removal of bacteria from surfaces							
Hand sanitiser stations are set up and available for all employees, customers and visitors to use, both inside and outside the front entrance to the venue. These include, but not limited to; outside each venue, behind all bars, both the entrance and exit to the venues, back of house and staffing areas.							
Dedicated queuing system to be implemented for the toilets							
Hygiene, social distancing and directional signage easily visible for both staff and customers to follow							
Any frequent 'contact points' are regularly sanitised in both the front and back of house areas to reduce the risk of trasmitting any viruses and bacteria							

Customer seating positioned at least 2 metres apart so as to reduce contact between separate households and social bubbles.							
Guests shall be restricted to their booked table							
No dance areas are to be made available to aid social distancing							
Designated external smoking areas to be implemented							
Maximum occupancy to be agreed for the venue and social areas around the site							
No point of sale materials to be used in both bar and customer areas							
Any bar equipment including, but not limited to; straws, napkins, menus to be removed from tables and bar frontages							
Tables to be thoroughly cleaned between bookings							
Table service implemented across the whole site to encourage customers not to queue at the bar. Relevant signage put in place displaying this.							
One strike rule per table ie. one warning for any material breach of rules and then for any subsequent breach the entire table shall be asked to leave the venue							
Only one member of staff behind the bar; other member of staff serving							
All staff to be given the option and are encouraged to wear relevant PPE. This includes, but not limited to face masks/screens and gloves. The business shall supply this where necessary							
Where possible, staff shall be split into groups and shall be on the same shifts, changing weekly							
All internal bins to be regularly changed to stop any overflow of rubbish							
DJ booth decommissioned							
Delineated drinks dispense point at bar							
No standing allowed.							
Music levels at background level.							

## PROPOSED CONDITIONS

### CCTV

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
  - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
  - iv. The system will record and retain CCTV footage for a minimum of 28 days.
  - v. The system will record at all times when the Premises are open.
  - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
  - vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
  - viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
  - ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
  - x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

### INCIDENT BOOK

2. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - ii. All crimes reported to the venue
  - iii. Any faults in the CCTV system, searching equipment or scanning equipment
  - iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

#### REFUSALS REGISTER

3. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale.
4. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.
5. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

#### TRAINING

6. Training in relation to the Licensing Objectives, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
7. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

8. Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

#### CHALLENGE 25

9. Staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.
10. Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the Premises is operating a Challenge 25 Policy.
11. Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly. Adequate bins shall be available for customers to dispose of litter.

#### PUBLIC SAFETY

12. The Licence Holder shall ensure that all lighting (including emergency lighting) is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.
13. At least one member of staff on duty will be trained in the use of first aid.
14. All electrics, gas and fire equipment will be checked and maintained in working order and tested annually.
15. A fire drill will be carried out weekly.

#### THE PREVENTION OF PUBLIC NUISANCE

16. Ventilation of the premises will be maintained to prevent nuisance of odour and noise.
17. The Licence Holder will ensure that all windows will be kept closed after 23.00 hours.

#### THE PROTECTION OF CHILDREN FROM HARM

18. No children shall be permitted on the premises



PB's  
Dispersal Policy  
September 2020

PB's is committed to the safe, orderly and effective dispersal of all patrons

The dispersal procedure (around the terminal hour) is dedicated to make maximum contribution by exercising positive measures, towards and at the end of trading in moving customers from the venue and its immediate area in such a way as to cause minimum disturbance or nuisance to make the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour and associated crime.

It is recognised that the sudden emergence of patrons on to the street at the terminal hour may cause unnecessary noise and lead to anti-social or offending behaviour. Accordingly, the following control measures have been put in place:

- Approximately half an hour before the end of licensable activities, the premises shall gradually introduce a more relaxed style of music, which shall not be cut abruptly but continue at a background level whilst customers wind down at their own pace.
- By the end of trading hours, the level of music will amount to no more than background/ incidental music. The lighting shall gradually be increased, and announcements shall be made to patrons regarding their quiet and swift dispersal and of the presence of CCTV systems monitoring the external environs of the premises.
- The Door Staff shall encourage the customers out of the rear exit of the building (after 1am) and shall maintain a watchful presence whilst the crowd naturally disperses.
- On the days where there no Door Staff, PB's staff will manage the smaller dispersal of patrons also out of the side exit of the building.
- As PB's clears of all customers, all Door Staff shall proceed outside the premises in high visibility jackets where, under the direction of Head Doorman, they shall assist in politely encouraging people to vacate the area. The high visibility clothing adds to 'capable guardianship' within the public space highlighting them as authority figures controlling our licensed premises

- All Door Staff shall remain outside for up to 30 minutes after the terminal hour or until (at the Head Doorman's discretion) all patrons from PB's have sufficiently dispersed.
- All Door Staff shall be proactive in advising customers to vacate the environs of the premises quietly and with respect for others. It is to be made clear that any transgressors will not be welcome back to PB's in future.
- A notice shall be clearly displayed by the exit door reminding guests to leave the premises and area quietly, respect our neighbours and not to take drinks or glasses outside and not to loiter.
- A permanent taxi facility is available nearby and patrons will be advised of this information via notices displayed within the premises. If it is within permitted hours the customers should be asked to remain inside the premises pending the arrival of the taxi. The appointed taxi firm should be asked to instruct their drivers to ring the premises or the customer on arrival or go to the premises to notify their customer of their arrival and not to sit outside blowing their horns.
- When customers have dispersed, staff outside the premises will check the immediate vicinity to ensure that no glass or undue rubbish is left lying around.
- Staff will invariably leave the premises much later than customers will. Their behaviour can impact on local disturbance also and have therefore been instructed to leave quietly. Failing to do so could seriously undermines the licensing objectives.
- Any patron who fails or refuses to leave the area, or takes drinks outside the premises, will be initially firmly engaged by door supervisors in an effort to make them comply and will be (inter alia) given the following suggestions and assistance:

- Calling a taxi
- Provide information on local bus/trains
- Help to locate friends
- Call someone for them

in order to assist with their swift dispersal from the area.

If none of the above options/assistance is effective, then the premises will call for assistance from West Midlands Police.

Each incident where patrons have failed to disperse, despite the foregoing efforts of the premises, will be logged in the incident book, including, where possible, the name of the patron(s) for future reference.

- Anyone hiring the venue will be subject to this dispersals policy



## Duncan Craig

---

**From:** Duncan Craig  
**Sent:** 10 September 2020 18:14  
**To:** Jane Dunsford  
**Cc:** Sive  
**Subject:** FW: Review of PB's 54- 57 Key Hill, Birmingham by West Midlands Police  
**Attachments:** PB's review Sept20.docx

Dear Jane

Further to your representation below, I understand there is a noise limiter at the premises which is awaiting your inspection as well as discussing a noise management plan.

The licence holder's (copied) mobile number is [REDACTED] and feel free to contact her directly to arrange a visit.

Kind regards,

Duncan Craig  
Barrister

**E** | [duncan.craig@citadelchambers.com](mailto:duncan.craig@citadelchambers.com)  
**W** | [www.licensingbarrister.co.uk](http://www.licensingbarrister.co.uk)  
**T** | 07544 987300



**DUNCAN CRAIG**



Citadel Chambers | 190 Corporation Street | Birmingham | B46QD

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---

**From:** Jane Dunsford [REDACTED]  
**Sent:** 02 September 2020 15:39  
**To:** Licensing <[REDACTED]>  
**Subject:** Review of PB's 54- 57 Key Hill, Birmingham by West Midlands Police

Dear Licensing,


I would like to join the review on behalf of BCC Environmental Health, I attach my reasoning. Who else do I need to contact regarding this, I do not have the applicants details?

Regards

Jane Dunsford

Environmental Protection Officer

Environmental Protection Unit  
Regulation & Enforcement  
Neighbourhoods Directorate  
Birmingham City Council  
Manor House  
40 Moat Lane  
Birmingham  
B5 5BD

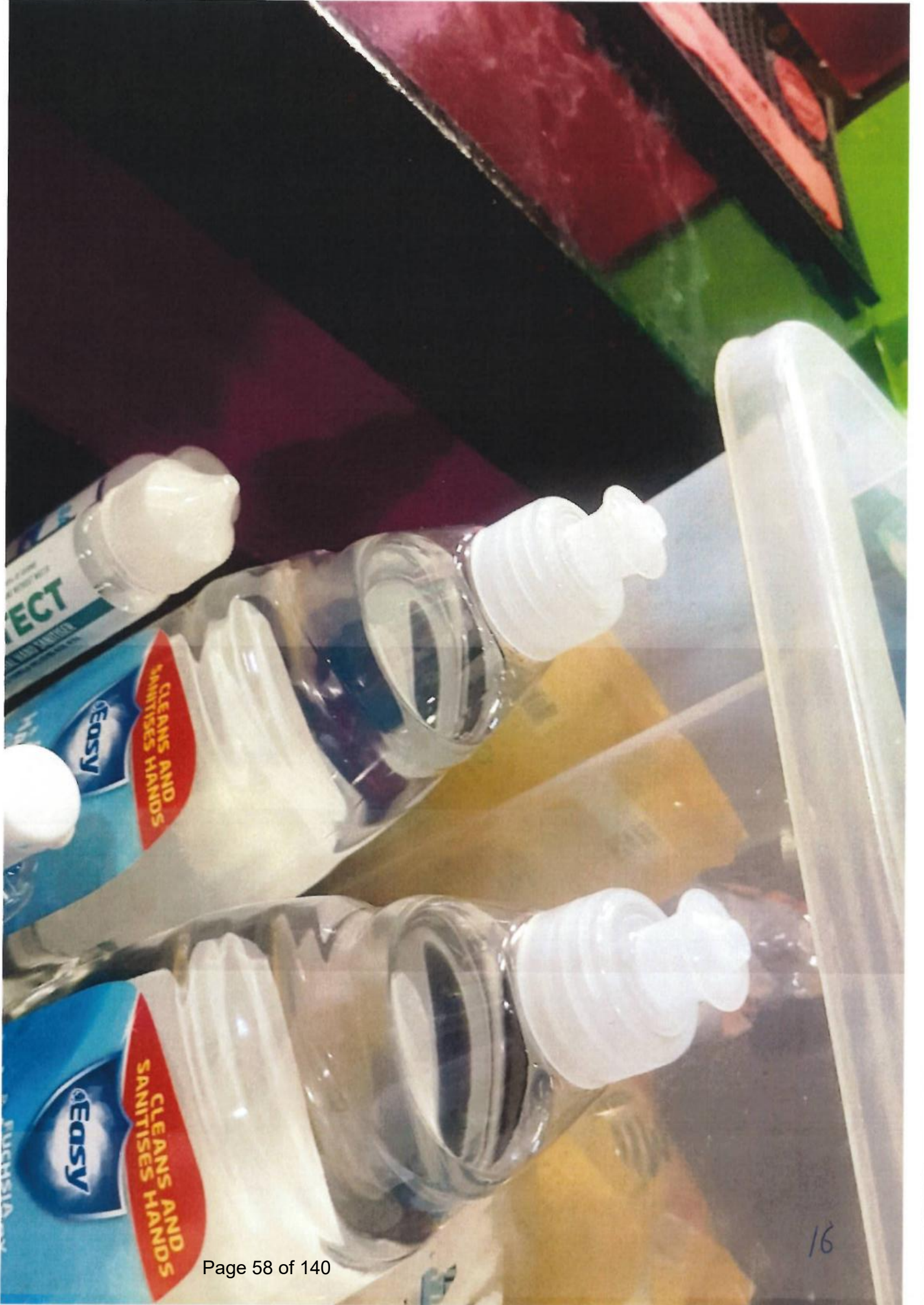


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West Midlands Police supporting evidence

PB's

54-57 Key Hill Drive

PAGE(S)	DOCUMENT(S)
1 to 4	Expedited review application
5 to 6	Sub committee decision
7 to 12	Statement of Licensing officer Pc Reader
13 to 14	Email to PLH
15 to 23	Statement of Licensing sergeant Ps Giess
24	Closure Notice (copy)
25 to 73	Keeping workers and customers safe during Covid 19 (HMGovt Guidance)
74 to 79	BBC article
	Restricted – not for public disclosure





## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

**I - Superintendent 7005 Morris**

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

**1. Premises details: PBs**

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **54 - 57 Key Hill, Hockley**

Post Town: **Birmingham**

Post Code (if known): **B18 5NX**

**2. Premises Licence details:**

Name of premise licence holder (if known): **Ms Nickeshia Reid-Davidson**

Number of premise licence (if known): **2866**

**3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)**

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



**4. Details of association of the above premises with serious crime, serious disorder or both:  
(Please read guidance note 2)**

①



In March 2020 the UK Government stated that all licensed premises should close and not allow people inside the premises to drink or eat. This was a result of the pandemic Covid 19 virus that was spreading through the country and was introduced with other measures to stop the spread of the virus.

On the 4<sup>th</sup> July 2020 the government announced a relaxing of the lock down measures allowing licensed premises to open with strict social distancing guideline's to stop the spread of the virus. The guidelines can be found in the document Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services, <https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-bars-takeaways-140820i.pdf>.

These measures included no loud music in venues (quiet background music), no standing (expect to go to the bar) all customers should be seated in 'bubbles' with a 2 meter gap between each group or if not viable 1 meter plus with mitigation, no live entertainment indoors, no dancing and a COVID safe risk assessment must be in place. The risk assessment to demonstrate how the premises are mitigating their circumstances and preventing the spread of the disease. Having a risk assessment is mandatory.

On Saturday 15<sup>th</sup> August 2020 at approximately 01.30 am the premises was served with an ASB closure notice as it was trading and not adhering to the COVID safe trading guidelines issued by the Government. This notice was signed by a senior officer of West Midlands Police due to their concerns about the premises being reckless in the way they were operating and putting the public's health in danger by risking the spread of COVID 19.

The closure notice was deemed necessary as the premises licence holder – Nickeshia Reid Davison - had ignored previous advice and education given to her from West Midlands Police Officers of how to trade safely within the current COVID guidelines contributing to a public nuisance.

PC Reader and two other officers attended the premises around 10 past midnight on 2<sup>nd</sup> August 2020. The visit was recorded on bodycam.

In a statement PC Reader has noted he could hear the music before he got to the venue. The premises licence holder was standing outside the venue, together with customers when questioned about the volume of the music she stated 'they like it loud' and the premises was hosting a birthday party. She was then questioned about the capacity of the venue and how many customers she had currently got at the venue – she could not give a definitive answer. PC Reader states that inside the venue was dark with disco lights on. He saw people dancing on a raised platform and other customers standing around the inside the premises. He states that he couldn't hear what the premises licence holder was saying to him as the music was so loud.

PC Reader spoke with the premises licence holder again on 6<sup>th</sup> August 2020 and raised his concerns again, about the lack of COVID safe trading at the premises and gave her advice on how to trade COVID safe and best practices. This was followed with an email sent to her as detailed in his statement. She also confirmed that the premises would be open on the evening.

On the evening of 6<sup>th</sup> August 2020 PC Reader again visited the venue with other officers and again this was recorded on bodycam. He first visited the premises at about 6.20pm and the premises licence holder was stood in the rear car park. She informed PC Reader that it was a Jamaican Independence event. There was a DJ set up outside with large speakers. The premises licence holder confirmed that she had received the email sent by PC Reader but had not had time to action it. At this time there was no one inside the venue which had no music playing and the lights were on. During this visit PC Reader noted breaches of the premises licence operating conditions (speakers

2

being outside) and again had a conversation regarding how to address these. She also stated she understood social distancing and if he came back later he would see that the premises was trading safely.

PC Reader returned at 9.50pm on the same evening. As he approached the premises he noted that the music was significantly louder than on the earlier visit. Although the venue was not busy. PC Reader ends his statement stating that he is concerned by the poor management of the premises where enhanced measures should be in place to protect customers due to the pandemic and risk of infection per government guidelines.

Sgt Giess who is the Licensing Sergeant for Birmingham attended the premises on two occasions on 14<sup>th</sup> August 2020. On both of these visits Sgt Giess noted that the music was loud, customers were standing and there was no seating in the main area of the venue. On his second visit at the premises persons from the venue noticed him walking towards the entrance and the music was turned down considerably. On both of these early visits the premises only had a couple of customers present.

Sgt Giess returned to the premises at 01.30am on 15<sup>th</sup> August and will state that when he attended the venue there were over 30 persons inside all standing and around half that number outside with no social distancing in place at the premises. The music inside was that loud that he had to walk outside with the premises licence holder to hold a conversation. It was at this visit that the premises was served with the closure notice which was rescinded the following day.

Officers have spoken with the premises licence holder who is also the DPS on a number of occasions (at least 7) recently and have offered guidance and explained what the expectations are of a licensed premises to trade safely in the current situation. The premises licence holder has also been sent emails and left voice mails which have not been answered. The most notable request being for a copy of the premises COVID 19 risk assessment which has not been forthcoming.

Covid 19 is a worldwide virus that has unfortunately seen many people die. It is an infectious disease which is spread as a result of activities carried out by people, hence the reason for the social distancing measures that the Government had to introduce.

The risk of spreading infections is deemed a "public nuisance". In the case of *R v Rimmington & Goldstein* (2005) UKHL 63, it quoted the leading modern authority on public nuisance as *Attorney general v PYA Quarries Ltd* (1957) 2 QB 169.

The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to **endanger the life, health, property, morals or comfort of the public**, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (*Rimmington* at [3]).

Public nuisance is a common law offence which carries an offence of life imprisonment. It is WMP's stance that a serious crime under the definition in RIPA has been fulfilled on the above facts "Serious crime" is defined by reference to s.81 of the Regulation of Investigatory Powers Act 2000. It includes: An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

The effects of the virus have been shown across all media outlets for many months, and so West Midlands Police are very concerned that these premises decided to ignore the governments social distancing guidelines and various advice given by officers putting the safety of the people and the wider community at risk as well as their families and the wider communities they live in.

3

Signature of applicant:

Date:

17/3/20.

Rank/Capacity:

Supt 705 Momi

Contact details for matters concerning this application: 55410 Chris Jones

Address: Birmingham Licensing Team, Partnerships Office, Police HQ, Lloyd House  
Birmingham. B4 4DG.

Telephone Number(s): 0121 626 6099

E-mail - bw\_licensing@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

(4)



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE B**

**WEDNESDAY 19 AUGUST 2020**

**PB'S, 54-57 KEY HILL, HOCKLEY, BIRMINGHAM B18 5NX**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Nickeshia Reid-Davidson in respect of PB's, 54-57 Key Hill, Hockley, Birmingham B18 5NX, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application
- and
- that Nickeshia Reid-Davidson be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the amended Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the updated Guidance entitled '*Closing Certain Businesses and Venues in England*' issued by HM Government on 3rd July 2020, and the Guidance entitled '*Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services*' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

Members heard the submissions of West Midlands Police, namely that on at least seven occasions from the start of August 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, the Police had observed a general failure by PB's to follow the Government Guidance. Upon visiting the premises, Police found that loud music was playing at a volume which made conversation difficult, and also observed that patrons were not seated but were standing (some were in fact dancing). The Police ascribed these failures to unsatisfactory management by the premises licence holder, who is also the designated premises supervisor.

The Police spoke directly to the premises licence holder to advise, to offer guidance and to explain what is expected of a licensed premises to trade safely in the ongoing Covid-19 pandemic. These numerous attempts to advise had little effect. It was observed that the premises licence holder was even in breach of some of the existing conditions on the licence, for example by placing large speakers outside the premises. Police had requested that she supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; this had not been forthcoming.



Finally on 15<sup>th</sup> August 2020 a Police Sergeant served the premises with an ASB Closure Notice at 01.30 hours, as it was trading whilst not adhering to the Government Guidelines. The Police Sergeant was concerned that the premises licence holder was being reckless in the way that she was operating, and was endangering public health by risking the spread of Covid-19. The Closure Notice was rescinded the following day.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with both the law and the Government Guidance when trading, in order to save lives. It was therefore a flagrant public nuisance for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

The premises licence holder then addressed the Sub-Committee. Having heard her submissions, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee was not impressed with the licence holder's representations, or her answers to questions. All in all, the Sub-Committee considered her to have failed to take her responsibilities seriously.

The Sub-Committee therefore determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed by the suspension of the Licence but also removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police and by the premises licence holder at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

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MG11

### WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No.

URN

Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 2413

This statement (consisting of 6 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date 12<sup>th</sup> August 2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader and I am a licensing officer based at Lloyd House.

This statement is in relation to PB's, 54 – 57 Key Hill, Hockley, Birmingham B18 5NX. This location has a premises licence from Birmingham City Council, licence number 2866. It is licensed for activity from 15:00 until 02:00 from Thursday until Saturday and 15:00 until 00:00 on Sunday.

The premises have a number of operating conditions on the licence. It also had a number of committee imposed conditions that were added in July 2018 following a review of the application made by environmental health.

The licence holder for the premises is Nickeshia Reid-Davidson. She is also the DPS for the premises.

The premises does not sit within one of the city's night time economy areas, it is a standalone premises on Key Hill. The premises can get very busy, and when it is busy, there are generally a large number of vehicles parked on Hockley Hill and Key Hill.

The venue is accessed by a single unmarked door on Key Hill, or via a door at the rear of the premises which opens onto a small car park on Key Hill Drive.

It is a single storey premises, with a raised area at one end of the premises, which has bench seating around the outside and can act as a small dance floor. The opposite end of the premises is a small hatch style bar area.

Following the national lockdown and the gradual reopening of licensed premises, many premises have significantly amended the way in which they operate to safeguard customers and to promote social distancing.

WMP had concerns that since reopening, PBs was trading in the same way it did pre lockdown and had not amended its operation to take into account the government guidance for licensed premises.

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03/2016

OFFICIAL – (when complete)

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OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Ben Reader

On Sunday 2nd August 2020, I visited the premises at around 00:10 hours with two Sgts from the city centre team to see how the venue was being operated. I was using a police issue bodycam during this visit and the visit has been recorded.

I arrived at the location and could hear music before we got to the venue. There were people standing on Key Hill outside of the venue. My colleague introduced himself to Nickeshia Reid-Davidson and commented that the music was loud, she replied "they like it loud" The music was loud and certainly not background music. Nickeshia Reid-Davidson stated that she had got a birthday party on tonight. I asked her about the capacity of the venue, the current number of customers etc and she could not answer me definitively. She said that if it got crowded then people would have to stay outside and they would let a few in when it was less busy. Inside it was dark with disco lights on. It was very loud. There were people dancing on the raised platform and people standing around the outside of the room. I couldn't really hear Nickeshia Reid-Davidson when I was talking to her as the music was so loud so I came outside to speak with security. They had one male member of security and one female, a third member of security was due to start later. Nickeshia Reid-Davidson said that if we came back later we may see a lot of people outside.

The security staff stated that they were self-employed and did not work for a company. I checked both of the SIA badges. I did not have a copy of the licence conditions for the venue so could not check for compliance. I checked the security signing in book. Nickeshia Reid-Davidson said that she would be closed by 02:00. From what I had viewed, the premises were not operating in a Covid safe manner and did not appear to have any control measures in place. It appeared to be operating in the same way it did before Covid.

On Thursday 6th August I spoke to Nickeshia Reid-Davidson about the venue and how it was operating. She told me she would be open this evening. I sent her an email telling her that she needed to comply with her licence conditions. In the email I added a link to the gov.uk website so she could see guidance for licensed premises to operate safely. I also pasted the following guidance taken directly from the website.

Steps that will usually be needed:

1. Calculating the maximum number of customers that can reasonably follow social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) at the venue. Taking into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.
2. Reconfiguring indoor and outdoor seating and tables to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) between customers of different households or support bubbles. For example, increasing the distance between tables.
3. Working with your local authority or landlord to take into account the impact of your processes, including

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03/2016

OFFICIAL – (when complete)

8



OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Ben Reader

queues, on public spaces such as high streets and public car parks.

4. Working with neighbouring businesses and local authorities to provide additional parking or facilities such as bike-racks, where possible, to help customers avoid using public transport.
5. Reducing the need for customers to queue, but where this is unavoidable, discouraging customers from queuing indoors and using outside spaces for queueing where available and safe. For example, using some car parks and existing outdoor services areas, excluding disabled car parking bays.
6. Managing outside queues to ensure they do not cause a risk to individuals, other businesses or additional security risks, for example by introducing queuing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers.
7. Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
8. Managing the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done, for example, through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers, where possible.
9. Making customers aware of, and encouraging compliance with, limits on gatherings. For example, on arrival or at booking. Indoor gatherings are limited to members of any 2 households (or support bubbles), while outdoor gatherings are limited to members of any 2 households (or support bubbles), or a group of at most 6 people from any number of households.
10. Encouraging customers to use hand sanitiser or handwashing facilities as they enter the venue.
11. Ensuring any changes to entrances, exits and queue management take into account reasonable adjustments for those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.
12. Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
13. Keeping indoor and soft play areas closed. For guidance on opening outdoor playgrounds safely, see guidance for managing playgrounds published by the Ministry of Housing, Communities and Local

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03/2016

OFFICIAL – (when complete)

9



OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Ben Reader

Government.

14. Looking at how people move through the venue and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.

15. Planning for maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) in the event of adverse weather conditions, being clear that customers cannot seek shelter indoors unless social distancing can be maintained.

16. Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.

17. Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.

On the evening of Thursday 6th August 2020 I conducted a further visit to PBs in company with some staff from the force support unit. I attended the venue at around 18:20 hours, again I was wearing my police issue bodycam to record the visit. The entrance on Key Hill was closed so I went around the rear car park where I saw Nickeshia Reid-Davidson. She told me it was a Jamaican Independence event and that she would be having music, jerk chicken and fish. There were not many people around at the venue. A DJ was set up outside with some large stand-alone speakers. The DJ was playing some country music, Kenny Rogers, which is not the usual style of music for this venue. I confirmed with Nickeshia Reid-Davidson that she had received my email from earlier that day. She said that she hadn't had time to action the mail as she was preparing food for tonight's event. She said that it would start getting busy at about 22:00/23:00 and that she had security starting at 22:00.

I went inside the venue, it was empty, the lights were on and there was no music playing inside. I had a printed copy of the licence and started to ask Nickeshia Reid-Davidson about the conditions and the way in which she was operating the venue in compliance with them. The below issues were raised during that conversation -

- I asked about the venue capacity which was not known, Nickeshia Reid-Davidson did not know a covid safe reduced capacity for the venue either.
- There was no visible proof of age signage.
- Nickeshia Reid-Davidson stated that she was first aid trained as was the bar staff although they did not

Signature ..... Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

10

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Ben Reader

have any certification available.

- She did not have a health and safety risk assessment for the premises.
- There was no formal monitoring of sound levels (it was done by her own personal opinion of what was loud)
- There was no noise limiter in place.
- The external speakers were in breach of a committee condition
- There was not a written dispersal policy
- There was no event specific risk assessment
- A risk assessment could not be provided on request
- Only one member of security was wearing a bodycam
- Door staff were not wearing high viz jackets
- The bodycam should be recording all of the time that the venue is trading and the footage should be available on request, but it was not available. Further to this, the bodycam was the property of the member of security and not the venue so the venue did not have control of this.
- No noise management plan was available or had been submitted.

I explained that due to the number of conditions that were being breached, I was concerned that the venue would not safely operate and that people would be put at risk. I did not have confidence that the venue was being operated properly.

Nickeshia Reid-Davidson said that she understood social distancing and that if I came back later I would see that the venue was being operated safely.

I thanked her for being so honest with me, but reinforced that it was her licence and that she should know what the conditions were in order that she could comply with them. She repeated back to me a number of measures that she needed to address.

I left the venue at approx. 18:35 hours, the DJ was still playing country music quite quietly on the outside speakers.

At approximately 21:50 hours I returned back to the venue to see if the premises had got busier and whether the measures discussed earlier were being implemented.

As I approached I could hear that the music was significantly louder than it was earlier and that the music

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03/2016

OFFICIAL – (when complete)

11

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Ben Reader

style had changed. I spoke with two members of security. One had a tabard on with reflective strips and a bodycam. He did not have a visible SIA badge but got it from his pocket as he was talking to me and put it onto his arm. The other was wearing a black suit jacket and a black hat, he was not identifiable as security and was getting his SIA badge out of his pocket as I was approaching. There were not many people at the venue. They told me that they were having an 'open air thing' for Jamaican Independence but in about 20 minutes it would be moving indoors. They said that the inside of the venue was empty and that they expected the venue to get busy about 01:00/01:30.

Following my visits, I have serious concerns about the capability of the licence holder to promote the licensing objectives at this venue especially as so many of the conditions were being breached. I believe that this poor management is even more dangerous in the current climate where enhanced measures should be in place to protect customers.

Signature .....

Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

12

**Christopher Jones**

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**From:** Ben Reader  
**Sent:** 06 August 2020 11:43  
**To:** Nickeshia [REDACTED]  
**Cc:** bw licensing  
**Subject:** Risk Assessment

Hi Nickeshia,

Thank you for talking things through with me over the phone and updating me about the event that you have planned for later.

I have had a look through your licence, and there are a number of conditions added by the licensing committee on Wednesday 5<sup>th</sup> July 2018 that you need to ensure that you are complying with.

I have added a web address below to the gov.uk website, you can copy it into a browser and it will offer advice to venues trading during these times, to best safeguard customers.

I have also pasted in a number of suggested measures from the link that relate to pubs and bars.

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

**Steps that will usually be needed:**

1. Calculating the maximum number of customers that can reasonably follow social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) at the venue. Taking into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.
2. Reconfiguring indoor and outdoor seating and tables to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) between customers of different households or support bubbles. For example, increasing the distance between tables.
3. Working with your local authority or landlord to take into account the impact of your processes, including queues, on public spaces such as high streets and public car parks.
4. Working with neighbouring businesses and local authorities to provide additional parking or facilities such as bike-racks, where possible, to help customers avoid using public transport.
5. Reducing the need for customers to queue, but where this is unavoidable, discouraging customers from queuing indoors and using outside spaces for queuing where available and safe. For example, using some car parks and existing outdoor services areas, excluding disabled car parking bays.
6. Managing outside queues to ensure they do not cause a risk to individuals, other businesses or additional security risks, for example by introducing queuing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers.
7. Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
8. Managing the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done, for example, through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers, where possible.



9. Making customers aware of, and encouraging compliance with, limits on gatherings. For example, on arrival or at booking. Indoor gatherings are limited to members of any 2 households (or support bubbles), while outdoor gatherings are limited to members of any 2 households (or support bubbles), or a group of at most 6 people from any number of households.
10. Encouraging customers to use hand sanitiser or handwashing facilities as they enter the venue.
11. Ensuring any changes to entrances, exits and queue management take into account reasonable adjustments for those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.
12. Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
13. Keeping indoor and soft play areas closed. For guidance on opening outdoor playgrounds safely, see [guidance for managing playgrounds](#) published by the Ministry of Housing, Communities and Local Government.
14. Looking at how people move through the venue and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.
15. Planning for maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) in the event of adverse weather conditions, being clear that customers cannot seek shelter indoors unless social distancing can be maintained.
16. Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.
17. Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.

**2413 PC Ben Reader**

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor  
T: 101 (ext. 801 1669) Direct 0121 626 6099

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MG11

### WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No.

URN

Statement of Nicholas Giess

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Sergeant 1041

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: Nick Giess (witness)

Date 02/09/2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the aboved named Police Sergeant residing at the address overleaf.

I am the Sergeant in charge of the Licensing Team for Birmingham based within the Pan Birmingham Partnerships Team at Lloyd House.

I have been a Police Officer for nearly 28 years and have extensive relevant experience in dealing with Licensed Premises across Birmingham.

Whilst I am routinely deployed as a Police Sergeant on a day to day basis I am qualified by exam to the rank of Police Inspector and and I have a specific authority from Chief Superintendent Graham (the Police officer in charge of Birmingham West Neighbourhood Policing Unit) to perform the role and duties of Acting Inspector when required to do so.

This is recognised and permissible in law because of the qualifications that I hold and when deployed in that capacity (as an acting Inspector) I am able to exercise all of the additional powers that are available to a substantive Police Inspector.

This is relevant in this matter for the following two reasons:

1. I was deployed as an Inspector at the time of this incident.
2. At the time in question I utilised ASB Powers are only available to Police Officers of the rank of Inspector and above.

This statement is in relation to "PB's" which is also known as "Club Del Oreal" (for the benefit of clarity in this statement I will refer to the premises as PB's) located at 54 – 57 Key Hill, Hockley, Birmingham B18 5NX.

This location has a premises licence from Birmingham City Council, licence number 2866. It is licensed for activity from 15:00 until 02:00 from Thursday until Saturday and 15:00 until 00:00 on Sunday.

Signature 

Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

15

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MG11

Crime No.

URN

Statement of Nicholas Giess

The premises have a number of operating conditions on the licence. It also had a number of committee imposed conditions that were added in July 2018 following a review of the licence made by environmental health.

The licence holder for the premises is Nickeshia Reid-Davidson. I am aware that Reid-Davidson also goes by the name of Simone Reid and is also known by the "street" name of Simone Five Star. Reid-Davidson is also the DPS for the premises.

The premises does not sit within one of the city's night time economy areas, it is a standalone premises on Key Hill at the junction with Key Hill Drive.

Following the national lockdown and the gradual reopening of licensed premises, many premises have had to significantly amend the way in which they operate to safeguard customers.

Since the reopening of bars following the national lockdown due to the Coronavirus Pandemic on 4th July 2020, I have been made aware of many repeated concerns from assorted members of the public and Police Officers over the way in which PB's was operating.

Effectively PB's was trading in the same way it did pre lockdown and had not amended its operations to take into account the government guidance for licensed premises.

Because of the concerns raised I tasked my licensing staff to contact Reid-Davidson and support her to bring the premises up to standard.

There are over 5000 licensed premises in Birmingham and PB's is not the only licensed premises in Birmingham that my staff have had to do this with. It is of note that nearly all premises my staff have engaged with have made an effort to comply with the legislation and government guidelines.

PC 2413 Ben Reader is one of my staff and I tasked him to attend PB's on Sunday 2nd August 2020. I am aware that he offered advice on how to make the premises a covid-safe environment.

I also tasked a Neighbourhood officer (PS James Rencher) to attend around 0030hrs on the 14th August 2020 (Thurs going into Friday.) As Sgt Rencher is not a specialist licensing officer I tasked him to check the following specific things which were a concern to me from both licensing and covid-safe perspectives.

- Ask the DPS/Manager what the Venue Capacity is ( during Covid) and then ask how they came about that figure. Ask how many people are at the premises at that time.
- How are they recording visible proof of age? As to see an example.

Signature 

03/2016

Signature witnessed by .....

OFFICIAL – (when complete)

16



OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Nicholas Giess

- Are any of the staff first aid trained ? If they say yes please ask to see the certificate. They should be able to show you a copy there and then. If they do please get an image of it on body cam.
- Ask to see the health and safety risk assessment for the premises. If they have one please get an image of it on body cam.
- Ask how they are monitoring sound levels for Covid? Premises are allowed background music only background music is something that you can talk over at an normal volume of voice and still be heard without issue.
- Ask to see the noise limiter
- Previously they had External speakers outside – if they do that is a breach of the committee conditions.
- Ask to see the dispersal policy. If they do have one please get an image of it on body cam.
- Ask to see an event specific risk assessment for the event that is taking place they call it "lollipop night". If they do have one please get an image of it on body cam.
- Check that the Door staff are wearing hi vis of some sort and displaying their SIA badges. Ask who the door staff are working for eg is it a security company or are they paid by the Pub and ask who is supervising the SIA Staff.
- Ask who retains the Body cam footage from the door staff.

The replies to my questions above were sent to me via email and those replies are copied below:

Sadly they highlight a number of breaches of the premises licence and Covid guidance and legislation.

Sarge,

Officers attended PB's tonight at 00:30 hours. Log 3871 of 13/08/20 for details of attending officers.

On arrival, the music was extremely loud and officers were forced to shout at staff in order to be heard. The DPS was not at the location on our arrival and was contacted by bar staff to return (they stated that she had gone to get ice but did not have any on her return).

There are no shields erected in the location and no markers on the floor to indicate distance between patrons. They are completing a book for track and trace but only details for 4 persons were listed (at the time of our arrival, there were only 3 people in the premise).

- Ask the DPS/Manager what the Venue Capacity is ( during Covid) and then ask how they came about

Signature 

03/2016

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OFFICIAL – (when complete)

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OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Nicholas Giess

that figure. Ask how many people are at the premises at that time.

The DPS had no clue of the venue capacity and had not considered how many patrons should be let in. The door staff did have clickers but again, they did not know how many person were allowed entry.

- How are they recording visible proof of age? As to see an example.

There is signage around the location for challenge 25. A refusals book was finally located (had fell down behind the fridge) but only contained 2 entries, dated back to July 2019. Advise has been given for this book to be situated where all staff have access and for the DPS to check and sign it weekly.

- Are any of the staff first aid trained ? If they say yes please ask to see the certificate. They should be able to show you a copy there and then. If they do please get an image of it on body cam.

Both a staff member and the DPS stated that they were first aid trained. Neither could provide certification but the DPS stated that she was still waiting for it to come through the post

- Ask to see the health and safety risk assessment for the premises. If they have one please get an image of it on body cam.

A lengthy H&S RA had been completed for the premise, however, it was evident that what was written on it, was not being conducted. the most prominent being the staff handbook on COVID procedures was not in existence. The DPS stated that as the staff were her family, they didn't need the training in this.

- Ask how they are monitoring sound levels for Covid? Premises are allowed background music only background music is something that you can talk over at an normal volume of voice and still be heard without issue.

The music was at full blast on arrival and the DPS was advised to keep the music reduced to background music only.

- Ask to see the noise limiter

A noise limiter has been installed in the DJ area although clearly the levels have not been set. DPS

Signature 

03/2016

Signature witnessed by .....

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OFFICIAL – (when complete)

MG11

Crime No. [redacted]

URN [redacted]

Statement of Nicholas Giess

advised to set the limit at a lower level

- Previously they had External speakers outside – if they do that is a breach of the committee conditions.

No speakers or external music.

- Ask to see the dispersal policy. If they do have one please get an image of it on body cam.

There was no dispersal plan and DPS has been advised to obtain one.

- Ask to see an event specific risk assessment for the event that is taking place they call it "lollipop night". If they do have one please get an image of it on body cam.

No RA for specific event (not on bodycam)

- Check that the Door staff are wearing hi vis of some sort and displaying their SIA badges. Ask who the door staff are working for eg is it a security company or are they paid by the Pub and ask who is supervising the SIA Staff.

Two door staff on duty. One in high vis, one with reflective lines on jacket. Both displaying SIA badges. Both staff are freelance and being paid directly by the venue. Neither of them had seen the RA and neither knew the capacity. Details of the door staff had been documented and listed behind the bar.

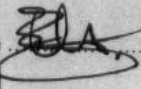
- Ask who retains the Body cam footage from the door staff.

One of the door staff was wearing bodycam but it is not known where this footage is loaded to.

Unfortunately, my bodycam had stopped recording on entry to the venue but was restarted half way through (PC 0965 Evans cam was on throughout visit). I attempted to re cover all questions in a bid to have the replies recorded.

DPS was advised that a member of staff should be seated near the entrance to ensure that the details of all

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Crime No.

URN

Statement of Nicholas Giess

patrons could be logged.

She states that she does have CCTV but believes that it only records for 8 days.

There was no list of staff who were authorised to sell alcohol and DPS was advised to get one written up.

It was very dark in the venue and I could not see if a summary of the licence was on display, however, a copy of the licence was kept in the box behind the bar.

DPS was given advice regarding screens, floor markings to indicate social distancing (especially around the bar area), and the use of the same door for patrons to go in and out (advice given to using opposite doors for way in/out).

Please do not hesitate to contact me should you require any further information or clarification of any point. Some of your staff members do have my mobile number but please don't call too early unless its urgent!

Kind regards,

Sarah Siggins 8723

Northfield Neighbourhood Policing Team

Northfield Fire Station

BW NPU

PC 8723 Sarah Siggins conducted the above enquiries and replied to me by email the text of which is copied above. If required to do so I can produce a copy of that email as an exhibit.

However as explained PC Siggins' bodycam ran flat during this, luckily the replies to those enquires were all also recorded on PC 0965 Evans bodycam which was also on throughout visit. I have not included that bodycam footage as the above is an exact copy of the email submitted to me by PC Siggins.

Clearly the above replies added to my concerns over the operation of PB's.

On Friday 14th August 2020 between 1800hrs and 0330hrs I was deployed in uniform as the Inspector in charge of the Police Support Unit (PSU) YM19 on Operation Reliant (which is the police response to Unlicensed Music Events and Parties during the Pandemic.)

Because of my concerns over the way in which PB's was operating I decided to visit the premises myself.

PB's is accessed by a single unmarked white metal door off a bit of rough ground which may serve as a car park off Key Hill Drive

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It is a small single storey premises, with a smaller raised area at the far left hand side of the premises which is next to the DJ Booth. This raised area has bench seating around the outside. There is a serving hatch style bar area opposite this or immediately on the left as you enter the bar.

I first visited PB's at 1941hrs. The purpose of that visit was to enquire regarding any events planned for that weekend as I had been made aware that a Birthday party was being advertised over social media for the venue that night. There were two men sat on bar stools at the bar drinking at that time and no other customers were present. I spoke to the DPS Reid-Davidson who explained that she had cancelled the birthday party. I was a little concerned that there was no seating apart from the two bar stools and the small seating area next to the DJ Booth (as I described earlier.) I could not see how the venue could operate with so few seats available and decided that I would revisit later when the premises were more busy to see that any additional seating which could be brought in was positioned in an appropriate manner and to check that the planned party was not going ahead.

This visit was audio and video recorded on Police BodyCam.

I produce the recording of this visit as exhibit ( ), reference (NPG1).

I revisited PB's at about 1am during the same tour of duty. Clearly the date had changed to Saturday 15th August 2020.

I produce the recording of this visit as exhibit ( ), reference (NPG2).

There is a technical 'glitch' on the Time, Day, Date of my Bodycam footage.

The Time Day Date on the computer record for the footage shows it was recorded at 0059hrs 15/08/2020 but the Time Day Date on the actual video footage shows 0004hrs 15/08/2020. I cannot offer an explanation for this and it has been raised as an issue with Police IT who have experienced this issue with other people bodycam footage as well.


When I arrived at the location and could hear very loud music before I even got to the venue.

There were about 12 people standing on Key Hill Drive carpark area outside of the venue and there was a very strong smell of herbal cannabis. I deployed my serial of officer to engage with this group and entered the premises with the van's Sergeant. There were about 30-40 people stood drinking inside the premises which was unlit except for "disco lighting."

None of the persons inside that I could see were sat down and there was no evidence of social distancing being in place. I asked to speak to Reid-Davidson and had to ask her to come outside as the music was so loud that we were unable to have a conversation about how the dangerous the environment was in terms of

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covid infections.

During the conversation I had with Reid-Davidson I explained that she could not operate with loud music, with no social distancing and with customers stood up as that was against the covid legislation and guidance.

She replied "it's not a bar has seating." She went on to explain that social distancing was in place I took her back inside so that she could show me the social distancing.

A number of people had left and there were now 27 people inside (I actually counted them.) I could see no evidence of 2metre social distancing taking place between individuals or groups and because of the small size of the venue, with just 27 people inside even if they were in groups of two or three I do not believe it would be possible to position seating to comply with the social distancing rules.

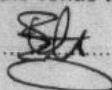
To clarify my point of reference and thought process at this time. The covid infection rate for Birmingham was around 20 per 100,000 people at this point and Birmingham was about to be placed on the government's watch list for areas of the country that may need to be subject of a local lockdown which would be devastating to the regional economy.

I was acutely aware that venues running events of this nature were quite literally the breeding ground and cause of the spread of coronavirus, and my team as well as other officers had invested significant time and effort in attempting to encourage Reid-Davidson to run the premises in a manner that was not a threat to public health.

Having actually seen the premises operate myself, I have very serious concerns about the capability of Reid-Davidson to promote the licensing objectives at this (or any other) venue especially as so many of the licensing conditions were being breached on top of the flagrant disregard for the covid legislation and guidance on control of the disease. The operation showed no consideration for the health and well being of her customers, her staff or for that of my officers who were being placed in a dangerous situation by having to attend and deal with the venue. I am disappointed to admit that this was infact at the time the worst licensed premises in Birmingham.

I sought advice from the Bronze Commander (Inspector Edwards) and recommended that I require the premises to close using the Anti Social Behaviour legislation. The Bronze Commander agreed with my recommendation and so in line with the legislative requirement I contacted Rob James (the Birmingham Council lead) via mobile phone to explain the situation to him and consult with him as to whether he agreed on behalf of the council for me to use this legislation to close the premises. Rob James also agreed that we could not allow the venue to continue to operate and that it required an immediate intervention.

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Statement of Nicholas Giess

I reactivated my bodycam at about 0130hrs. The Time Day Date on the computer record for the footage shows it was recorded at 0028hrs 15/08/2020 but the Time Day Date on the actual video footage shows 0127hrs 15/08/2020.

I produce the recording of this visit as exhibit ( ), reference (NPG3). At this time I served a Closure notice on Reid-Davidson and required her to stop serving and close the venue I also stuck a copy of the closure notice to the door to the premises.

I took a photo of one of the notices which I produce as exhibit ( ), Ref (NPG4).

I remained on site with my officers to assist in the safe closure of the premises and dispersal of the customers afterwards.

It is of note that whilst I was inside the premises despite being told by Reid-Davidson that she had cancelled the birthday party event, I was approached by a woman who appeared to be with a large group of the customers who told me I was fat, bald and that I had ruined her birthday party.

I am aware that at my request the ASB closure order was rescinded by one of my peers at 8am on 15th August 2020.

Because of the above I felt that my team were left with no option other than to commence an expedited review of the premises.

Nick Giess PS 1041



Signature

03/2016



Signature witnessed by

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23



# CLOSURE NOTICE INSPECTOR AUTHORISATION

## S76 Anti-Social Behaviour, Crime and Policing Act 2014

I am Police Inspector 1041 Gless of The Licensing Department, Pan Birmingham Partnerships Team Lloyd House Police Station Birmingham

I am satisfied that there are reasonable grounds for believing that:

- (a) the use of the below premises has resulted or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises

I am satisfied that there are reasonable grounds for believing that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

I have been provided with a copy of a Consultation Certificate and am satisfied that the appropriate body/bodies and/or individual(s) have been consulted.

Reasonable efforts have been made to inform people who live on the premises and any person who has control of or responsibility for the premises or who has an interest in them that a Closure Notice is going to be issued.

I am satisfied that it is appropriate to authorise the issue of a Closure Notice for a period of 24 hours in respect of:

Club No plan

Name(s) of any habitual residents and/or owners:

None

Name(s) of any dependants:

None

Inspector (print name) N. GLESS.

Signed:

Date authorised:

15 Aug 2015

Time:

0130







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## 7.2 Work-related travel

### 7.2.1 Cars, deliveries on motorcycles and bicycles, accommodation and visits

**Objective:** To avoid unnecessary work travel and keep people safe when they do need to travel between locations.

#### Steps that will usually be needed:

- ☐ Walking or cycling where possible. Where not possible, you can use public transport or drive. You must wear a face covering when using public transport.
- ☐ Minimising the number of people outside of your household or support bubble travelling together in any one vehicle, using fixed travel partners, increasing ventilation when possible and avoiding sitting face-to-face.
- ☐ Cleaning shared vehicles between shifts or on handover.
- ☐ Where workers are required to stay away from their home, centrally logging the stay and making sure any overnight accommodation meets social distancing guidelines.
- ☐ Ensuring that delivery drivers or riders maintain good hygiene and wash their hands regularly.







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# Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services

COVID-19 secure guidance for employers, employees and the self-employed

12 August 2020



25





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## Document updates

Published 11 May 2020

Last updated 12 August 2020

Date	Version	Update	Section
14 June 2020	2.0	Updated guidance on the need to self isolate if advised by the government's track and trace service	3.2 People who need to self-isolate
14 June 2020	2.0	Guidance on test and trace for workers and the need to keep a record of staff shift patterns	7.1 Shift Patterns and Outbreaks
14 June 2020	2.0	Guidance for workers travelling to and from work	4.1 Coming to work and leaving work
14 June 2020	2.0	Guidance on considering the security implication of any implemented risk mitigations	1. Thinking about risk 4.6 Accidents, security, and other incidents
24 June 2020	3.0	Guidance on support bubbles and the need to self-isolate if anyone in your support bubble has COVID-19 symptoms	3.2 People who need to self-isolate
24 June 2020	3.0	Updated guidance on social distancing to reflect 2m, or 1m with risk mitigation where 2m is not viable is acceptable.	1.1 Managing Risk Throughout
24th June 2020	3.0	Updated to expand guidance on takeaways to venues providing service at the venue ahead of planned opening.	2.0 Keeping customer and visitors safe 4.0 Social distancing for workers
3 July 2020	4.0	Updated to include link to DHSC guidance on Test and Trace	7.1 Shift Patterns and Outbreaks
3 July 2020	4.0	Updated to include link to DHSC guidance on Test and Trace for temporary records of visitors and customers	2.1 Keeping customers and visitors safe
3 July 2020	4.0	Updated to include guidance in the event of a local lockdown	1. Thinking about risk
3 July 2020	4.0	Update to the COVID-19 secure poster to reflect 2m, or 1m with risk mitigation where 2m is not viable is acceptable.	1.2 Sharing the results of your risk assessment Webpage

(26) 2



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## Document updates (continued)

Published 11 May 2020

Last updated 12 August 2020

Date	Version	Update	Section
3 July 2020	4.0	Include guidance in the event of a COVID-19 outbreak in the workplace as section 7.1.2	7.1 Shift Patterns and Outbreaks
3 July 2020	4.0	Updated guidance on what business can be open to include self-contained hospitality	Introduction
9 July 2020	5.0	Guidance to say that if a building or space is repurposed there needs to be a fire risk assessment.	4.8 Accidents, security, and other incidents
9 July 2020	5.0	Updated guidance to provide more information on entertainment permitted in venues.	4.5 Entertainment
23 July 2020	6.0	Updated guidance on mass gatherings in the workplace	2.1 Keeping customers and visitors safe
23 July 2020	6.0	Updated guidance on working from home	3. Who should go to work Staying COVID-19 Secure in 2020 Poster
23 July 2020	6.0	Updated guidance on ventilation and mitigating against the transmission of COVID-19	2.2 Ventilation
23 July 2020	6.0	Updated guidance on live performances	4.5 Entertainment
23 July 2020	6.0	Include guidance on disposing of personal or business waste, including face coverings and PPE.	5.2 Keeping the venue clean
23 July 2020	6.0	Updated guidance on face coverings and where to wear them.	6.1 Face Coverings
23 July 2020	6.0	Updated guidance on the use of public transport for work related travel	7.2 Work-related travel
31 July 2020	7.0	Guidance on clinically extremely vulnerable individuals returning to the workplace	3.1 Protecting people who are at higher risk



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## Document updates (continued)

Published 11 May 2020

Last updated 12 August 2020

Date	Version	Update	Section
12 August 2020	8.0	Updated guidance on gatherings of multiple households	2.1 Keeping customers and visitors safe
12 August 2020	8.0	Updated guidance on workforce consultation in advance of returning to work	3. Who should go to work
12 August 2020	8.0	Guidance on those at higher risk of COVID-19	3.1 Protecting people who are at higher risk



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## Introduction

### What do we mean by 'restaurants, pubs, bars and takeaway services'?

This guidance applies to any food preparation or service setting where food and drink is sold for consumption at venues or for takeaway or delivery. For example, restaurants, pubs, bars, beer gardens, food to go, cafes, self-contained hospitality which can be accessed from the outside of a closed venue, social and similar clubs operating as bars and restaurants, mobile catering and contract catering or similar environments where food and drink is purchased and consumed at a venue in their indoor or outdoor areas or offered for takeaway or delivery.

This guidance also considers entertainment in restaurants, pubs and bars and similar venues where food or drink is served, provided they meet current government criteria for safe reopening.

It does not apply to food preparation or food service in clinical or healthcare settings.

The UK is currently experiencing a public health emergency as a result of the COVID-19 pandemic. As such, it is critical that businesses take a range of measures to keep everyone safe. This document is to help you understand how to work safely and keep your customers safe during this pandemic, ensuring as many people as possible comply with social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable). We hope it gives you freedom within a practical framework to think about what you need to do to continue, or restart, operations during the COVID-19 pandemic. We understand how important it is that you can work safely and support your workers' and customers' health and wellbeing during the COVID-19 pandemic and not contribute to the spread of the virus. We know that many of these businesses are currently closed, by government regulation, for their usual service - this guidance will be useful for those businesses as they develop new ways of working or to help prepare for the time when they are able to reopen. The government is clear that workers should not be forced into an unsafe workplace and the health and safety of workers and customers, and public health, should not be put at risk.

We know many people are also keen to return to or contribute to volunteering. Organisations have a duty of care to volunteers to ensure as far as reasonably practicable they are not exposed to risks to their health and safety. This guidance around working safely during COVID-19 should ensure that volunteers are afforded the same level of protection to their health and safety as others, such as workers and customers.

This document has been prepared by the Department for Business, Energy and Industrial Strategy (BEIS) with input from firms, unions, industry bodies and the devolved administrations in Wales, Scotland and Northern Ireland, and in consultation with Public Health England (PHE) and the Health and Safety Executive (HSE).

Public health is devolved in Northern Ireland, Scotland and Wales; this guidance should be considered alongside local public health and safety requirements and legislation in Northern Ireland, Scotland and Wales. For advice to businesses in other parts of the UK please see guidance set by the Northern Ireland Executive, the Scottish Government, and the Welsh Government.

We expect that this document will be updated over time. This version is up to date as of 12 August 2020. You can check for updates at <https://www.gov.uk/workingsafely>. If you have any feedback for us, please email [safer.workplaces@beis.gov.uk](mailto:safer.workplaces@beis.gov.uk).

This document is one of a set of documents about how to work safely in different types of workplace. This one is designed to be relevant for people who work in or run restaurants, pubs, bars and takeaway services.

Employers also providing accommodation services should refer to guidance on Working Safely during COVID-19 in hotels and other accommodation. Employers also providing entertainment may wish to refer to guidance published by the Department of Media, Culture and Sport.

5  
29





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## How to use this guidance

This document sets out guidance on how to open workplaces safely while minimising the risk of spreading COVID-19. It gives practical considerations of how this can be applied in the workplace.

Each business will need to translate this into the specific actions it needs to take, depending on the nature of their business, including the size and type of business, how it is organised, operated, managed and regulated. They will also need to monitor these measures to make sure they continue to protect customers and workers.

This guidance does not supersede any legal obligations relating to health and safety, entertainment licensing and regulations, employment or equalities and it is important that as a business or an employer you continue to comply with your existing obligations, including those relating to individuals with protected characteristics. It contains non-statutory guidance to take into account when complying with these existing obligations. When considering how to apply this guidance, take into account agency workers, contractors and other people, as well as your employees.

**To help you decide which actions to take, you must carry out an appropriate COVID-19 risk assessment, just as you would for other health and safety related hazards. This risk assessment must be done in consultation with unions or workers.**

30<sup>6</sup>





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## Table of Contents

Introduction	5
What do we mean by 'restaurants, pubs, bars and takeaway services'?	5
How to use this guidance	6
1. Thinking about risk	8
2. Keeping your customers and visitors safe	13
3. Who should go to work	23
4. Social distancing for workers	26
5. Cleaning the workplace	33
6. Personal protective equipment (PPE) and face coverings	38
7. Workforce management	42
8. Inbound and outbound goods	46
Where to obtain further guidance	47
Appendix	47



## 1. Thinking about risk

**Objective:** That all employers carry out a COVID-19 risk assessment.

COVID-19 is a public health emergency. Everyone needs to assess and manage the risks of COVID-19, and in particular businesses should consider the risks to their workers and visitors. As an employer, you also have a legal responsibility to protect workers and others from risk to their health and safety. This means you need to think about the risks they face and do everything reasonably practicable to minimise them, recognising you cannot completely eliminate the risk of COVID-19.

You must make sure that the risk assessment for your business addresses the risks of COVID-19, using this guidance to inform your decisions and control measures. You should also consider the security implications of any decisions and control measures you intend to put in place, as any revisions could present new or altered security risks that may require mitigation. A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace. If you have fewer than five workers, or are self-employed, you don't have to write anything down as part of your risk assessment. Your risk assessment will help you decide whether you have done everything you need to. There are interactive tools available to support you from the Health and Safety Executive (HSE) at <https://www.hse.gov.uk/risk/assessment.htm>.

Employers have a duty to consult their people on health and safety. You can do this by listening and talking to them about the work and how you will manage risks from COVID-19. The people who do the work are often the best people to understand the risks in the workplace and will have a view on how to work safely. You are encouraged to have individual discussions with your workers where reasonable, including those who are clinically extremely vulnerable and therefore may be returning to the workplace, to consider any uncertainties they have about precautions in place to make the workplace COVID-secure. Involving them in making decisions shows that you take their health and safety seriously. You must consult with the health and safety representative selected by a recognised trade union or, if there isn't one, a representative chosen by workers. As an employer, you cannot decide who the representative will be.

At its most effective, full involvement of your workers creates a culture where relationships between employers and workers are based on collaboration, trust and joint problem solving. As is normal practice, workers should be involved in assessing workplace risks and the development and review of workplace health and safety policies in partnership with the employer.

Employers and workers should always come together to resolve issues. If concerns still cannot be resolved, see below for further steps you can take.

### How to raise a concern:

☐ Contact your employee representative.

☐ Contact your trade union if you have one.

☐ Use the HSE form available at <https://www.hse.gov.uk/contact/concerns.htm>.

☐ Contact HSE by phone on 0300 790 6787.

8  
32



## 1. Thinking about risk (continued)

Where the enforcing authority, such as the HSE or your local authority, identifies employers who are not taking action to comply with the relevant public health legislation and guidance to control public health risks, they are empowered to take a range of actions to improve control of workplace risks. These actions include closure of venues under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020. For example, this would cover employers not taking appropriate action to ensure social distancing, where possible.

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. The actions the enforcing authority can take include the provision of specific advice to employers to support them to achieve the required standard, through to issuing enforcement notices to help secure improvements. Serious breaches and failure to comply with enforcement notices can constitute a criminal offence, with serious fines and even imprisonment for up to two years. There is also a wider system of enforcement, which includes specific obligations and conditions for licensed premises.

Employers are expected to respond to any advice or notices issued by enforcing authorities rapidly and are required to do so within any timescales imposed by the enforcing authorities. The vast majority of employers are responsible and will join with the UK's fight against COVID-19 by working with the Government and their sector bodies to protect their workers and the public. However, inspectors are carrying out compliance checks nationwide to ensure that employers are taking the necessary steps.

Employers must follow all instructions from authorities in the event of new local restrictions. See further detail of areas with additional local restrictions.



## 1.1 Managing risk

**Objective:** To reduce risk to the lowest reasonably practicable level by taking preventative measures, in order of priority.

Employers have a duty to reduce workplace risk to the lowest reasonably practicable level by taking preventative measures. Employers must work with any other employers or contractors sharing the workplace so that everybody's health and safety is protected. In the context of COVID-19 this means protecting the health and safety of your workers and customers by working through these steps in order:

- Ensuring both workers and customers who feel unwell stay at home and do not attend the premise.
- In every workplace, increasing the frequency of handwashing and surface cleaning.
- Businesses and workplaces should make every reasonable effort to ensure their employees can work safely. From 1 August, this may be working from home, or within the workplace if COVID-19 Secure guidelines are followed closely. When in the workplace, everyone should make every reasonable effort to comply with the social distancing guidelines set out by the government (2m, or 1m with risk mitigation where 2m is not viable is acceptable). Where the social distancing guidelines cannot be followed in full, in relation to a particular activity, businesses should consider whether that activity can be redesigned to maintain a 2m distance or 1m with risk mitigations where 2m is not viable. From 1st August, clinically extremely vulnerable individuals, who were previously advised to shield at home, can go to the workplace as long as it is COVID-secure, but should carry on working from home wherever possible.
- Further mitigating actions include:
  - Further increasing the frequency of hand washing and surface cleaning.
  - Keeping the activity time involved as short as possible.
  - Using screens or barriers to separate people from each other.
  - Using back-to-back or side-to-side working (rather than face-to-face) whenever possible.
  - Reducing the number of people each person has contact with by using 'fixed teams or partnering' (so each person works with only a few others).
- Where the social distancing guidelines cannot be followed in full, even through redesigning a particular activity, businesses should consider whether that activity needs to continue for the business to operate, and if so, take all the mitigating actions possible to reduce the risk of transmission between their staff.

24





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## 1.1 Managing risk (continued)

- Finally, if people must work face-to-face for a sustained period with more than a small group of fixed partners, then you will need to assess whether the activity can safely go ahead. No one is obliged to work in an unsafe work environment.
- In your assessment you should have particular regard to whether the people doing the work are especially vulnerable to COVID-19.

The recommendations in the rest of this document are ones you must consider as you go through this process. You could also consider any advice that has been produced specifically for your sector, for example by trade associations or trades unions.

If you are currently operating, you will already have carried out an assessment of the risks posed by COVID-19 in your workplace. You use this document to identify any further improvements you should make. You must review the measures you have put in place to make sure they are working. You should also review them if they may no longer be effective or if there are changes in the workplace that could lead to new risks.

If you have not already done so, you should carry out an assessment of the risks posed by COVID-19 in your workplace as soon as possible.) If you are currently operating, you will already have carried out an assessment of the risks posed by Covid-19 in your workplace. are likely to have gone through a lot of this thinking already. We recommend that) You should use this document to identify any further improvements you should make. You must review the measures you have put in place to make sure they are working.

11/35





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## 1.2 Sharing the results of your risk assessment

You must share the results of your risk assessment with your workforce. If possible, you should consider publishing the results on your website (and we would expect all employers with over 50 workers to do so). We would expect all businesses to demonstrate to their workers and customers that they have properly assessed their risk and taken appropriate measures to mitigate this. You should do this by displaying a notification in a prominent place in your business and on your website, if you have one. Below you will find a notice you should sign and display in your workplace to show you have followed this guidance.

### Staying COVID-19 Secure in 2020

We confirm we have complied with the government's guidance on managing the risk of COVID-19

#### FIVE STEPS TO SAFER WORKING TOGETHER

- ✓ We have carried out a COVID-19 risk assessment and shared the results with the people who work here
- ✓ We have cleaning, handwashing and hygiene procedures in line with guidance
- ✓ We have taken all reasonable steps to help people work safely from a COVID-19 Secure workplace or work from home
- ✓ We have taken all reasonable steps to maintain a 2m distance in the workplace
- ✓ Where people cannot keep 2m apart we have ensured at least a 1m distance and taken all the mitigating actions possible to manage transmission risk

Signed on behalf of employer \_\_\_\_\_ Employer representative signature

Employer \_\_\_\_\_ Employer name Date \_\_\_\_\_

Who to contact: \_\_\_\_\_ Your Health and Safety Representative  
(or the Health and Safety Executive at [www.hse.gov.uk](http://www.hse.gov.uk) or 0300 003 1647)

12  
36

## 2. Keeping your customers and visitors safe



(27)



## 2.1 Keeping customers and visitors safe

**Objective:** To minimise the risk of transmission and protect the health of customers and visitors in restaurants, pubs, bars and takeaway venues.

- 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. This could help contain clusters or outbreaks. Many businesses that take bookings already have systems for recording their customers and visitors – including restaurants, hotels, and hair salons. If you do not already do this, you should do so to help fight the virus. We have worked with industry and relevant bodies to design this system in line with data protection legislation, and further guidance can be found [here](#).
- Indoor gatherings should only be occurring in groups of up to two households (including support bubbles) while outdoor gatherings should only be occurring in groups of up to two households (or support bubbles), or a group of at most six people from any number of households. When counting the number of households in a group, a support bubble is considered to be one household. It is against the law to gather in groups of more than 30 people in private homes (including gardens and other outdoor spaces).
- The number of households permitted to gather in indoor and outdoor spaces could vary with local restrictions. You should consult your local guidance for further clarification on the number of households permitted to gather. Information on local restrictions can be found [here](#).
- Businesses should not intentionally facilitate gatherings between a greater number of households than is permitted in their local area; and should take steps to ensure customer compliance with the limits on gatherings. These could include:
  - Informing customers of guidance through signage or notices at the point of booking or on arrival.
  - Ensuring staff are familiar with the guidance, and if any local restrictions are in place.
  - Asking customers for verbal confirmation of the number of households in their party at the point of arrival.
- Businesses following COVID-19 Secure guidelines can have more than 30 people on the premises provided they are in groups of no more than two households (anyone in your support bubble counts as one household). However, they should not host individual groups of more than 30 people indoors. Events in public outdoor spaces that are organised by businesses, charitable or political organisations, and public bodies, can host more than 30 people provided they take reasonable steps to mitigate the risk of transmission, in line with COVID-19 Secure guidance and including completion of a risk assessment. Any other gathering in an outdoor space must not be any larger than 30 people.
- Those operating venues or running events following COVID-19 Secure guidelines should take additional steps to ensure the safety of the public and prevent large gatherings or mass events from taking place.
- Businesses that are found to operate in a way that increases the risk of transmission (for example by facilitating indoor gatherings between multiple households) can be closed by Local Authorities under the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020.



## 2.1 Keeping customers and visitors safe (continued)

**Objective:** To minimise the risk of transmission and protect the health of customers and visitors in restaurants, pubs, bars and takeaway venues.

- Individual businesses or venues should consider the cumulative impact of many venues re-opening in a small area. This means working with local authorities, neighbouring businesses and travel operators to assess this risk and applying additional mitigations. These could include:
  - Further lowering capacity - even if it is possible to safely seat a number of people inside a venue, it may not be safe for them all to travel or enter that venue.
  - Staggering entry times with other venues and taking steps to avoid queues building up in surrounding areas.
  - Arranging one-way travel routes between transport hubs and venues.
  - Advising patrons to avoid particular forms of transport or routes and to avoid crowded areas when in transit to the venue.
- Local authorities should avoid issuing licenses for events that could lead to larger gatherings forming and provide advice to businesses on how to manage events of this type. If appropriate, the Government has powers under schedule 22 of the Coronavirus Act 2020 to close venues hosting large gatherings or prohibit certain events (or types of event) from taking place.



(29)



## 2.1 Keeping customers and visitors safe (continued)

### Steps that will usually be needed:

- ☐ Calculating the maximum number of customers that can reasonably follow social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) at the venue. Taking into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.
- ☐ Reconfiguring indoor and outdoor seating and tables to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) between customers of different households or support bubbles. For example, increasing the distance between tables.
- ☐ Working with your local authority or landlord to take into account the impact of your processes, including queues, on public spaces such as high streets and public car parks.
- ☐ Working with neighbouring businesses and local authorities to provide additional parking or facilities such as bike-racks, where possible, to help customers avoid using public transport.
- ☐ Reducing the need for customers to queue, but where this is unavoidable, discouraging customers from queueing indoors and using outside spaces for queueing where available and safe. For example, using some car parks and existing outdoor services areas, excluding disabled car parking bays.
- ☐ Managing outside queues to ensure they do not cause a risk to individuals, other businesses or additional security risks, for example by introducing queuing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers.
- ☐ Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
- ☐ Managing the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done, for example, through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers, where possible.





## 2.1 Keeping customers and visitors safe (continued)

### Steps that will usually be needed:

- ☐ Ensure customers are compliant with limits on household gatherings. For example, inform customers of restrictions through signage or notices at the point of booking or on arrival, and ask customers for verbal confirmation of the number of households in their party at the point of arrival. Indoor gatherings are limited to members of any two households (or support bubbles), while outdoor gatherings are limited to members of any two households (or support bubbles), or a group of at most six people from any number of households. Limits on gatherings may vary with local restrictions.
- ☐ Encouraging customers to use hand sanitiser or handwashing facilities as they enter the venue.
- ☐ Ensuring any changes to entrances, exits and queue management take into account reasonable adjustments for those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.
- ☐ Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
- ☐ Keeping indoor and soft play areas closed. For guidance on opening outdoor playgrounds safely, see guidance for managing playgrounds published by The Ministry of Housing, Communities and Local Government.
- ☐ Looking at how people move through the venue and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.
- ☐ Planning for maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) in the event of adverse weather conditions, being clear that customers cannot seek shelter indoors unless social distancing can be maintained.
- ☐ Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.
- ☐ Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.



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## 2.2 Managing service of food and drink at a venue

**Objective:** To manage interactions at the venue resulting from service of food and drink.

### Steps that will usually be needed:

- ☐ Maintaining social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) from customers when taking orders from customers.
- ☐ Using social distance markings to remind customers to maintain social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) between customers of different households or support bubbles.
- ☐ Minimising customer self service of food, cutlery and condiments to reduce risk of transmission. For example, providing cutlery and condiments only when food is served.
- ☐ Providing only disposable condiments or cleaning non-disposable condiment containers after each use.
- ☐ Reducing the number of surfaces touched by both staff and customers. For example, asking customers to remain at a table where possible, or to not lean on counters when collecting takeaways.
- ☐ Encouraging contactless payments where possible and adjusting location of card readers to social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- ☐ Minimising contact between front of house workers and customers at points of service where appropriate. For example, using screens or tables at tills and counters to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- ☐ Ensuring all outdoor areas, with particular regard to covered areas, have sufficient ventilation. For example, increasing the open sides of a covered area.

(12)



HM Government

## 2.2 Managing service of food and drink at a venue

### 2.2.1 Takeaway or delivery

**Objective:** To manage interactions at the venue resulting from selling food and drinks for takeaway or delivery.

#### Steps that will usually be needed:

- ☐ See government guidance on food safety for food delivery.
- ☐ Encouraging customers to order online, on apps or over the telephone to reduce queues and stagger pick-up times.
- ☐ Minimising contact between kitchen workers and front of house workers, delivery drivers or riders, for example, by having zones from which delivery drivers can collect packaged food items.
- ☐ Limiting access to venues for people waiting for or collecting takeaways. Setting out clear demarcation for social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) for delivery drivers, riders or customers queuing. Asking customers to wait outside or in their cars.
- ☐ Working with your local authority, landlord and neighbours to ensure designated waiting areas do not obstruct public spaces.

## 2.2 Managing service of food and drink at a venue

### 2.2.2 Service at the venue

**Objective:** To manage interactions at the venue resulting from service of food and drink in indoor and outdoor services areas.

#### Steps that will usually be needed:

- ☐ Encouraging use of contactless ordering from tables where available. For example, through an ordering app.
- ☐ Adjusting service approaches to minimise staff contact with customers. Indoor table service must be used where possible, alongside further measures such as assigning a single staff member per table. Outdoor table service should also be encouraged, although customers are permitted to stand outside if distanced appropriately. Where bar or counter service is unavoidable, preventing customers from remaining at the bar or counter after ordering.
- ☐ Adjusting processes to prevent customers from congregating at points of service. For example, having only staff collect and return empty glasses to the bar.
- ☐ Minimising contact between kitchen workers and front of house workers. For example, by having zones from which front of house staff can collect food.
- ☐ Encouraging use of outdoor areas for service where possible. For example, increasing outdoor seating or outdoor points of service such as stalls.

19  
43



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## 2.3 Ventilation

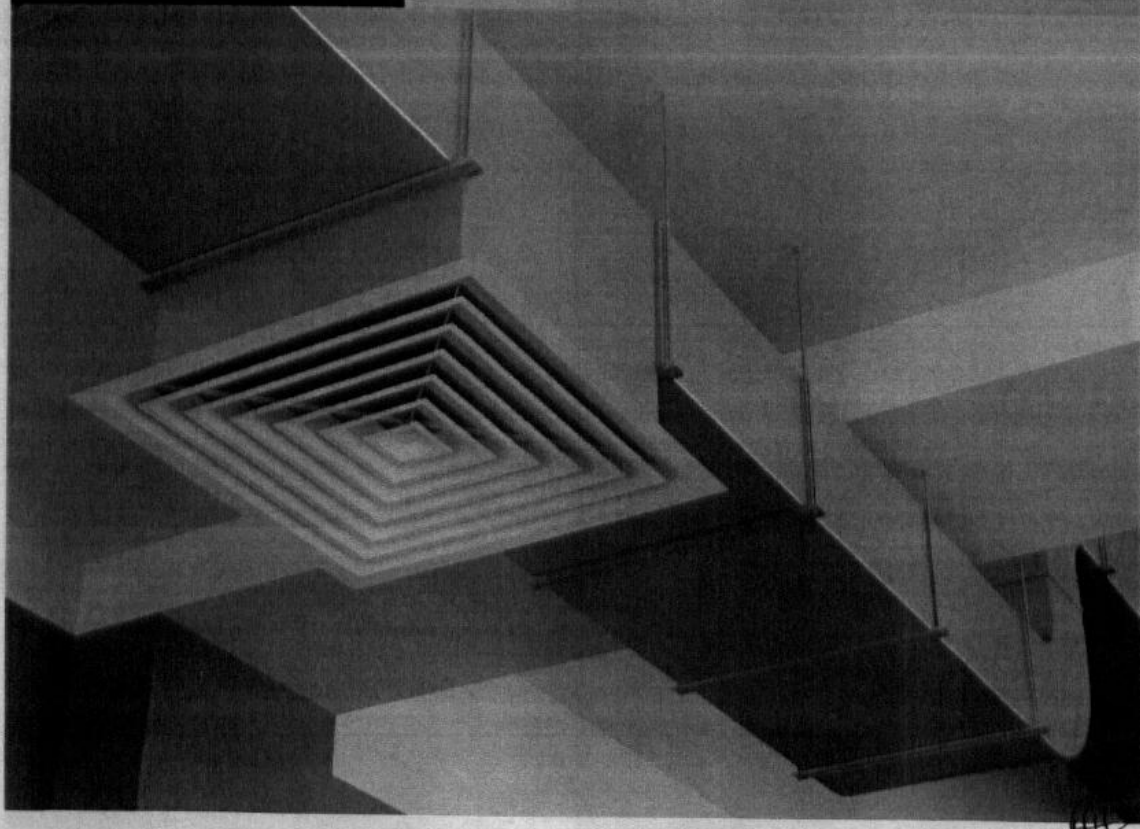
**Objective:** To use ventilation to mitigate the transmission risk of COVID-19.

Ventilation into the building should be optimised to ensure the maximum fresh air supply is provided to all areas of the facility wherever possible.

Ventilation systems should provide a good supply of fresh air.

### Steps that will usually be needed:

- ☐ Increasing the existing ventilation rate by adjusting the fan speed.
- ☐ Operating the ventilation system when there are people in the building.
- ☐ Monitoring and managing filters in accordance to manufacturer instructions.
- ☐ Keeping doors and windows open if possible.
- ☐ Using ceiling fans or desk fans to improve air circulation, provided there is good ventilation.





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## 2.4 Customer toilets

**Objective:** To ensure that toilets are kept open and to ensure/promote good hygiene, social distancing, and cleanliness in toilet facilities.

- Public toilets, portable toilets and toilets inside premises should be kept open and carefully managed to reduce the risk of transmission of COVID-19.

### Steps that will usually be needed:

- Using signs and posters to build awareness of good handwashing technique, the need to increase handwashing frequency and to avoid touching your face, and to cough or sneeze into a tissue which is binned safely, or into your arm if a tissue is not available.
- Consider the use of social distancing marking in areas where queues normally form, and the adoption of a limited entry approach, with one in, one out (whilst avoiding the creation of additional bottlenecks).
- To enable good hand hygiene consider making hand sanitiser available on entry to toilets where safe and practical, and ensure suitable handwashing facilities including running water and liquid soap and suitable options for drying (either paper towels or hand driers) are available.
- Setting clear use and cleaning guidance for toilets, with increased frequency of cleaning in line with usage. Use normal cleaning products, paying attention to frequently hand touched surfaces, and consider use of disposable cloths or paper roll to clean all hard surfaces.
- Keeping the facilities well ventilated, for example by fixing doors open where appropriate.
- Special care should be taken for cleaning of portable toilets and larger toilet blocks.
- Putting up a visible cleaning schedule can keep it up to date and visible.
- Providing more waste facilities and more frequent rubbish collection.

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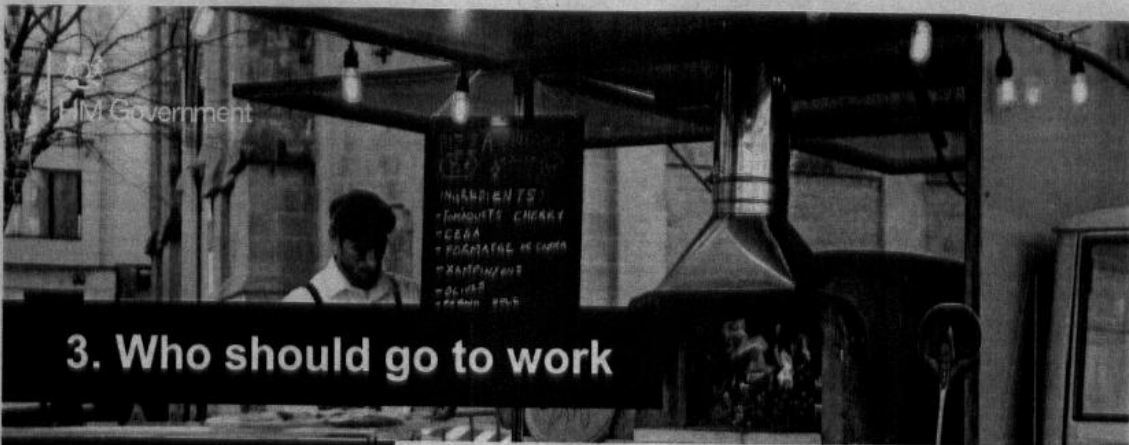


## 2.5 Providing and explaining available guidance

Objective: To make sure people understand what they need to do to maintain safety.

### Steps that will usually be needed:

- ☐ Providing clear guidance on expected customer behaviours, social distancing and hygiene to people on or before arrival, for example on online booking forms and on-site signage and visual aids. Explaining to customers that failure to observe safety measures will result in service not being provided.
- ☐ Providing written or spoken communication of the latest guidelines to both workers and customers inside and outside the venue. You should display posters or information setting out how customers should behave at your venue to keep everyone safe. Consider the particular needs of those with protected characteristics, such as those who are hearing or visually impaired.
- ☐ Where necessary, informing customers that police and the local authorities have the powers to enforce requirements in relation to social distancing and may instruct customers to disperse, leave an area, issue a fixed penalty notice or take further enforcement action.
- ☐ Informing customers that they should be prepared to remove face coverings safely if asked to do so by police officers and staff for the purposes of identification.
- ☐ Encouraging workers to remind customers to follow social distancing advice and clean their hands regularly.
- ☐ Where visits to venues are required, for example, inbound supplier deliveries or safety critical visitors, providing site guidance on social distancing and hygiene on or before arrival.
- ☐ Ensuring information provided to customers and visitors, such as advice on the location or size of queues, does not compromise their safety.



### 3. Who should go to work

#### Objective:

Employers should ensure workplaces are safe whilst also enabling working from home.

It is recognised that for people who work in these types of workplace, it is often not possible to work from home.

In order to keep the virus under control, it is important that people work safely. Working from home remains one way to do this. However, the risk of transmission can be substantially reduced if COVID-19 Secure guidelines are followed closely. Employers should consult with their employees to determine who, from the 1 August, can come into the workplace safely taking account of a person's journey, caring responsibilities, protected characteristics, and other individual circumstances. Extra consideration should be given to those people at higher risk. Businesses should consider the impact of workplaces reopening on local transport and take appropriate mitigating actions (e.g. staggered start and finish times for staff). When employers consider that workers should come into their place of work, then this will need to be reflected in the COVID-19 workplace risk assessment and actions taken to manage the risks of transmission in line with this guidance. The decision to return to the workplace should be made in meaningful consultation with workers (including through trade unions or employee representative groups where they exist). A meaningful consultation means engaging in an open conversation about returning to the workplace before any decision to return has been made. This should include a discussion of the timing and phasing of any return and any risk mitigations that have been implemented. It is vital employers engage with workers to ensure they feel safe returning to work, and they should not force anyone into an unsafe workplace.

#### Steps that will usually be needed:

- ☐ Considering the maximum number of people who can be safely accommodated on site.
- ☐ Planning for a phased return to work for people safely and effectively.
- ☐ Monitoring the wellbeing of people who are working from home and helping them stay connected to the rest of the workforce, especially if the majority of their colleagues are on-site.
- ☐ Keeping in touch with off-site workers on their working arrangements including their welfare, mental and physical health and personal security.
- ☐ Providing equipment for people to work at home safely and effectively, for example, remote access to work systems.

23  
17



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### 3.1 Protecting people who are at higher risk

**Objective:** To support those who are at a higher risk of infection and/or an adverse outcome if infected.

The Public Health England [report](#) 'Disparities in the risk and outcomes of COVID-19' shows that some groups of people may be at more risk of being infected and/or an adverse outcome if infected.

The higher-risk groups include those who:

- are older males
- have a high body mass index (BMI)
- have health conditions such as diabetes
- are from some Black, Asian or minority ethnicity (BAME) backgrounds

You should consider this in your risk assessment.

From 1 August, clinically extremely vulnerable individuals can return to their workplace providing COVID-secure guidelines are in place but should work from home wherever possible. If extremely clinically vulnerable individuals cannot work from home, they should be offered the option of the safest available on-site roles, enabling them to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable). It may be appropriate for clinically extremely vulnerable individuals to take up an alternative role or adjusted working patterns temporarily.

As for any workplace risk you must take into account specific duties to those with protected characteristics, including, for example, expectant mothers who are, as always, entitled to suspension on full pay if suitable roles cannot be found. Particular attention should also be paid to people who live with clinically extremely vulnerable individuals.

#### Steps that will usually be needed:

- ☐ Providing support for workers around mental health and wellbeing. This could include advice or telephone support.
- ☐ See current guidance for advice on who is in the clinically extremely vulnerable and clinically vulnerable groups.
- ☐ Discussing the safest possible roles for clinically extremely vulnerable workers who are returning to the workplace.

24  
148



HM Government

## 3.2 People who need to self-isolate

**Objective:** To make sure individuals who are advised to stay at home under existing government guidance to stop infection spreading do not physically come to work. This includes individuals who have symptoms of COVID-19, those who live in a household or are in a support bubble with someone who has symptoms and those who are advised to self-isolate as part of the government's test and trace service.

### Steps that will usually be needed:

- ☐ Enabling workers to work from home while self-isolating if appropriate.
- ☐ See current guidance for employees and employers relating to statutory sick pay due to COVID-19.
- ☐ Ensuring any workers who have symptoms of COVID-19 - a high temperature, new and persistent cough or anosmia - however mild, should self-isolate for at least 10 days from when the symptoms started. Workers who have tested positive for COVID-19 should self-isolate for at least 10 days starting from the day the test was taken. Where a worker has tested positive whilst not experiencing symptoms but develop symptoms during the isolation period, they should restart the 10-day isolation period from the day the symptoms developed. This only applies to those who begin their isolation on or after 30 July.
- ☐ See current guidance for people who have symptoms and those who live with others who have symptoms.

## 3.3 Equality in the workplace

**Objective:** To make sure that nobody is discriminated against.

- In applying this guidance, employers should be mindful of the particular needs of different groups of workers or individuals.
- It is breaking the law to discriminate, directly or indirectly, against anyone because of a protected characteristic such as age, sex, disability, race or ethnicity.
- Employers also have particular responsibilities towards disabled workers and those who are new or expectant mothers.

### Steps that will usually be needed:

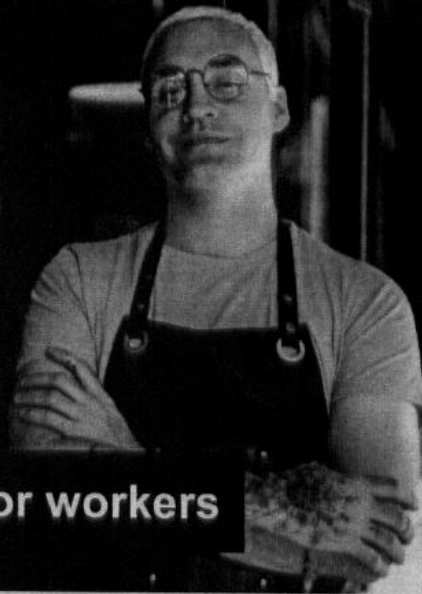
- ☐ Understanding and taking into account the particular circumstances of those with different protected characteristics.
- ☐ Involving and communicating appropriately with workers whose protected characteristics might either expose them to a different degree of risk, or might make any steps you are thinking about inappropriate or challenging for them.
- ☐ Considering whether you need to put in place any particular measures or adjustments to take account of your duties under the equalities legislation.
- ☐ Making reasonable adjustments to avoid disabled workers being put at a disadvantage, and assessing the health and safety risks for new or expectant mothers.
- ☐ Making sure that the steps you take do not have an unjustifiable negative impact on some groups compared to others, for example those with caring responsibilities or those with religious commitments.

25

149



HM Government



## 4. Social distancing for workers

### Objective:

Ensuring workers maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable), wherever possible, including arriving at and departing from work, while in work and when travelling between sites.

- You must maintain social distancing in the workplace wherever possible.
- Where the social distancing guidelines cannot be followed in full in relation to a particular activity, businesses should consider whether that activity can be redesigned to maintain a 2m distance or 1m with risk mitigations where 2m is not viable. Mitigating actions include:
  - Further increasing the frequency of hand washing and surface cleaning.
  - Keeping the activity time involved as short as possible.
  - Using screens or barriers to separate people from each other.
  - Using back-to-back or side-to-side working (rather than face-to-face) whenever possible.
  - Reducing the number of people each person has contact with by using 'fixed teams or partnering' (so each person works with only a few others).
- Where the social distancing guidelines cannot be followed in full, even through redesigning a particular activity, businesses should consider whether that activity needs to continue for the business to operate, and if so, take all the mitigating actions possible to reduce the risk of transmission between staff.
- Social distancing applies to all parts of a business, not just the place where people spend most of their time, but also entrances and exits, break rooms, canteens and similar settings. These are often the most challenging areas to maintain social distancing and workers should be specifically reminded.





## 4.1 Coming to work and leaving work

**Objective:** To maintain social distancing wherever possible, on arrival and departure and to ensure handwashing upon arrival.

### Steps that will usually be needed:



Reduced staffing levels to maintain social distancing

- ☐ Staggering arrival and departure times at work to reduce crowding into and out of the venue, taking account of the impact on those with protected characteristics.
- ☐ Providing additional parking or facilities such as bike-racks to help people walk, run, or cycle to work where possible.
- ☐ Reducing congestion, for example, by having more entry points to the venue. If you have more than one door, consider having one for entering the building and one for exiting.
- ☐ Using markings to guide staff coming into or leaving the building.
- ☐ Providing handwashing facilities (or hand sanitiser where not possible) at entry and exit points and not using touch-based security devices such as keypads where possible.
- ☐ Providing storage for staff clothes and bags.
- ☐ Requesting staff change into work uniforms on site using appropriate facilities/changing areas, where social distancing and hygiene guidelines can be met.
- ☐ Washing uniforms on site, where appropriate, or requesting workers to regularly wash uniforms at home.
- ☐ See [government guidance](#) on travelling to and from work.



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## 4.2 Moving around venues

**Objective:** To maintain social distancing wherever possible, while people travel through the venue.

### Steps that will usually be needed:

- ☐ Reducing movement by discouraging non-essential trips within venues, for example, restricting access to some areas, encouraging use of radios, telephones or other electronic devices when sending orders from service areas to kitchens, where permitted, and cleaning them between use.
- ☐ Reducing job and location rotation, for example, assigning workers to specific areas or keeping temporary personnel dedicated to one venue.
- ☐ Introducing more one-way flow routes through buildings through signage that clearly indicate the direction of flow.
- ☐ Reducing maximum occupancy for lifts, providing hand sanitiser for the operation of lifts and encouraging use of stairs wherever possible.
- ☐ Making sure that people with disabilities are able to access lifts.
- ☐ Managing use of high traffic areas including, corridors, lifts and staircases to maintain social distancing.

## 4.3 Working areas

**Objective:** To maintain social distancing between individuals when they are at their working areas.

- For people who work in one place, for example waiter captains or cashiers, working areas should allow them to maintain social distancing from one another as well as the public.
- Working areas should be assigned to an individual as much as possible. If they need to be shared, they should be shared by the smallest possible number of people.
- If it is not possible to ensure working areas comply with social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) then businesses should consider whether that activity needs to continue for the business to operate, and if so take all mitigating actions possible to reduce the risk of transmission.

### Steps that will usually be needed:

- ☐ Reviewing layouts and processes to allow staff to work further apart from each other.
- ☐ Only where it is not possible to move working areas further apart, arranging people to work side-by-side or facing away from each other rather than face-to-face. Where this is not possible, using screens to separate people from each other.
- ☐ Using floor tape or paint to mark areas to help people comply with social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).

28  
52



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## 4.4 Food preparation areas

**Objective:** To maintain social distancing and reduce contact where possible in kitchens and other food preparation areas.

- COVID-19 is a respiratory illness. It is not known to be transmitted by exposure to food.

### Steps that will usually be needed:

- Following government guidance on managing food preparation and food service areas.
- Allowing kitchen access to as few people as possible.
- Minimising interaction between kitchen staff and other workers, including when on breaks.
- Putting teams into shifts to restrict the number of workers interacting with each other.
- Spacing working areas to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable) as much as possible, recognising the difficulty of moving equipment such as sinks, hobs and ovens. Consider cleanable panels to separate working areas in larger kitchens.
- Providing floor marking to signal social distancing (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- Using 'one way' traffic flows to minimise contact.
- Minimising access to walk-in pantries, fridges and freezers, for example, with only one person being able to access these areas at one point in time.
- Minimising contact at 'handover' points with other staff, such as when presenting food to serving staff and delivery drivers.



(52)



## 4.5 Entertainment

**Objective:** To maintain social distancing when providing entertainment within or outside restaurants, pubs, bars and similar venues that serve food or drink.

- For many restaurants, pubs and bars, providing entertainment such as recorded music, live sports broadcasts, quizzes, live musicians or comedians are an important part of their business.
- From 15 August, venues may host socially distanced indoor and outdoor performances, though we encourage performances to continue to take place outdoors wherever possible. Venues should take account of the Performing Arts [guidance](#) in organising performances.
- All venues should ensure that steps are taken to mitigate the increased risk of virus transmission associated with aerosol production from raised voices, such as when speaking loudly or singing loudly, particularly in confined and poorly ventilated spaces. This includes, but is not limited to, lowering the volume of background music, and refraining from playing music or broadcasts that may encourage shouting, particularly if played at a volume that makes normal conversation difficult. Evidence on the most effective steps that can be taken to limit the transmission of the virus continues to be regularly reviewed. This guidance may be updated in the future in response to changing scientific understanding.

### Steps that will usually be needed:

- ☐ Determining the viability of entertainment and maximum audience numbers consistent with social distancing outside and within venues and other safety considerations.
- ☐ Preventing entertainment, such as broadcasts, that is likely to encourage audience behaviours increasing transmission risk. For example, loud background music, communal dancing, group singing or chanting.
- ☐ Reconfiguring indoor entertainment spaces to ensure customers are seated rather than standing. For example, repurposing dance floors for customer seating.
- ☐ Encouraging use of online ticketing and online or contactless payments for entertainment where possible.
- ☐ Communicating clearly to customers the arrangements for entertainment and clearly supervising with additional staff if appropriate.



## 4.6 Meetings

**Objective:** To reduce transmission due to face-to-face meetings and maintain social distancing in meetings.

### Steps that will usually be needed:

- ☐ Using remote working tools to avoid in-person meetings.
- ☐ Only absolutely necessary participants should physically attend meetings and should maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable).
- ☐ Avoiding transmission during meetings, for example, avoiding sharing pens, documents and other objects.
- ☐ Providing hand sanitiser in meeting rooms.
- ☐ Holding meetings outdoors or in well-ventilated rooms whenever possible.
- ☐ For areas where regular meetings take place, use floor signage to help people maintain social distancing.

## 4.7 Back of house and common areas

**Objective:** To maintain social distancing while using common areas.

### Steps that will usually be needed:

- ☐ Staggering break times to reduce pressure on the staff break rooms or places to eat and ensuring social distancing is maintained in staff break rooms.
- ☐ Using safe outside areas for breaks.
- ☐ Creating additional space by using other parts of the venue or building that have been freed up by remote working.
- ☐ Installing screens to protect staff in front of house areas or serving customers at till points.
- ☐ Using social distance marking for other common areas such as toilets, showers, lockers and changing rooms and in any other areas where queues typically form.







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## 4.8 Accidents, security and other incidents

**Objective:** To prioritise safety during incidents.

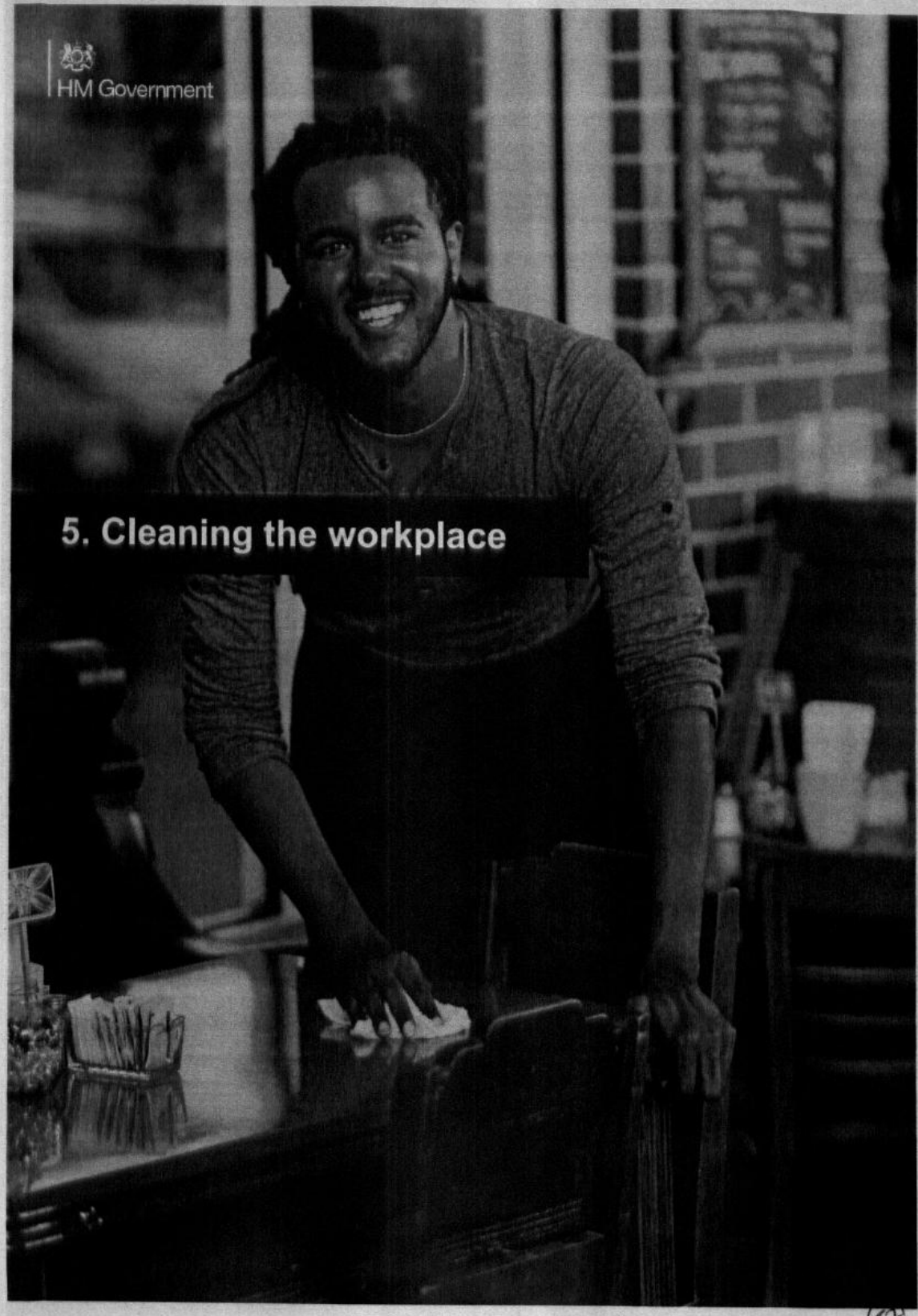
- In an emergency, for example, an accident, provision of first aid, fire or break-in, people do not have to comply with social distancing guidelines if it would be unsafe.
- People involved in the provision of assistance to others should pay particular attention to sanitation measures immediately afterwards, including washing hands.

### Steps that will usually be needed:

- Reviewing your incident and emergency procedures to ensure they reflect the social distancing principles as far as possible.
- Considering whether you have enough appropriately trained staff to keep people safe. For example, having dedicated staff to encourage social distancing or to manage security.
- Considering the security implications of any changes you intend to make to your operations and practices in response to COVID-19, as any revisions may present new or altered security risks which may need mitigations.
- For organisations who conduct physical searches of people, considering how to ensure safety of those conducting searches while maintaining security standards.
- Where spaces have been repurposed you should carry out a fire risk assessment.
- Following [government guidance](#) on managing security risks.



## 5. Cleaning the workplace





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## 5.1 Before reopening

**Objective:** To make sure that any venue that has been closed or partially operated is clean and ready to restart, including:

- An assessment for all sites, or parts of sites, that have been closed, before restarting work.
- Cleaning procedures and providing hand sanitiser before restarting work.

### Steps that will usually be needed:



Checking whether you need to service or adjust ventilation systems, for example, so that they do not automatically reduce ventilation levels due to lower than normal occupancy levels.



Most air conditioning systems do not need adjustment, however where systems serve multiple buildings, or you are unsure, advice should be sought from your heating ventilation and air conditioning (HVAC) engineers or advisers.



Following [guidance](#) on reopening food businesses.



Following [guidance](#) on managing legionella risks.

### Enhanced cleaning measures



34  
58



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## 5.2 Keeping the venue clean

**Objective:** To keep the venue clean and prevent transmission by touching contaminated surfaces.

### Steps that will usually be needed:

- ☐ Following government guidance on cleaning food preparation and food service areas.
- ☐ Wedging doors open, where appropriate, to reduce touchpoints. This does not apply to fire doors.
- ☐ Frequent cleaning of objects and surfaces that are touched regularly including counters, tills, and making sure there are adequate disposal arrangements for cleaning products.
- ☐ Cleaning surfaces and objects between each customer use. For example, cleaning tables, card machines, chairs, trays and laminated menus in view of customers before customer use.
- ☐ If you are cleaning after a known or suspected case of COVID-19 then you should refer to the specific guidance.
- ☐ Frequent cleaning of work areas and equipment between uses, using your usual cleaning products.
- ☐ Providing extra non recycling bins for workers and customers to dispose of single use face coverings and PPE. You should refer to guidance for information on how to dispose of personal or business waste, including face coverings and PPE.

## 5.3 Keeping the kitchen clean

**Objective:** To ensure the highest hygiene standards are operated in kitchen areas.

### Steps that will usually be needed:

- ☐ Recognising that cleaning measures are already stringent in kitchen areas, consider the need for additional cleaning and disinfection measures.
- ☐ Having bins for collection of used towels and staff overalls.
- ☐ Washing hands before handling plates and cutlery.
- ☐ Continuing high frequency of hand washing throughout the day.

36  
59



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## 5.4 Hygiene – handwashing, sanitation facilities and toilets

**Objective:** To help everyone keep good hygiene through the working day.

### Steps that will usually be needed:

- ☐ Following government guidance on hygiene in food preparation and food service areas.
- ☐ Using signs and posters to build awareness of good handwashing technique, the need to increase handwashing frequency, avoid touching your face and to cough or sneeze into a tissue which is binned safely, or into your arm if a tissue is not available.
- ☐ Providing regular reminders and signage to maintain hygiene standards.
- ☐ Providing hand sanitiser in multiple locations in addition to washrooms.
- ☐ Setting clear use and cleaning guidance for toilets to ensure they are kept clean and social distancing is achieved as much as possible.
- ☐ Enhancing cleaning for busy areas.
- ☐ Special care should be taken for cleaning of portable toilets.
- ☐ Providing more waste facilities and more frequent rubbish collection.
- ☐ Providing hand drying facilities – either paper towels or electrical dryers.
- ☐ Washing hands after handling customer items and before moving onto another task. For example, after collecting used plates for cleaning and before serving food to another table.

36  
60





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## 5.5 Changing rooms and showers

**Objective:** To minimise the risk of transmission in changing rooms and showers.

### Steps that will usually be needed:

- ☐ Where shower and changing facilities are required, setting clear use and cleaning guidance for showers, lockers and changing rooms to ensure they are kept clean and clear of personal items and that social distancing is achieved as much as possible.
- ☐ Introducing enhanced cleaning of all facilities regularly during the day and at the end of the day.

## 5.6 Handling goods, merchandise, other materials and onsite vehicles

**Objective:** To reduce transmission through contact with objects that come into the venue and vehicles at the worksite.

### Steps that will usually be needed:

- ☐ Cleaning procedures for goods and merchandise entering the site.
- ☐ Cleaning procedures for the parts of shared equipment you touch before each use.
- ☐ Encouraging increased handwashing and introducing more handwashing facilities for workers handling goods and merchandise or providing hand sanitiser where this is not practical.
- ☐ Regular cleaning of the inside of shared vehicles that workers may take home.
- ☐ Enhanced handling procedures of laundry to prevent potential contamination of surrounding surfaces, to prevent raising dust or dispersing the virus.

37  
607

## 6. Personal Protective Equipment (PPE) and face coverings





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## 6. Personal Protective Equipment (PPE) and face coverings

PPE protects the user against health or safety risks at work. It can include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear and safety harnesses. It also includes respiratory protective equipment, such as face masks.

Where you are already using PPE in your work activity to protect against non-COVID-19 risks, you should continue to do so.

At the start of this document we described the steps you need to take to manage COVID-19 risk in the workplace. This includes maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable, is acceptable). When managing the risk of COVID-19, additional PPE beyond what you usually wear is not beneficial. This is because COVID-19 is a different type of risk to the risks you normally face in a workplace, and needs to be managed through social distancing, hygiene and fixed teams or partnering, not through the use of PPE.

The exception is clinical settings, like a hospital, or a small handful of other roles for which Public Health England advises use of PPE. For example, first responders and immigration enforcement officers. If you are in one of these groups you should refer to the advice at:

<https://www.gov.uk/government/publications/coronavirus-covid-19-personal-protective-equipment-ppe-plan/covid-19-personal-protective-equipment-ppe-plan>

and

<https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings>.

Workplaces should not encourage the precautionary use of extra PPE to protect against COVID-19 outside clinical settings or when responding to a suspected or confirmed case of COVID-19.

Unless you are in a situation where the risk of COVID-19 transmission is very high, your risk assessment should reflect the fact that the role of PPE in providing additional protection is extremely limited. However, if your risk assessment does show that PPE is required, then you must provide this PPE free of charge to workers who need it. Any PPE provided must fit properly.



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## 6.1 Face coverings

There is growing evidence that wearing a face covering in an enclosed space helps protect individuals and those around them from COVID-19.

A face covering can be very simple and may be worn in enclosed spaces where social distancing isn't possible. It just needs to cover your mouth and nose. It is not the same as a face mask, such as the surgical masks or respirators used by health and care workers. Similarly, face coverings are not the same as the PPE used to manage risks like dust and spray in an industrial context. Supplies of PPE, including face masks, must continue to be reserved for those who need them to protect against risks in their workplace, such as health and care workers, and those in industrial settings like those exposed to dust hazards.

Face coverings are not a replacement for the other ways of managing risk, including minimising time spent in contact, using fixed teams and partnering for close-up work, and increasing hand and surface washing. These other measures remain the best ways of managing risk in the workplace and government would therefore not expect to see employers relying on face coverings as risk management for the purpose of their health and safety assessments.

Face coverings are mandatory on public transport and for customers in a number of indoor premises including where food has been purchased at a restaurant without table service or at a take-away outlet. If a shop or a café has a designated seating area for customers to eat and drink, face coverings can be removed in this area only.

The wearing of face coverings will not be required in restaurants with table service, bars or pubs.

Find further detail on when and where to wear face coverings.

Businesses should take reasonable steps to encourage customer compliance for example through in store communications or notices at the entrance. If necessary, police can issue fines to members of the public for non-compliance. Businesses will not be required to provide face coverings for their customers.

Some people don't have to wear a face covering including for health, age or equality reasons. No one who is exempt from wearing a face covering should be denied entry if they are not wearing one.

64



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## 6.1 Face coverings (continued)

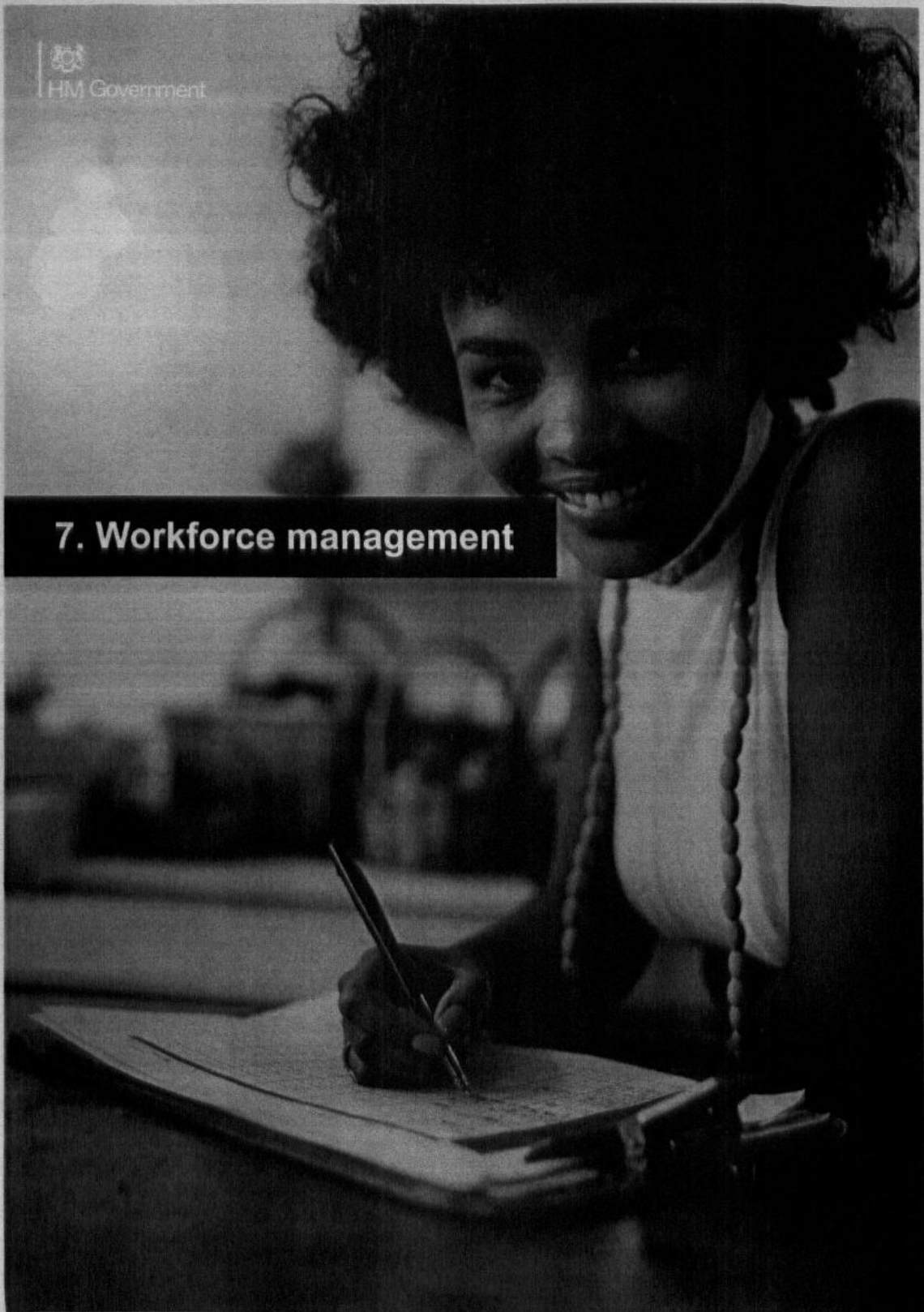
It is not mandatory for workers in pubs, restaurants or takeaways to wear face coverings where they are not part of usual health and safety measures. However, businesses should consider recommending their use where other mitigations are not in place, for example screens or visors, and where it does not hinder workers, for example, speaking to or supporting customers. Where businesses recommend the use of face coverings, they must be used safely. This means telling workers:

- Wash your hands thoroughly with soap and water for 20 seconds or use hand sanitiser before putting a face covering on, and before and after removing it.
- When wearing a face covering, avoid touching your face or face covering, as you could contaminate them with germs from your hands.
- Change your face covering if it becomes damp or if you've touched it.
- Continue to wash your hands regularly.
- Change and wash your face covering daily.
- If the material is washable, wash in line with manufacturer's instructions. If it's not washable, dispose of it carefully in your usual waste.
- Practise social distancing wherever possible.

Please be mindful that the wearing of a face covering may inhibit communication with people who rely on lip reading, facial expressions and clear sound.



## 7. Workforce management



116



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## 7.1 Shift patterns and outbreaks

### 7.1.1 Shift patterns and working groups

**Objective:** To change the way work is organised to create distinct groups and reduce the number of contacts each worker has.

#### Steps that will usually be needed:

- ☐ As far as possible, where staff are split into teams or shift groups, fixing these teams or shift groups so that where contact is unavoidable, this happens between the same people.
- ☐ Considering where congestion caused by people flow and pinch points can be improved. Using one-way systems, staggered shifts and assigned staff mealtimes are possible ways to minimise the risk of transmission.
- ☐ You should assist the Test and Trace service by keeping a temporary record of your staff shift patterns for 21 days and assist NHS Test and Trace with requests for that data if needed. This could help contain clusters or outbreaks. Further guidance can be found [here](#).

## 7.1 Shift patterns and outbreaks

### 7.1.2 Outbreaks in the workplace

**Objective:** To provide guidance in an event of a COVID-19 outbreak in the workplace

#### Steps that will usually be needed:

- ☐ As part of your risk assessment, you should ensure you have an up to date plan in case there is a COVID-19 outbreak. This plan should nominate a single point of contact (SPOC) where possible who should lead on contacting local Public Health teams.
- ☐ If there is more than one case of COVID-19 associated with your workplace, you should contact your local PHE health protection team to report the suspected outbreak. [Find your local PHE health protection team](#).
- ☐ If the local PHE health protection team declares an outbreak, you will be asked to record details of symptomatic staff and assist with identifying contacts. You should therefore ensure all employment records are up to date. You will be provided with information about the outbreak management process, which will help you to implement control measures, assist with communications to staff, and reinforce prevention messages.

43  
67



## 7.3 Ongoing communications and signage

**Objective:** To make sure all workers are kept up to date with how safety measures are being implemented or updated.

### Steps that will usually be needed:

- ☐ Ongoing engagement with workers, including through trade unions or employee representative groups, to monitor and understand any unforeseen impacts of changes to working environments.
- ☐ Awareness and focus on the importance of mental health at times of uncertainty. The government has published [guidance on the mental health and wellbeing aspects of coronavirus \(COVID-19\)](#).
- ☐ Communicating approaches and operational procedures with suppliers, customers or trade bodies to help their adoption and share experience.
- ☐ Using simple, clear messaging to explain guidelines using images and clear language, with consideration of groups for which English may not be their first language and those with protected characteristics such as visual impairments.
- ☐ Using visual communications, for example, whiteboards or signage, to explain changes to rotas or stock shortages without the need for face-to-face communications.



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## 8. Inbound and outbound goods

### Objective:

To maintain social distancing and avoid surface transmission when goods enter and leave the site, especially in high volume situations, for example, distribution centres, despatch areas.

### Steps that will usually be needed:

- ☐ Revising pick-up and drop-off collection points, procedures, signage and markings.
- ☐ Considering methods to reduce frequency of deliveries, for example by ordering larger quantities less often.
- ☐ Minimising unnecessary contact at gatehouse security, yard and warehouse. For example, non-contact deliveries where the nature of the product allows for use of electronic pre-booking.
- ☐ Where possible and safe, having single workers load or unload vehicles.
- ☐ Where possible, using the same pairs of people for loads where more than one is needed.
- ☐ Enabling drivers to access welfare facilities when required, consistent with other guidance.
- ☐ Encouraging drivers to stay in their vehicles where this does not compromise their safety and existing safe working practice, such as preventing drive-aways.
- ☐ Creating one-way flow of traffic in stockrooms.
- ☐ Adjusting put-away and replenishment rules to create space for social distancing. Where social distancing cannot be maintained due to venue design, sufficient mitigation strategies should be designed and implemented.



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## Where to obtain further guidance

### COVID-19: what you need to do

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

### Support for businesses and employers during coronavirus (COVID-19)

<https://www.gov.uk/coronavirus/business-support>

### General guidance for employees during coronavirus (COVID-19)

<https://www.gov.uk/guidance/guidance-and-support-for-employees-during-coronavirus-covid-19>

### COVID-19: cleaning of non-healthcare settings

<https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings>

### COVID-19: guidance for food businesses

<https://www.gov.uk/government/publications/covid-19-guidance-for-food-businesses/guidance-for-food-businesses-on-coronavirus-covid-19>

## Appendix

### Definitions

Common Areas	The term 'common area' refers to areas and amenities which are provided for the common use of more than one person including canteens, reception areas, meeting rooms, areas of worship, toilets, gardens, fire escapes, kitchens, fitness facilities, store rooms, laundry facilities.
Support Bubbles	The term 'support bubble' refers to single adult households, where adults live alone or with dependent children only, expanding their support network so that it includes one other household of any size. Further guidance on this can be found here:  <a href="https://www.gov.uk/guidance/meeting-people-from-outside-your-household">https://www.gov.uk/guidance/meeting-people-from-outside-your-household</a>

47  
71





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## Appendix

### Definitions

Clinically extremely vulnerable	<p>Clinically extremely vulnerable people will have received a letter telling them they are in this group, or will have been told by their GP. Guidance on who is in this group can be found here:</p> <p><a href="https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19">https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19</a></p>
Clinically vulnerable people	<p>Clinically vulnerable people include those aged 70 or over and those with some underlying health conditions, all members of this group are listed in the 'clinically vulnerable' section here:</p> <p><a href="https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing">https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing</a></p>



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49  
73

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## Coronavirus: Hancock concern over 'sharp rise' in cases

8 September 2020

1818



Coronavirus pandemic



GETTY IMAGES

**A "sharp rise" in coronavirus cases in recent days in the UK is "concerning", Health Secretary Matt Hancock has said.**

He told MPs that the increase had been across the whole country rather than in localised "hotspots", but there was "no inevitability" of a second spike.

The government's scientific advisers have given stark warnings, after 2,948 new UK cases were **recorded on Monday**.

Downing Street said it would not rule out reducing the number of people who could meet in groups in England.

74

Asked whether the government was considering a change in guidance, the prime minister's official spokesman said the regulations were being kept under review.

The guidance in England currently says two households can meet indoors. Outdoors up to six people from different households can meet - or up to 30 people from two households.

- **Analysis: New figures show we face 'impossible balancing act'**
- **What should I do to stay safe and stop the spread?**
- **Remember the R number? Why is it so important?**

Ministers have singled out young people in particular for not following social-distancing rules.

England's chief medical officer, Prof Chris Whitty, said Covid-19 rates are now rising, especially amongst people aged between the ages of 17 and 29.

He warned that if people stopped social distancing then "Covid comes back".

But another expert cited the government's "confused messaging" and said it was unfair to blame the young.

On Sunday 2,988 new cases were announced - the highest figure since 22 May.

At the peak of the virus in spring official figures showed there were 6,000 cases a day, although testing was largely only taking place in hospitals.

Estimates suggest there were around 100,000 cases a day at that point.

Mr Hancock told MPs on the Commons Health Select Committee it was "so important that people take their responsibilities seriously, and people don't become relaxed about this virus".

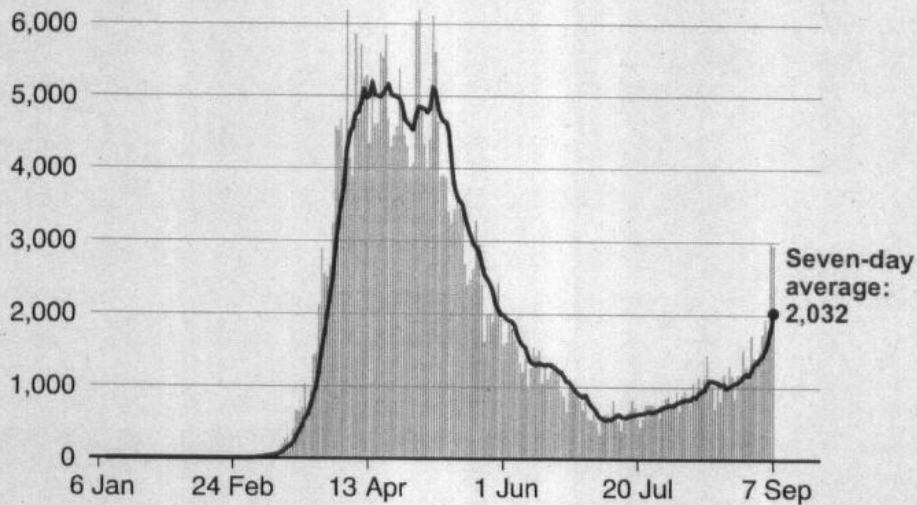
He said the government's strategy was clear, with the first line of defence being social distancing, followed by testing and tracing, and then local action.

He added: "I have taken quite robust action in areas where there are local spikes. I don't like doing that but I don't resile from doing it because it is necessary."



## Confirmed cases rising

Daily confirmed cases of coronavirus in the UK



Source: Department of Health and Social Care, updated to 7 Sep 09:00 BST

BBC

He also told the committee that the first "credible" cases of coronavirus reinfection were starting to be seen.

"Through genomic analysis you can see it is a different disease to the one the person got the first time around," he said.

"But in all the cases that I have seen it has been an asymptomatic second infection that has been picked up through asymptomatic testing."

On Monday Mr Hancock warned **the UK could see a second spike in coronavirus cases** if young people did not follow the rules.

His comments were echoed by Housing Secretary Robert Jenrick, who said there was a particular responsibility on younger people to follow government guidelines on Covid-19, so that infection rates would not spike again.

"We have to keep hammering the message home. Of course the people in those age categories are unlikely to become extremely unwell as a result of having the virus.

"But they are able to pass it on to others," he said.

"There's a responsibility on younger people to not just stay at home, obviously to go out and go to work and to enjoy pubs and restaurants, but to do so in accordance with the guidelines."

Mr Jenrick also said the UK was entering a "period of particular concern" with the number of coronavirus cases rising, adding "we all have to be very cautious".

However, Prof Susan Michie, a behavioural expert on the government's Scientific Advisory Group for Emergencies (Sage), was critical of the government's "confused messaging" over the coronavirus restrictions.

16

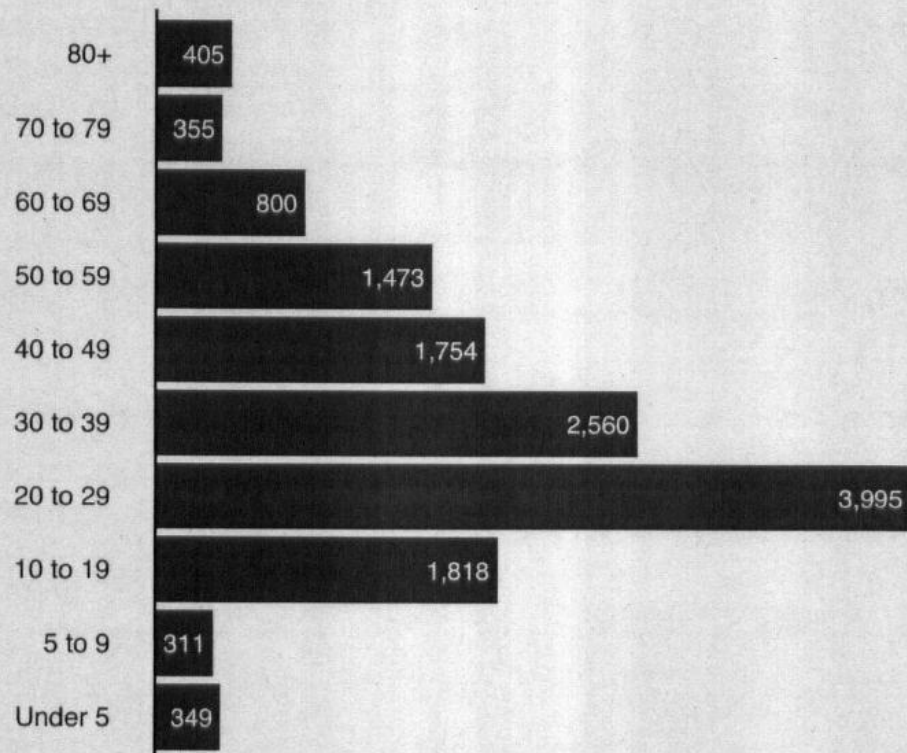


She told the BBC News Channel that the constant changing of the guidance and variations between nations had left young people "very confused about what it is they are and aren't meant to be doing".

She said ministers had almost signalled "go out and about as usual" to young people by lifting restrictions and added it was unfair to then say "actually you are the problem" rather than take any responsibility as a government for the messaging.

## Confirmed coronavirus cases in England by age group

17 to 30 August 2020



Source: Public Health England

BBC

Another Sage member, Prof Andrew Hayward, told Radio 4's Today programme he was worried that the rise in virus cases over the last few days might "get out of hand" if control measures were not taken seriously.

He added: "Generally it is local outbreaks, but there is also very worrying increases in cases, particularly over the last few days."

On Monday, his Sage colleague Prof Van Tam described the latest change in coronavirus infections across the UK **as a "great concern"**, adding: "People have relaxed too much. Now is the time for us to re-engage, and to realise that this a continuing threat to us."



England's chief medical officer Prof Chris Whitty reiterated concerns raised by his deputy Prof Van-Tam about a rise in cases.

He **tweeted**: "We have, through the extraordinary efforts of the whole population, got Covid rates right down. They are now rising again especially in those aged 17 to 29.

"If we stop social distancing Covid comes back."

## Lowest level

Meanwhile, official weekly figures show the number of deaths linked to coronavirus have fallen to their lowest level since mid-March.

A total of 101 deaths were registered during the week ending 28 August, according to the Office for National Statistics.

The Sage scientists' warnings come as more parts of the UK face tougher restrictions following a rise in the number of cases.

In Wales, **the county borough of Caerphilly is to be placed under a local lockdown** from 18:00 BST on Tuesday, lasting until at least October.

Welsh Health Minister Vaughan Gething blamed a breakdown in social distancing, especially among extended households.

Stricter rules on visiting other people's homes were also **extended to two more areas in the west of Scotland** from midnight.

- **Five Cardiff bars warned over social distancing measures**
- **North-east England football crowd must isolate after outbreak**

▪ **THE R NUMBER: What it means and why it matters**

▪ **TESTING: What tests are available?**

78

- LOOK-UP TOOL: **How many cases in your area?**
- LOCAL LOCKDOWNS: **What happens if you have one?**
- SOCIAL LIFE: **Is it safe to go to the pub?**

Meanwhile, **council leaders in north-east England have said** the average number of new cases in the region has doubled to about 80 per day, in just over a week.

A joint statement from seven council leaders said: "We have seen cases where individuals with symptoms have had a test, then gone out and infected others before getting their results - reckless and selfish behaviour."

- THE NAKED SCIENTISTS: **Where did COVID-19 come from?**

