

Statutory Licensing Sub-Committee

4 November 2020

Time 10.30 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Online Meeting

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour

Cllr Keith Inston

Conservative

Cllr Jonathan Crofts

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Blossoms, 7 North Street, Wolverhampton, WV1 1RE (Pages 3 - 134)

NB. PLEASE NOTE THAT PRESS AND PUBLIC WILL BE EXCLUDED FOR THE DISCUSSION OF APPENDIX 6 - PREMISES LICENCE HOLDER ADDITIONAL INFORMATION UNDER PARAGRAPH 2 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, AS IT CONTAINS INFORMATION WHICH IS LIKELY TO REVEAL THE IDENTITY OF AN INDIVIDUAL.

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Sub-Committee 04 November 2020
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Report title	Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Blossoms, 7 North Street, Wolverhampton, WV1 1RE	
Wards affected	St Peter's	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

1. To consider this application for a review of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

3.0 Review Application

- 3.1 An application was received from the Responsible Authority Lead, Licensing Services, on 17 September 2020 for a review of a premises licence in respect of Blossoms, 7 North Street, Wolverhampton, WV1 1RE.
- 3.2 The premises location is St Peter's Ward and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Prevention of Crime and Disorder and Public Safety licensing objectives. Supporting evidence is detailed within the review application along with video footage. All video footage included within the supporting evidence and referenced within the review application has been marked exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1 Paragraph 2. This video footage has been circulated to all relevant persons in advance of the hearing.
- 3.4 Representations have been received from Public Health and West Midlands Police. These representations can be found at Appendices 4 and 5 respectively.
- 3.5 The notice of review has been properly served on all the Responsible Authorities. The Council has complied the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 3.6 The applicant for review, the current premises licence holder and those who have made representations have all been invited to attend the hearing.
- 3.7 The current premises licence holder has submitted additional information and can be found at Appendix 6. This information has been marked exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1 Paragraph 2.

4.0 Financial implications

- 4.1 There is no fee for the application of a review and there are no direct financial implications arising from the report. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 22 January 2020. [NC/06012020/K]

5.0 Legal implications

- 5.1 Section 51 of the Licensing Act 2003, as amended states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.
- 5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any) as it considers necessary for the promotion of the “licensing objectives” listed at 5.3.
- (a) Modify the conditions of the licence;
 - (b) Exclude a licensable activity from the scope of the licence;
 - (c) Remove the designated premises supervisor;
 - (d) Suspend the licence for a period not exceeding 3 months;
 - (e) Revoke the licence.
- 5.3 The four licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 5.4 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council’s Licensing Policy Statement. [SH/22102020/A]

6.0 Equalities implications

- 6.1 There are no direct equality implications associated with this report.

7.0 Climate change and environmental implications

- 7.1 There are no climate change and environmental implications in relation to this report.

8.0 Human resource implications

- 8.1 There are no human resource implications in relation to this report.

9.0 Corporate landlord implications

- 9.1 There are no corporate landlord implications in relation to this report.

10.0 Covid Implications

- 10.1 In June 2020 The Secretary of State brought into effect The Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020. The Regulations provided enforcement powers to allow a local authority to give a direction to a premises.

11.0 Schedule of background papers

11.1 None

12.0 Appendices

12.1 Appendix 1 – Current Premises Licence

12.2 Appendix 2 – Location Plan

12.3 Appendix 3 – Review Application and Supporting Documents (Video Footage – Exempt)

12.4 Appendix 4 – Public Health Representations

12.5 Appendix 5 – West Midlands Police Representations and Supporting Documents

12.6 Appendix 6 – Premises Licence Holder Additional Information (Exempt)

Premises Licence

Appendix 1

Issued in accordance with The Licensing Act 2003

Name of Premises: Blossoms

Address of Premises: 7 North Street
Wolverhampton
West Midlands
WV1 1RE

Premises Licence Number: 19/14251/PRE – New Premises Licence Application

Date of Last Update: 12/07/2019

1. Opening hours of the premises

Normal Hours Monday to Wednesday 12.00 – 02.00 Hours
Thursday to Saturday 12.00 – 04.00 Hours
Sunday 12.00 – 00.00 Hours

Seasonal Variations: None

Non Standard Hours: All Sundays preceding any UK BH Monday, Christmas Eve, Boxing Day and New Years Eve all until 4:00 Hours.

2. Licensable Activities authorised by the licence and the times the licence authorises the carrying out of these activities:

Sale/supply of Alcohol on the premises

Monday to Wednesday 12:00 to 01:30 Hours
Thursday to Saturday 12:00 to 03:30 Hours
Sunday 12:00 to 23:30 Hours
Seasonal Variations: None
Non Standard Hours: All Sundays preceding any UK BH Monday, Christmas Eve, Boxing Day and New Years Eve all until 03:30 Hours.

Recorded Music

Monday to Wednesday 12.00 – 02.00 Hours
Thursday to Saturday 12.00 – 04.00 Hours
Sunday 12.00 – 00.00 Hours
Seasonal Variations: None
Non Standard Timing All Sundays preceding any UK BH Monday, Christmas Eve, Boxing Day and New Years Eve all until 4:00 Hours.

Live Music

Monday to Wednesday 12.00 – 02.00 Hours
Thursday to Saturday 12.00 – 04.00 Hours
Sunday 12.00 – 00.00 Hours
Seasonal Variations: None
Non Standard Timing All Sundays preceding any UK BH Monday, Christmas Eve, Boxing Day and New Years Eve all until 4:00 Hours.

3. Name of the Designated Premises Supervisor if the sale of alcohol is involved

Johnny Jones
Personal Licence Number - PA1383
Issued by South Staffordshire Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Johnny Jones
9 Cygnet Court
Wombourne
WV5 0NN

Mandatory Licensing Conditions (Licensing Act 2003)**Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

Conditions consistent with the Operating Schedule**General:**

Promote to all of our staff and customers that we adhere to the licensing objectives. I am aware that the premises falls within the CIZ (Cumulative Impact Zone) and will take extra measures to ensure we are not a problem premises.

Prevention of Crime & Disorder:**CCTV**

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, areas where door staff conduct searches and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

DOOR STAFF

A minimum of 3 door staff, one of which shall be female, and a ratio of 1:50 thereafter

All DS will wear high visibility fluorescent jackets

Clickers must be used to effectively manage number of patrons

All door staff will be briefed of their duties and licence conditions at the commencement of each duty

SEARCH POLICY

A zero tolerance policy to all drugs, with signs placed at key locations informing patrons of this. These key locations would be all entrance areas, toilets, bar area and anywhere else the venue feels appropriate.

A clearly visible notice will be placed at each entrance to the premises advising those attending that it is a condition of entry that customers agree to being searched and that the police will be informed if anyone is found in possession of controlled substances or weapons.

Searching will be a condition of entry, and all persons wanting to enter, or re-enter will be subject of the full search policy on every occasion. This is to include all staff, performers, DJ's and any other entertainment and entourage.

A knife arch will be in place on all entrance points and will be used as a condition of entry into the venue. This knife arch and any knife wands will be maintained in good working order and if it breaks WMP are to be informed and action taken to repair at the earliest opportunity.

Search procedure will be as follows:

- All pockets to be emptied/bags searched
- A metal detecting wand will then be used to scan from head to toe
- Full body pat down from head to toe
- Walk through the knife arch
- If the Knife arch is activated, another full body pat down to be conducted.
- There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or a single designated role-holder at business, shall have access. All controlled drugs (or items suspected to be) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to West Midlands Police for appropriate disposal.

A paginated incident log (which may be electronically recorded) shall be kept at the premises for at least 12 months, and made available on request to ant RA, which will record the following incidents including pertinent details:

- All crimes reported to the venue, or by the venue to the police
- All ejections of patrons
- Any complaints received
- Any incidents of disorder
- Seizures of drugs, offensive weapons, fraudulent ID or other items
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service
- The times on duty, names and the licence numbers of all
- Licensed door supervisors employed by the premises

The DPS or representative will attend Pubwatch meetings

All staff shall be trained in

- Challenge 25
- Recognising signs of drunkenness,
- How to refuse service,
- The premises' duty of care,
- Company policies and reporting procedures,
- Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services,
- The conditions in force under this licence.

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any RA.

At least one Personal Licence Holder will be on the premises when it is open for licensable activity

The premises will participate in the local link radio scheme, and ensure that they have at least one fully functional link radio at all times when the premises is open for licensable activity. West Midlands Police will receive full details of all events including DJ's and any other performers, with at least 14 days notice so that a full risk assessment can be made. When a TEN is granted in respect of this premises inside or outside then all the conditions on the premises licence will remain in effect and will be adhered to.

Public Safety:

All staff to be trained in order to carry out a safe evacuation of the premises in an emergency and training to be implemented on an annual basis. A record of this training to be kept on the premises and be made available to a RA upon request.

The number of persons permitted in the premises at any one time including staff shall not exceed West Midlands Fire Risk Assessment, and this number shall be prominently displayed by each entrance to the premises. The premises licence holder shall ensure a suitable method (clickers in the first instance) of calculating the number of people present during licensable activities is in place, and that the results are securely recorded in a logbook for a period of at least 12 months.

The premises licence holder shall ensure that at all times when the public are present there is at least one competent and fully trained person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by any RA.

At least one member of First Aid trained staff on the premises at any time that members of the public are present on the premises.

A full site check, including internal and external areas to be completed, looking for any weapons, illegal substances or insecure areas both before and after opening for business.

Prevention of Public Nuisance:

Deliveries to be conducted at a reasonable hour and not after 23.00hrs

Waste management to be completed during daytime hours, such as emptying the bottle recycling bins.

Protection of Children from harm:

All staff to be trained on the Challenge 25 policy. This training will be documented and refreshed every 12 months and made available to any RA upon request.

No events solely for those under 18 will be permitted on the premises.

Entry by children under the age of 18 are prohibited from entering the premises.

No performer under the age of 18 shall be permitted to perform.

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof

of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.

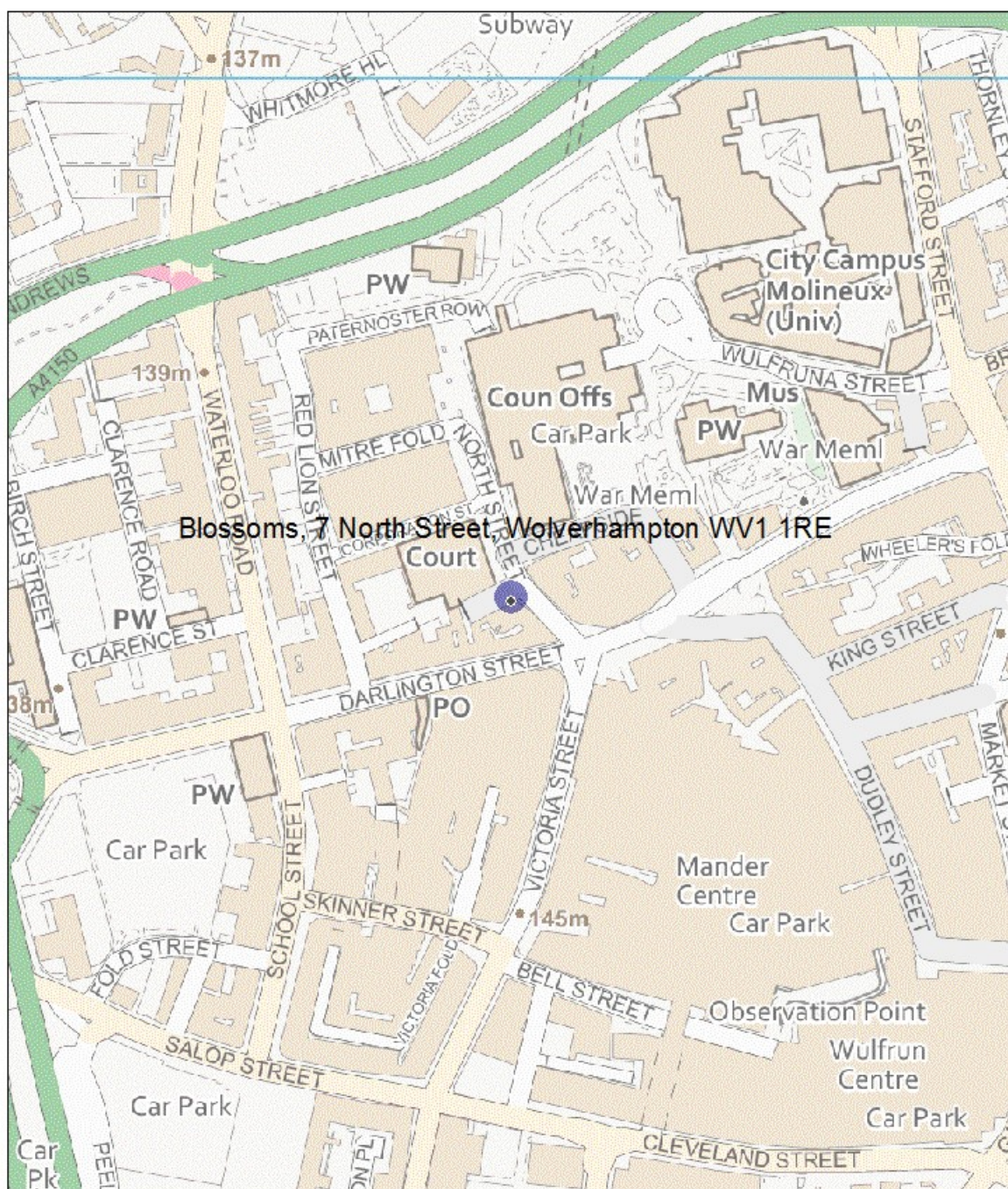
The premises shall display prominent signage indicating at all points of sale and at the entrance to the premises that the Challenge 25 scheme is in operation.

Plans

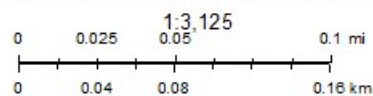
As submitted with application dated 13/06/2019 and retained by City of Wolverhampton Council.

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Location Plan



10/22/2020 3:00:31 PM



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Web AppBuilder for ArcGIS
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**CITY OF
WOLVERHAMPTON
COUNCIL**

Licensing Services, 2nd Floor, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1SH

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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. You may wish to keep a copy of the completed form for your records.

I Elaine Moreton

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Blossoms
7 North Street

Post town Wolverhampton

Post code (if known) WV1 1RE

Name of premises licence holder or club holding club premises certificate (if known)

Johnny Jones

Number of premises licence or club premises certificate (if known)

19/14251/PRE

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Elaine Moreton Licensing Services Civic Centre St Peters Square Wolverhampton WV1 1SH
Telephone number (if any) 01902 551155
E-mail address (optional) Licensing@wolverhampton.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

On the 24 August 2020, City of Wolverhampton Council's Environmental Health department were notified by West Midlands Police that an event had taken place at Blossoms, 7 North Street, Wolverhampton, WV1 1RE. The event took place on the 21 August 2020, video footage of this event has been provided to the local authority by West Midlands Police and is attached as Appendix A. The footage according to the Service Lead – COVID Business Compliance “demonstrated a severe lack of compliance with the current guidelines for licensed premises.”

There is an outdoor space on the first floor shown being used within this footage. The space had been previously restricted by Building Control owing to safety concerns. A letter had been sent to the land owner prior to the event that took place at the premises on 21 August 2020.

On 25 August 2020 Building Control sent the premises licence holder (PLH)/designated premises supervisor (DPS), Johnny Jones a letter stating the above-mentioned area is potentially dangerous. A copy of this letter is attached as Appendix B. It is clear, to any sensible person viewing the photograph attached to the letter that the area appears unsafe.

On the same day the Service Lead – COVID Business Compliance met with the PLH/DPS, Johnny Jones to address Covid related concerns; with regards to capacity, dance floor areas, management of social distancing, test and trace, and other matters. It was noted that a positive attempt had been made to complete the necessary documentation that was legally required. The PLH/DPS was advised to make amendments. The Service Lead – COVID Business Compliance continued to provide extensive advice over coming days to enable the PLH/DPS to achieve compliance.

On the 28 August and 29 August 2020, the premises were visited by the Service Lead – COVID Business Compliance, the Senior Licensing & Compliance Officer and Officers from West Midlands Police. The first visit on 28 August 2020 at 22:35 hours identified serious concerns with social distancing, dancing (which was not permitted pursuant to **The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020**), and vertical drinking to both the ground and first floors.

The PLH/ DPS, Johnny Jones was not on site whilst the visits were conducted. Therefore, Covid concerns were raised with the Manager, [REDACTED] who went on to express that she was not aware of the requirements concerning such matters, and had not been briefed by the DPS, nor seen sight of the COVID premises risk assessment. At this point the Service Lead – COVID Business Compliance briefed both [REDACTED] and two SIA Door Supervisors, and they all agreed to manage and implement safe measures.

On the second visit on 29 August 2020 at 00:15 hours the same officers re-attended the premises, unannounced, and upon entry to the premises noted that the DJ set on the first floor had been turned off. [REDACTED] and an SIA

member advised that they had pro-actively made the decision to turn off the music as they were unable to manage social distancing, dancing, vertical drinking and singing. All officers left the premises and staff agreed to continue to manage.

Police Constable Paul Bishop of West Midlands Police has provided witness statements regarding the visits to the premises and are attached as Appendix C.

Following the bank holiday weekend, West Midlands Police raised concerns that safe measures were not being implemented over continuous days, namely the evening of the 29 and 30 August 2020. Police sergeant Marc Bullas of West Midlands Police provided a witness statement of these visits and is attached as Appendix D.

Where video footage has been provided by West Midlands Police still photographs of the footage have been captured and are attached as Appendix E.

On 2 September 2020 the Service Lead – COVID Business Compliance sent the PLH/DPS a warning letter in relation to the above visits. This letter is included within Appendix F.

On 3 September at approximately 14:35 hours the Service Lead – COVID Business Compliance, the Senior Licensing & Compliance Officer and Licensing & Regulatory Officer – West Midlands Police met with the PLH/DPS at the premises. The purpose of this meeting was to obtain CCTV footage from the bank holiday weekend and conduct a premises licence compliance inspection. Footage was viewed during this meeting however not obtained by officers.

During this visit breaches of premises licence conditions were identified, and a trader's notice left with the PLH/DPS for the breaches to be addressed. The breaches are outlined below:

- Female SIA door supervisor not signed in on Friday 28/08/2020
A minimum of 3 door staff, one of which shall be female, and a ratio of 1:50 thereafter
- PLH/DPS is currently the only person with a personal licence
At least one Personal Licence Holder will be on the premises when it is open for licensable activity
- Incident log not provided
A paginated incident log (which may be electronically recorded) shall be kept at the premises for at least 12 months, and made available on request to any RA.
- Employees training record not shown
Documented records of training completed shall be kept for each member of

staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request of any RA.

To date these breaches have not been resolved.

Service Lead – COVID Business Compliance viewed CCTV footage from the early hours of the 30 and 31 August 2020, and observed a lack of social distancing, vertical drinking, overcrowding to the upper floor area, dancing, and high volumes of people to the bar areas. The CCTV footage demonstrated a complete lack of management to prevent the spread of COVID 19 by others.

It was agreed that the PLH/DPS would provide the CCTV footage requested by the Service Lead – COVID Business Compliance to Bilston Street Police Station by the morning of 4 September 2020.

The Senior Licensing & Compliance Officer has provided a witness statement in relation to the visits dated 28 & 29 August 2020 and 3 September 2020. This is attached as Appendix G.

On 3 September 2020 the Service Lead – COVID Business Compliance sent the PLH/DPS a notification of directions concerning Blossoms. This email confirmed; The direction to close the premises with immediate effect from 4 September 2020 at 18:00 hours. This direction is reviewed at least every seven days, this is attached within Appendix F.

On 4 September the PLH/DPS provided CCTV footage on a memory stick to the Service Lead – COVID Business Compliance covering the bank holiday weekend. Upon attempting to view the footage it appeared no CCTV footage was available to view. City of Wolverhampton Councils ICT department have confirmed the memory stick contains no CCTV footage.

On 10 September 2020 the Service Lead – COVID Business Compliance sent the PLH/DPS a further notification of directions concerning Blossoms. This email confirmed the first direction to close the premises will be replaced, and a further direction will come into effect from, the 11 September 2020 at 18:00 hours, and have effect until the 9 October 2020 at 18:00 hours. The direction will be reviewed at least every seven days, with the first review being the 18 September 2020 at 18:00 hours.

Confirmation of the above details have been provided by the Service Lead – COVID Business Compliance and are attached within Appendix F.

There has been a flagrant disregard by the PLH/DPS to uphold the licensing objectives, comply with the conditions of licence and ensure that the premises were COVID-secure. Patrons were unnecessarily put at risk.

Please provide as much information as possible to support the application (please read guidance note 3)

Further supporting information has been provided by way of Appendices to this application.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

None

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 17/09/2020

Capacity Responsible Authority Lead for the Licensing Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Video footage, served prior to Statutory Licensing Sub-Committee Hearing (Exempt)

CITY OF
WOLVERHAMPTON
COUNCIL

25th August 2020

Mr Johnny Jones
Director
Blossoms
7 North Street
Wolverhampton
WV1 1RE

Dear Sir

DANGEROUS BUILDINGS AND STRUCTURE INTIMATION

ADDRESS: The Little Civic / Blossoms North Street, Wolverhampton, West Midlands.

An inspection has been made of this building or structure, which reveals that it is in such a condition as to be potentially dangerous. In particular the following requires attention:

A 1st floor rear single storey extension appearing to be forming a covered terraced area which from our records appears to have no Building Regulations Approval and no Planning Permission.

Concerns are over the suitability of the structure to support the weight and loadings and from people that may congregate on the deck / terrace.

You should arrange to have remedial work carried out **within 7 days**. If you are in any doubt as to the extent of the work necessary, please feel free to contact me on the details below and to advise me of your intentions.

I have to point out that if you take no action the Council are empowered by Section 77 of the Building Act 1984, to apply to a Magistrates Court for an order in these circumstances requiring work to be carried out at such premises, or, where it is necessary to carry out emergency measures to deal with the situation, the Council may proceed to order or carry out any necessary works within the procedures provided by S.78 of Building Act 1984 and charge the owner with the cost.

Should it be found necessary for the Council to carry out works for the protection of the public, the costs will be charged to you, and an account will be rendered in due course.

Yours faithfully



Authorising Officer
Mr Stewart Hitchcox
Section Leader
Building Control

Direct: 01902 555591
Email: stewart.hitchcox@wolverhampton.gov.uk
20/0039/DSI

Photograph highlighting the area of concern



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 Paul BISHOP

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

Occupation Police Officer

This statement (consisting of 3 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: P.Bishop (witness)

Date 03/09/2020.

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

I am Police Constable 20670 Bishop, of The West Midlands Police.

I am making this statement in relation to two visits to a venue called 'Blossoms' located on North Street, City Centre, Wolverhampton at approximately 2230hrs on Friday 28th August 2020 and at approximately 0001hrs on Saturday 29th August 2020.

On this day, I was the duty supervisor covering the Wolverhampton City Centre, night time economy working from 1900hrs on Friday 28th August 2020 until 0400hrs on Saturday 29th August 2020.

At approximately 2230hrs on Friday 28th August 2020, together with number of other police officers and council representatives, I attended 'Blossoms' -on arrival at the location I saw a number of door supervisors at the entrance and a female member of management I know to be [REDACTED] stood just inside the door speaking to a member of staff sat behind a small desk which is where I believe they take the cash from customers entering the venue. At this point I activated my body worn video.

We initially stood at the front of the venue for a few seconds then decided to enter - I asked to speak to [REDACTED] at which point I saw her quickly go up the stairs to the first floor. We then ascended up the stairs where I saw [REDACTED] now walking down towards us. I then introduced [REDACTED] to the council representatives.

As we entered into the main room on the first floor, It was immediately apparent to me that the music was extremely loud and I was struggling to here what my colleagues were saying. I also noticed that most of the patrons on this floor were stood up around there tables and drinking.

I then followed [REDACTED] to the left of the main room to an outside area where the council representatives inspected a boarding which had sectioned the area off. Whilst in the outside area [REDACTED] asked us who had specifically asked for her - I informed her that it was me - she stated to me that things in the venue had changed and a male called [REDACTED] was now working with the bouncers and dealing with the police.

Signature

Signature witnessed by

03/2016

Crime No. URN

Statement of Paul BISHOP

During conversation [REDACTED] stated that there were three persons in charge all with different responsibilities but the owner 'Johnny' wasn't present but she was expecting him.

We then entered back into the main room on the first floor and walked towards the DJ booth located at the rear of the room where again I noticed at the music was extremely low and [REDACTED] was having to shout at us for us to hear her and again there were a number of people stood up dancing. After a short period of time we exited the room into a private staff area so we could have a conversation.

The council representative then had a conversation with a member of security staff and venue staff. After a few minutes we re-entered the main room on the first floor where the music was still extremely loud - once again a number of people were stood up dancing.

As we stood at the top of the stairs I noticed that the volume of the music had lowered slightly.

We then descended down the stairs and entered the ground floor room- again there was music playing however this was at a slightly lower volume. As I walked around the room on the far left I saw a group of approximately 8 males and females all stood up around table drinking - they were then spoken to by [REDACTED] and they sat down.

The council representatives then conversed with staff. We then left the premises at approximately 2246hrs and I deactivated my body worn video - I now produce this footage as police exhibit PAB/1.

At 0001hrs on Saturday 29th August 2020, together with the council representatives, I re-attended 'Blossoms', upon arrival I again activated my body worn video. We immediately entered the premises, ascending to the first floor. As we walked up the stairs I could not hear any music but could hear people shouting and chanting, as we entered the room the music had been switched off - I could see that there were a number of people stood up, however as we walked further into the room they seemed to sit down. As we walked towards the DJ booth the atmosphere in the room seemed to change, in particular from a group on my left who began booing us, I then also noticed that a male who was stood behind the DJ booth began pointing his mobile towards us and I suspected that he was recording us.

We then left the first floor room into a private staff area where [REDACTED] followed us, during conversation [REDACTED] stated that the music had been turned off as everyone had been standing up, the council representatives then continued to converse with staff.

After then conversation we were alerted to a minor disorder on the first floor within the venue - due to the amount of patrons inside and the fact that door staff were present - this was left with them to deal with.

After a few minutes we decided to leave the first floor, whilst walking through the room the booing continued

Signature

Signature witnessed by

03/2016

Crime No. URN

Statement of Paul BISHOP

and people were shouting at us as we left - as we did walk through the room a number of the patrons were still standing and drinking. We then descended down the stairs.

We then entered the ground floor room where again I saw a group in the far left corner stood up drinking and dancing. At 0022hrs the same day we left the premises and I deactivated my body worn video - I now produce this footage as police exhibit PAB/2.

Signature

Signature witnessed by

03/2016

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 Paul BISHOP

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

Occupation Police Officer


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: P.Bishop (witness) 

Date 11/09/2020

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

I am Police Constable 20670 Bishop, of The West Midlands Police.

Further to my original statement dated 03/09/20- I would like to clarify: on page two, paragraph three, it should read: ' We then entered back into the main room on the first floor and walked towards the DJ booth located at the rear of the room where again I noticed that the music was extremely loud and  was having to shout at us for us to hear her and again there were a number of people were stood up dancing. After a short period of time we exited the room into a private staff area so we could have a conversation - and not what is stated on my original statement.

Signature 

Signature witnessed by

03/2016

Page 31
OFFICIAL – (when complete)

WITNESS STATEMENT

Page No

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of Marc John Bullas

Age if under 18 Over 18 (if over 18 insert 'over 18').

Occupation Police sergeant 3633

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

Date: 03/09/2020

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

I am the above named officer currently attached to Bilston Police station in the West Midlands. One of my areas of responsibility is the Blakenhall area of Wolverhampton. This statement is in relation to me attending BLOSSOMS CITY CENTRE WOLVERHAMPTON on 30th and 31st August 2020.

On Sunday 30th August 2020 I was on duty in full uniform working Wolverhampton night time economy. Between 19:00hrs on 30th and 04:00hrs on Monday 31st August I was tasked with attending several pubs around Wolverhampton to check for Covid-19 regulation compliance.

At around 21:14hrs on Sunday 30th August I attended BLOSSOMS with other officers. I saw a large group of around 60 people or more waiting outside the venue. There was no social distancing within the queue. I spoke to the door staff and asked them how many were inside. I informed the door staff that those in the queue should be social distancing and was met with the response that there were markers on the floor, and that staff had been advising those in the queue. I recorded this attendance on body worn video and produce it as evidence, Police reference MJB/2 EXH().

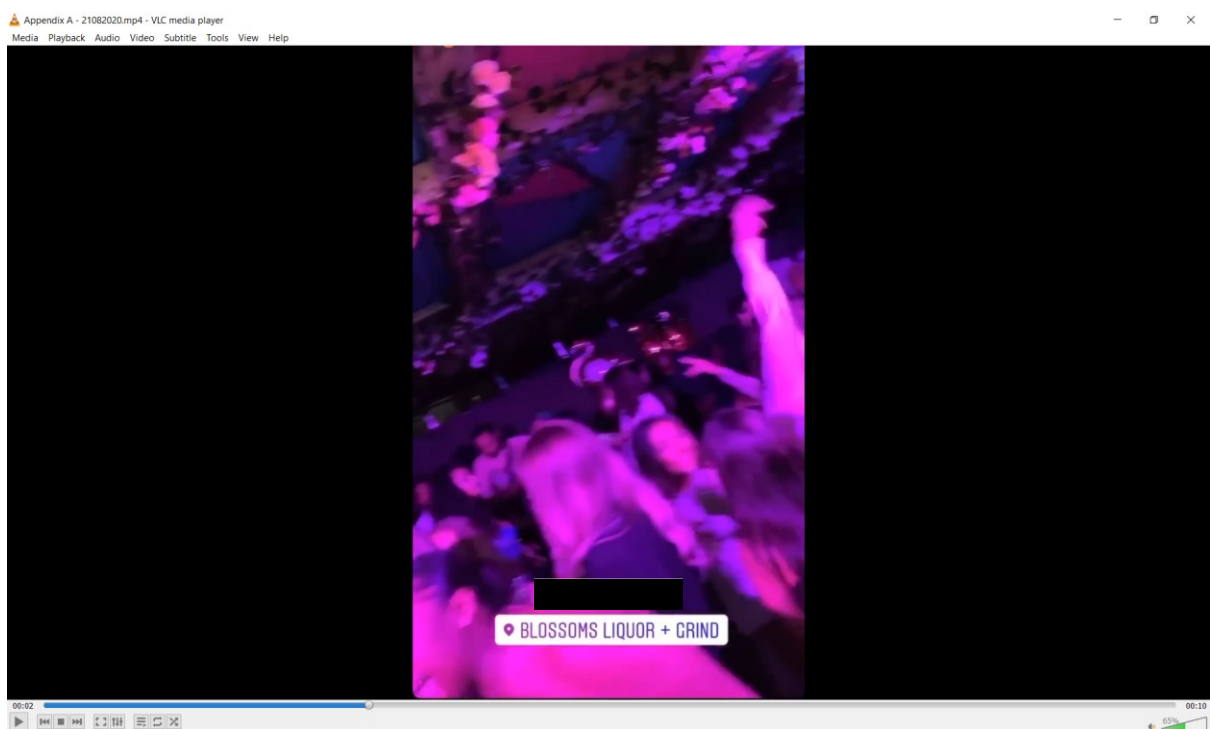
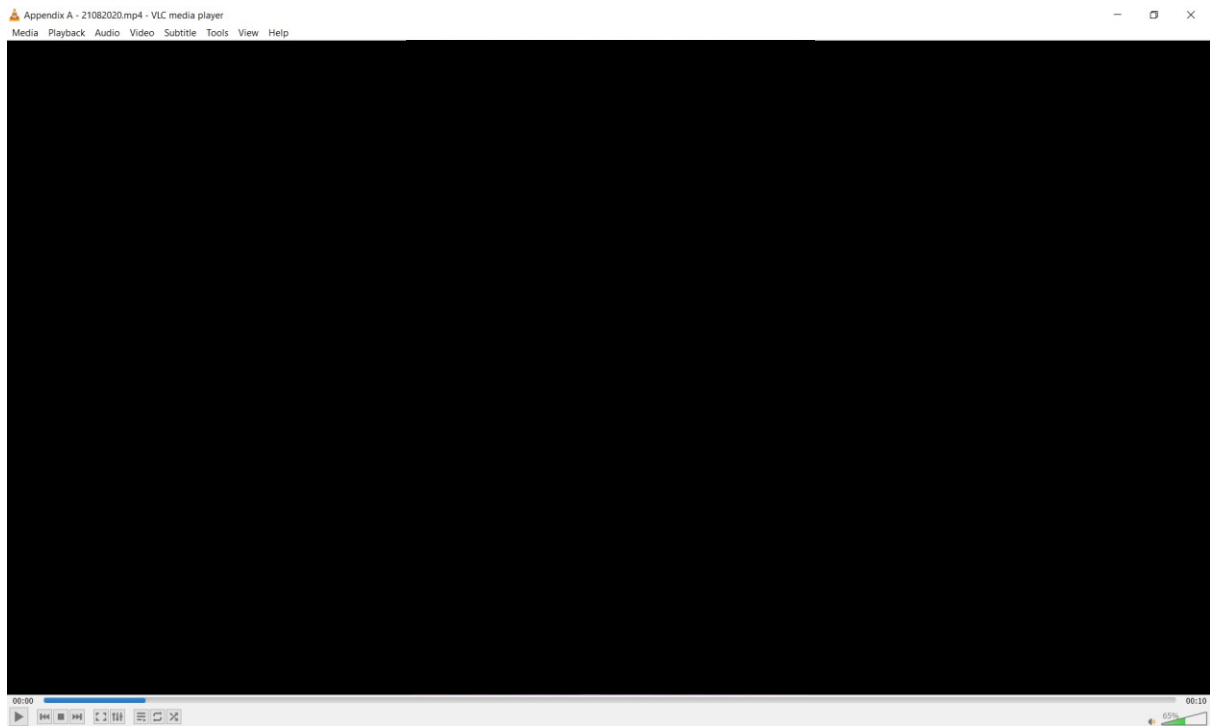
At around 23:05hrs on Sunday 30th August 2020 I re-attended BLOSSOMS with other officers in order to enter and check again for their Covid-19 compliance. Whilst walking in I overheard queuing people complain about a lack of hand sanitizer, and social distancing in the venue. The officers and I entered. The majority of people seemed to be sat down in the downstairs area. But it was very loud; the music was not at a reasonable level, and I had to shout so that my colleagues could hear me. There were people moving about and ordering drinks from the bar. A colleague and I went upstairs in the venue. I was told that they had 148 people in the bar, but my understanding was that they should only have 125. As I walked in the upstairs bar area, again there were people present but most seemed to be seated, there was music on which again was loud. I struggled to hear those talking to me, and to talk back without shouting. I walked in to the terrace area, which I had been informed was closed. In this area which does have an open roof there were numerous people standing, although the majority were sitting in the designated booths. After a short while I was met by the manager who gave his name as [REDACTED]. I had met [REDACTED] the week before when I had also attended BLOSSOMS following reports of a lack of social distancing. [REDACTED] and I chatted about how the night was going. [REDACTED] and his female colleague, whose name I do not know, explained that they were aware of large amounts of people trying to get in the venue, and almost called the police to assist them. I explained that I had seen a vast amount of cars parked very close to the venue which I suspect were parked by those coming to BLOSSOMS. [REDACTED] explained that he and his staff were meeting before opening about how to operate and that they were getting better. He explained that the owner 'Jonny' was not present. I also recorded this attendance on my body worn video and can produce a copy as evidence Police reference MJB/3 EXH().

Signature

Signature Witnessed By

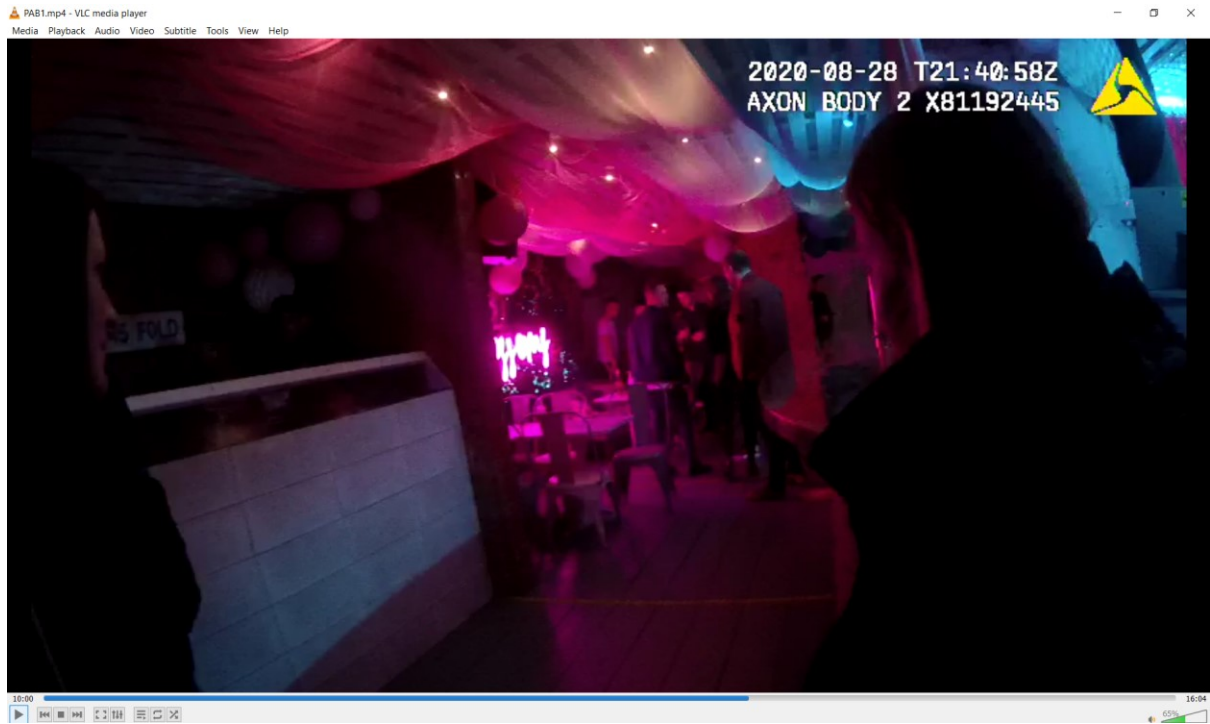
✓/↑

21/08/2020



28/08/2020





29/08/2020

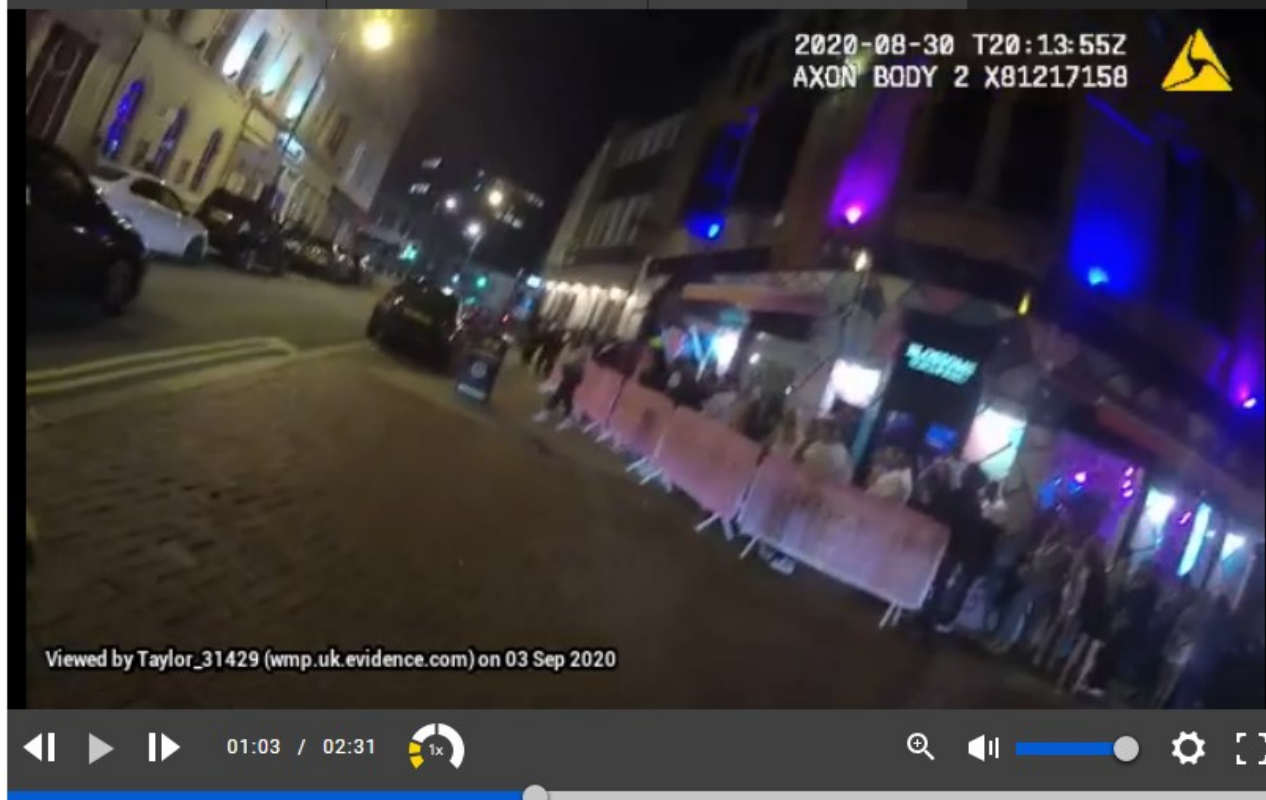


30/08/2020

DOWNLOAD

FLAG

REASSIGN



DOWNLOAD

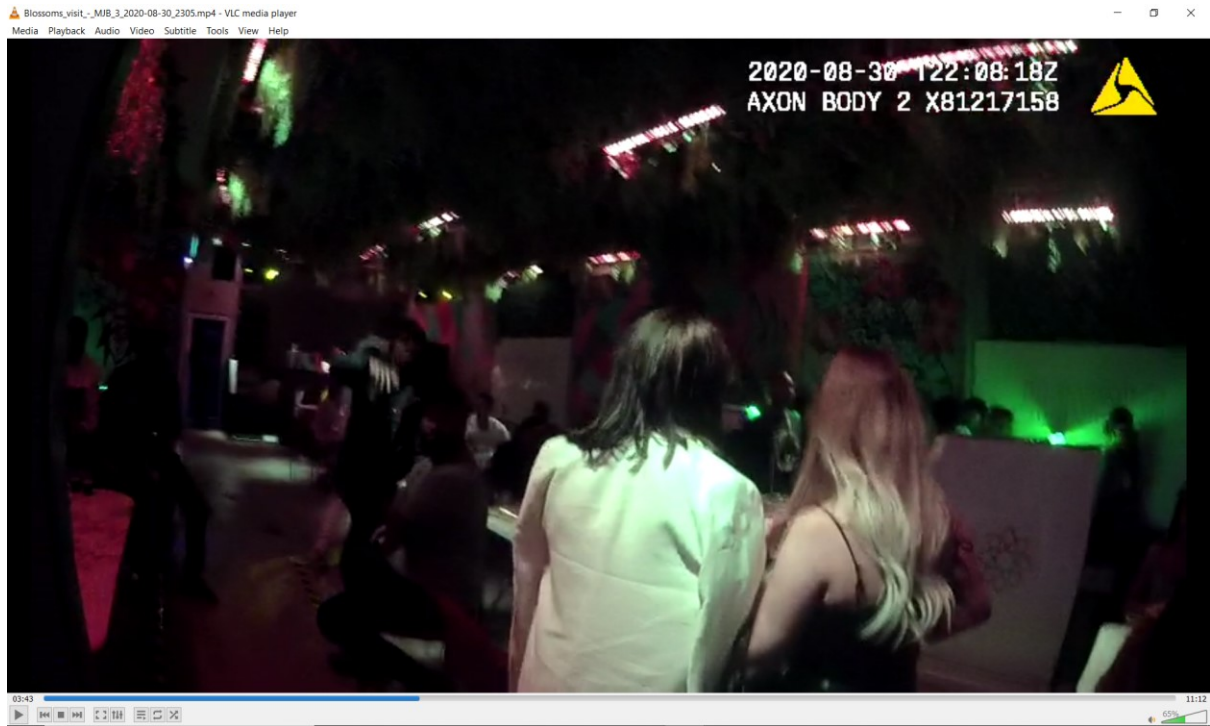
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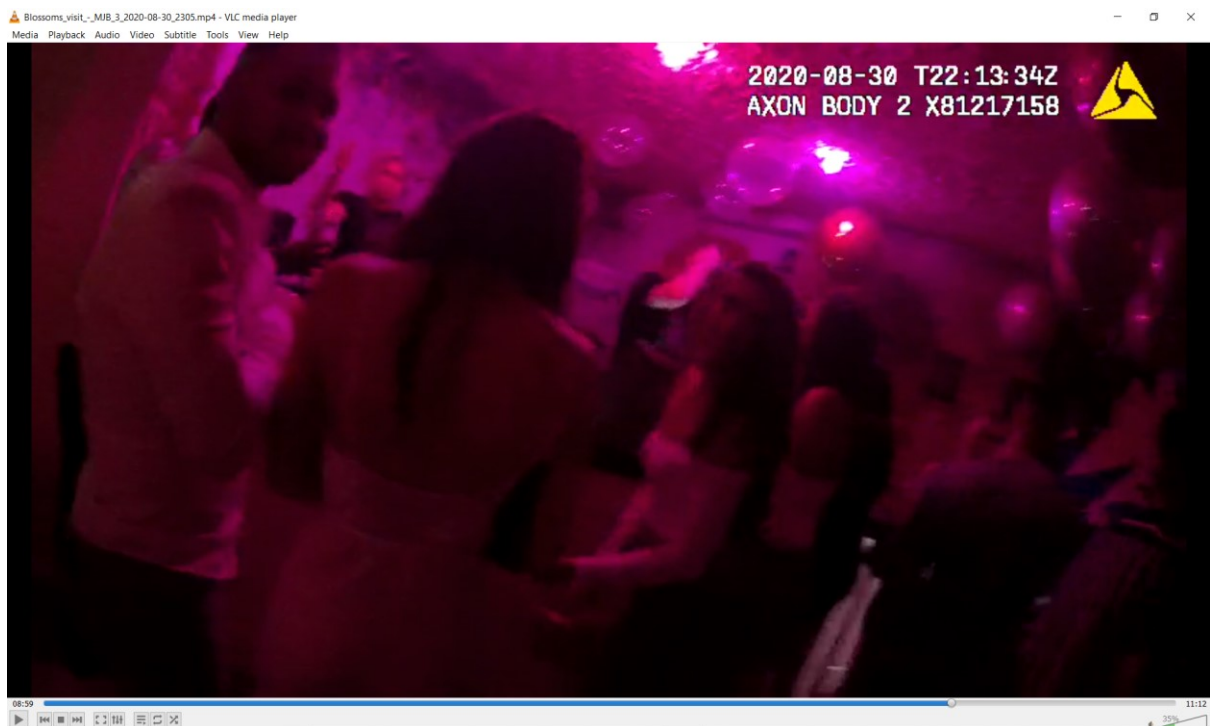
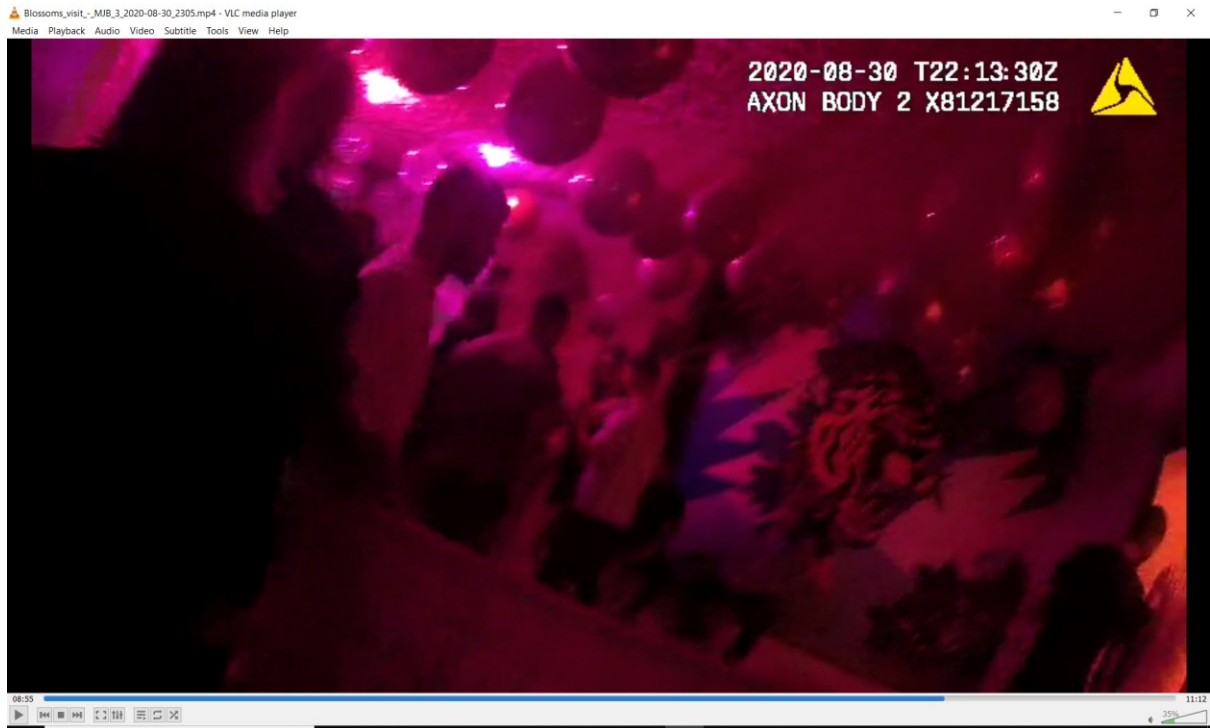
REASSIGN



30/08/2020







The Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Regulation 4**Premises: Blossoms, 7 North Street, Wolverhampton, WV1 1RE****Designated Premises Supervisor/Responsible Person: Mr. Johnny. Jones**

Brief by Charlotte Rose, Service Lead – COVID Business Compliance Taskforce

On the 24th August 2020, I was contacted by West Midlands Police with regards to an event at the concerned premises on the 21st August 2020, and concerns with a lack of COVID requirements, namely absence of social distancing, overcrowding, dancing, singing, chanting, and increased noise levels. Video footage provided by West Midlands Police demonstrated a severe lack of compliance with the current guidelines for Licensed premises.

I met with Mr Jones on the 25th August 2020, where we discussed and reviewed his premises COVID risk assessment. There were concerns raised with regards to capacity, dance floor areas, management of social distancing, test and trace, and other matters, however it was noted that a positive attempt had been made to complete the necessary documentation that was legally required of him. I advised Mr Jones to make such amendments and continued to provide extensive advice over coming days to enable him to achieve compliance.

On the evening of the 28th August into the early hours of the 29th August 2020, I attended site with Senior Licensing Officer, Elizabeth Gregg, and Police Officers from West Midlands Police. The purpose of the visits was to check compliance with COVID 19 requirements to prevent the spread by others of COVID 19. Upon entry into the premises, there were concerns with social distancing, dancing, and vertical drinking to both the ground and first floor. I spoke with site Manager, [REDACTED], who went on to express that she was not aware of the requirements concerning such matters, and had not been briefed by the DPS, nor seen sight of the COVID premises risk assessment. I briefed both [REDACTED] and two SIA Door Supervisors, and they agreed to manage and implement safe measures.

At approximately 0015 hours on the 29th August, I re-attended site, unannounced, and upon entry to the premises noted that the DJ set had been turned off. [REDACTED] and an SIA member advised that they had pro-actively made the decision to turn off the music as they were unable to manage social distancing, dancing, vertical drinking and singing. This was a positive step. We left site and staff agreed to manage.

During subsequent days after the bank holiday weekend, I have been made aware via West Midlands Police that concerns had been raised by other businesses within the City and Police Officers attending site, that safe measures were not implemented over continuous days, namely the evening of the 29th and 30th August 2020.

I attended site on the 3rd September 2020 with Senior Licensing Officer, Elizabeth Gregg, and Aimee Taylor of West Midlands Police, where we met with DPS, Mr Jones. I viewed CCTV footage from the early hours of the 30th and 31st August 2020, and observed a lack of social distancing, vertical drinking, over crowding to the upper floor area, dancing, and high volumes of people to the bar areas. The CCTV footage

demonstrated a complete lack of management to prevent the spread of COVID 19 by others.

Further statements have been provided by Officers of the Police Force for your attention as attached.

I am therefore of the opinion that the below 3 conditions under the above-mentioned Regulations are met:

- 1. the direction responds to a serious and imminent threat to public health in the local authority's area*
- 2. the direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus*
- 3. the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose*

Charlotte Rose
Service Lead – COVID Business Compliance Taskforce

[REDACTED]

From: Charlotte Rose
Sent: 02 September 2020 19:11
To: Johnny Jones
Cc: Elizabeth Gregg
Subject: Blossoms - site meeting
Attachments: Johnny Jones Warning 02092020.pdf

Sensitivity: NOT PROTECTIVELY MARKED

Dear Sir,

Please find attached letter for your immediate attention.

I shall be in site tomorrow at 2.30pm.

Regards,

Charlotte

Charlotte Rose
Service Lead - COVID Business Compliance
Environmental Health & Trading Standards
Business Services
City of Wolverhampton Council

[REDACTED]

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2.9.2020

Johnny Jones
Blossoms
7 North Street
Wolverhampton
WV1 1RE

Dear Mr. J. Jones,

Health Protection (Coronavirus, Restrictions) (England)(No. 3) Regulations 2020 – COVID 19 requirements
The Health and Safety at Work etc. Act 1974
Re: Blossoms, 7 North Street, Wolverhampton, WV1 1RE

I write to you following a site visit to the above mentioned premises on the 28th August 2020, where I was accompanied by Senior Licensing Officer, Elizabeth Gregg, and Officers from West Midlands Police. The purpose of the visit was to check compliance with COVID 19 requirements to prevent the transmission of COVID 19 within the premises. As you are aware, the City Council have been concerned with your ability to implement safe measures and your duty to manage.

I refer to my previous conversation with you on the 25th August 2020 concerning your COVID 19 premises risk assessment, and concerns raised by West Midlands Police following a site visit by Officers on the 21st August 2020. Video footage demonstrated you failing to comply with the requirements set out by the government during the emergency period and your risk assessment lapsed in detail.

It is imperative that you **assess the risks** to your employees and members of the public from Coronavirus (SARS-COV-2) and **implement suitable control measures**.

During the visit on the evening of the 28th August and into the early hours of the 29th August 2020, I met with site Manager [REDACTED]. Upon entry to site, we observed a lack of social distancing, vertical drinking, dancing and singing to the lower and upper floor areas. [REDACTED] and SIA staff advised that they were not aware of these requirements and expressed that they had not been briefed nor seen the requirements set out within the premises COVID risk assessment. I was extremely disappointed to hear this, but [REDACTED] went on to express that she would manage accordingly in your absence following my advice.

During the second visit of the evening, at approximately 00.15 hours, upon entry into the premises, we noted that the DJ/Music set had been turned off, and we were advised that the reason for this was due to staff on site not being able to manage patrons for COVID compliance, patrons were deemed as unmanageable. This was seen as positive step towards managing the risks associated with the virus.

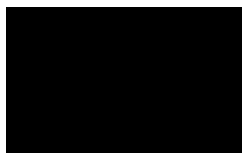
The City Council have since unfortunately been advised of further breaches over the bank holiday weekend, and I therefore request your attendance, or another member of your team acting on your behalf, to attend site on the **3rd September 2020 at 14.30 hours**. Due to the serious nature of these concerns you are required to co-operate with this appointment. The visit will involve a review of your CCTV, and for you to provide a copy in accordance with your License.

Should you fail to abide by this request, I will be in a position to take evidence, with a view to calling for a review of your license, and consideration of any necessary enforcement action that is deemed necessary.

I trust that you will take on board the above so that this extreme course of action will not be necessary.

If you have any questions about the content of this letter, you should contact me urgently; my contact details are set out below.

Yours faithfully



Charlotte Rose
Service Lead – COVID Business Compliance Taskforce
Environmental Health and Trading Standards
Business Services



Cc Elizabeth Gregg, Senior Licensing Officer, City of Wolverhampton Council

From: Charlotte Rose
Sent: 03 September 2020 18:09
To: Johnny Jones
Cc: Chris Howell; Elizabeth Gregg
Subject: Blossoms, Directions - COVID 19

Sensitivity: NOT PROTECTIVELY MARKED

Dear Mr. J. Jones,

Health Protection (Coronavirus, Restrictions) (England)(No. 3) Regulations 2020 – notification of directions concerning premises

Premises: Blossoms, 7 North Street, Wolverhampton, WV1 1RE

I write to you following a site visit to the above mentioned premises on the 28th and 29th August and 3rd September 2020, where I was accompanied by Senior Licensing Officer, Elizabeth Gregg, and Officers from West Midlands Police. The purpose of the visit was to check compliance with COVID 19 requirements to prevent the transmission of COVID 19 within the premises. As you are aware, the City Council have been concerned with your ability to implement safe measures and your duty to manage.

During the visit on the 28th and 29th August, and a review of your CCTV on the 3rd September 2020, observations were made, and the following matters were found to be of serious concern:

- You have failed to implement measures to manage social distancing between patrons and staff, vertical drinking, shouting, chanting, and dancing, both internally and externally to the premises.
- You failed to meet the seated capacity deemed safe in accordance with your COVID 19 premises risk assessment.
- There were increased noise levels from the DJ booth, which encouraged patrons to raise their voices.
- You failed to advise your employees and contractors on site of the requirements of the COVID 19 premises risk assessment to prevent the spread by others of the virus. Employees on site were unaware of safe measures.

On 18 July 2020, legislation to grant local authorities new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 ("coronavirus") transmission in a local authority's area where this is necessary and proportionate to manage spread of the coronavirus in the local authority's area took effect. These regulations include powers for local authorities to:

- **restrict access to, or close, individual premises**
- **prohibit certain events (or types of event) from taking place**

Due to the above mentioned matters, I am now of the said opinion that Directions must be made to close the premises until further notice. I am satisfied that it is absolutely necessary to serve the direction upon you, and that the following 3 conditions are met:

1. the direction responds to a serious and imminent threat to public health in the local authority's area
2. the direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus
3. the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose

The direction to close the premises will come into effect from tomorrow, the **4th September 2020 at 18:00 hours**. The direction will be reviewed at least every seven days, with the first review being the **11th September 2020 at 18:00 hours**. The review process will involve an assessment of determining whether the three conditions for making the directions continue to be met.

I will attend site tomorrow at 18:00 hours, where the Direction will be provided in writing to you, and a copy attached to the premises door(s). I will also send you a copy electronically.

I welcome your co-operation with these matters, and look forward to receiving a review of your COVID 19 Risk Assessment to assist with complying with the above.

As we discussed, I strongly advise that you seek legal support on this matter.

Regards,

Charlotte

Charlotte Rose
Service Lead - COVID Business Compliance
Environmental Health & Trading Standards
Business Services
City of Wolverhampton Council

cc Chris Howell, Commercial Regulation Manager, Elizabeth Gregg, Senior Licensing Officer,
City of Wolverhampton Council



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From: Charlotte Rose
Sent: 10 September 2020 14:18
To: Johnny Jones
Cc: Chris Howell; Elizabeth Gregg
Subject: RE: Blossoms, Directions - COVID 19
Attachments: DIRECTION REG 4 Johnny Jones No1_Issued.pdf

Sensitivity: NOT PROTECTIVELY MARKED

Dear Mr. J. Jones,

Health Protection (Coronavirus, Restrictions) (England)(No. 3) Regulations 2020 – notification of directions concerning premises

Premises: Blossoms, 7 North Street, Wolverhampton, WV1 1RE

I write to you following the Direction served upon you dated the 4th September 2020. As you are aware, this Direction required you to close the premises with immediate effect from this date at 18:00 hours, and would be reviewed by no later than the 11th September 2020 at 18:00 hours.

This review process involves an assessment of determining whether the three conditions for making the directions continue to be met. This includes you reviewing your COVID 19 Premises risk assessment, and providing evidence to the City Council with regards to how you have identified and will implement adequate control measures, and how you will effectively manage the spread by others of SARS – CoV – 2 at the above mentioned premises.

You have today advised that you wish to remain closed, and have not as yet undertaken a review of your existing risk assessment, nor considered what new measures you require to adequately control and manage the risks associated with SARS – Cov – 2.

I am therefore satisfied and of the said opinion that new Directions must be made to close the premises until further notice. I am satisfied that it is absolutely necessary to serve this new direction upon you, and that the following 3 conditions are still met:

- 1. the direction responds to a serious and imminent threat to public health in the local authority's area**
- 2. the direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus**
- 3. the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose**

The direction to close the premises will replace the attached Direction ref COVID/BLOS/01/20, and will come into effect from tomorrow, the **11th September 2020 at 18:00 hours, and have effect until the 9th October 2020 at 18:00 hours.** The direction will be reviewed at least every seven days, with the first review being the **18th September 2020 at 18:00 hours.** The review process will involve an assessment of determining whether the three conditions for making the directions continue to be met. If the Authority considers that one or more of the conditions in regulation 2(1) are no

longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

A Direction will be delivered to the premises, and a copy attached to the premises door(s). I will also send you a copy electronically for your records.

I welcome your co-operation with these matters, and look forward to receiving a review of your COVID 19 Risk Assessment to assist with complying with the above.

As we discussed previous, I strongly advise that you seek legal support on this matter and assistance/guidance with your risk assessment.

Regards,

Charlotte

Charlotte Rose
Service Lead - COVID Business Compliance
Environmental Health & Trading Standards
Business Services
City of Wolverhampton Council

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ref: COVID/BLOS/01/20
Date: 04.09.2020

**DIRECTION (BLOSSOMS, 7A NORTH STREET, WOLVERHAMPTON,
WV1 1RE)**

**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND)
(NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 4(1)**

1. Wolverhampton City Council ("the Authority"), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² ("the No. 3 Regulations"), gives the following direction.
2. The Authority considers that the following conditions are met—
 - a. this direction responds to a serious and imminent threat to public health;
 - b. this direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority's area; and
 - c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.³
3. Before giving this Direction, the Authority has had regard to—
 - a. any advice given to it by its Director of Public Health; and
 - b. the need to ensure that members of the public have access to essential public services and goods (including whether the individual premises forms part of essential infrastructure).
4. The Authority has taken reasonable steps to give advance notice of this direction to MR JOHNNY JONES - a person carrying on/managing a business from the premises to which the direction relates.

¹ SI 2020/750 accessed at <https://www.legislation.gov.uk/uksi/2020/750/contents/made>; guidance on local authority powers at: <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations/local-authority-powers-to-impose-restrictions-health-protection-coronavirus-restrictions-england-no3-regulations-2020>

² In this Direction, any reference to a regulation is a reference to a regulation of the Health Protection (Coronavirus Restriction) (No. 3) (England) 2020 (S.I. 2020/750).

³ See regulation 2(1).

DIRECTION

Person and premises

5. This Direction is given to Mr JOHNNY JONES, 7A North Street, Wolverhampton, WV1 1RE who is the occupier of the premises to which the direction relates and is involved in managing entry into, or departure from, the premises or location of persons in the premises.
6. This Direction is given in respect of BLOSSOMS, 7A NORTH STREET, WOLVERHAMPTON, WV1 1RE ("the Premises").

Directed actions

7. This Direction requires the following:
 - a. Closure of the Premises.

Timing and duration of direction

8. Any actions required to put into effect the restrictions set out in paragraph 5 must be undertaken by **4TH September 2020 at 18:00 hours** when the prohibition *come(s) into effect*. The restrictions set out in paragraph 5 have effect until **11th September 2020 at 18:00 hours**.
9. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review this Direction at least once every seven days. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

10. This Direction is given on the basis that you have failed to identify and implement adequate control measures associated with preventing the spread by others of Coronavirus 2 (SARS – CoV – 2). Evidence identified that you failed to manage social distancing, shouting and singing presenting increased aerosol transmission, and both dancing and vertical drinking were observed. You also permitted increased levels of capacity into the premises.

Consequences of not meeting the requirements of the Direction

11. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you.

⁴ See regulation 12(2) of the No. 3 Regulations.

⁵ See regulation 14(1) of the No. 3 Regulations

12. A person commits an offence if, without reasonable excuse, the person:⁶

- contravenes a direction under regulation 4(1); or
- obstructs a person carrying out a function under the No. 3 Regulations, including any local authority designated officer under regulation 12 or a constable.

Such an offence is punishable on summary conviction by an unlimited fine.

Appeal/representations

13. If you believe that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact set out below, setting out your reason(s).

14. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁷ There is a time limit of **up to six months from the date of issue of this Direction to appeal to the Magistrates' Court**. However, bear in mind that this Direction will be reviewed by the Authority at least every seven days and it will decide whether to revoke this Direction or revoke and replace it with another direction.⁸

15. You also have the right to make representations to the Secretary of State about this Direction.⁹ The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.

16. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. This should include:

- a. The name of the Authority;
- b. The reference [code/number] listed at the top of this Direction;
- c. The link to this Direction as noted in paragraph 19 below;
- d. An explanation as to how you have been impacted by the Direction and their relationship to the premises, such as whether you are the owner, occupier or involved in managing entry into, or departure from, the Premises, as set out in Regulation 4(5) of the No.3 Regulations;

⁶ See regulation 13(1) of the No. 3 Regulations.

⁷ See regulation 4(9)(a) of the No. 3 Regulations.

⁸ If this direction was made pursuant to a direction of the Secretary of State under regulation 3 of the No 3 Regulations, a summons is to be issued to both the Secretary of State and the local authority.

⁹ See regulation 4(9)(b) of the No. 3 Regulations.

- e. An explanation of the basis upon which the Direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1) / paragraph 2 of this Direction;
- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

17. You are still required to comply with this direction pending the outcome of any appeal to the magistrates' court or the Secretary of State.

18. You may wish to obtain independent legal advice should you seek to pursue an appeal.

Additional powers and requirements that accompany this Direction

Publication

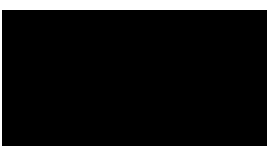
19. This Direction (and notice of revocation of this direction) is published on the Authority's website as required by the No. 3 Regulations. Details can be found at: www.wolverhampton.gov.uk/licences/licensing-public-notices

20. This Direction may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

Notification

21. The Authority is required to notify any local authority whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations.

22. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.



Chris Howell
Commercial Regulation Manager
City Environment

As authorised by Tim Johnson, Chief Executive, Wolverhampton City Council

[REDACTED]

From: Charlotte Rose
Sent: 11 September 2020 11:32
To: Johnny Jones
Cc: Chris Howell; Elizabeth Gregg
Subject: RE: Blossoms, Directions - COVID 19
Attachments: Cover Letter J JONES Directions 11092020.pdf; DIRECTION REG 4 Johnny Jones No2.pdf; working-safely-during-covid-19-restaurants-pubs-takeaways-100920.pdf

Importance: High

Sensitivity: NOT PROTECTIVELY MARKED

Dear Mr. J. Jones,

I refer to my email below dated the 10th September 2020 regarding the service of Direction ref COVID/BLOS/02/20.

Please find attached Direction, cover letter and guidance for your immediate attention and records.

I look forward to your co-operation with this matter.

Regards,

Charlotte

Charlotte Rose
Service Lead - COVID Business Compliance
Environmental Health & Trading Standards
Business Services
City of Wolverhampton Council

[REDACTED]

11.9.2020

Johnny Jones
Blossoms
7 North Street
Wolverhampton
WV1 1RE

Dear Mr. J. Jones,

Health Protection (Coronavirus, Restrictions) (England)(No. 3) Regulations 2020 – notification of directions concerning premises
The Health and Safety at Work etc. Act 1974
Premises: Blossoms, 7 North Street, Wolverhampton, WV1 1RE

I write to you following the Direction served upon you dated the 4th September 2020 ref COVID/BLOS/01/20. As you are aware, this Direction required you to close the premises with immediate effect from the 4th September 2020 at 18:00 hours and would have effect until and be reviewed by no later than the 11th September 2020 at 18:00 hours.

This review process involves an assessment of determining whether the three conditions for making the directions continue to be met. This includes you reviewing your COVID 19 Premises risk assessment and providing evidence with regards to how you have identified and will implement adequate control measures and how you will effectively manage the spread by others of SARS – CoV – 2 at the above-mentioned premises.

You have since advised and confirmed that you wish to remain closed at this time and have not yet undertaken a review of your existing COVID 19 premises risk assessment, nor considered what new measures you require to adequately control and manage the risks associated with SARS – Cov – 2 on site.

I am therefore satisfied and of the said opinion that new Directions must be made to close the premises until further notice. I am satisfied that it is absolutely necessary to serve this new Direction upon you, and that the following 3 conditions are still met:

- 1. the direction responds to a serious and imminent threat to public health in the local authority's area**
- 2. the direction is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in the local authority's area of coronavirus**
- 3. the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose**

Please find enclosed Direction ref **COVID/BLOS/02/20** for your immediate attention. The direction to close the premises will replace the Direction ref **COVID/BLOS/01/20**, and will come into effect from the **11th September 2020 at 18:00 hours, and have effect until the 9th October 2020 at 18:00 hours.** The direction will be reviewed at least every seven days, with the first review being the **18th September 2020 at 18:00 hours.** The review process will involve an assessment of determining whether the three conditions for making the directions continue to be met. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

To assist you with reviewing your risk assessment, and implementing adequate control measures, I draw you attention to the attached Guide, 'Keeping workers and customers safe during COVID 19 in restaurants, pubs, bars and take away service'. This is the latest up to date guide dated the 10th September 2020.

It is imperative that you **assess the risks** to your employees and members of the public from Coronavirus (SARS-COV-2) and **implement suitable control measures during any such event**. I strongly recommend that you consider the following matters as part of your review and to assist with re-opening:

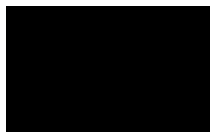
- **Review and implement changes to your risk assessment.**
- **To assist you with this, I strongly advise that you instruct a competent person to assist you with understanding the requirements, how to implement suitable and sufficient control measures on site, and how to manage accordingly. Your legal representative will be able to assist you with instructing a suitable person.**
- **COVID 19 training of all employees, including yourself, and any third-party staff e.g. SIA Door Supervisors should take place. This should include detailed training on the requirements detailed within your revised risk assessment.**
- **Consider reducing capacity on site to 50% from your original figure of 127 patrons on site at any one given time. This will assist you with being able to manage.**
- **Consider closing the first floor and re-opening with the ground floor only.**
- **Consider the use of background music as an alternative to an organised DJ set.**

I must remind you that this Direction is a prohibition which prevents you from allowing entry into the premises unless for what is deemed as an emergency, or to assist with complying with meeting the conditions of this Direction, e.g. a site visit with the instructed competent person to assess the site for COVID compliance. You must however inform me of any proposed site visits, and we will agree collectively if this is suitable and can take place. Staff training as we discussed does not form part of this.

Please send details of your revised risk assessment via email, including a floor plan, training records for all employees, and any other relevant information that you feel is necessary.

I look forward to your co-operation with this matter.

Yours faithfully



Charlotte Rose
Service Lead – COVID Business Taskforce
Environmental Health and Trading Standards
Business Services



Cc Chris Howell, Commercial Regulation Manager, City of Wolverhampton Council, Elizabeth Greg, Senior Licensing Officer, City of Wolverhampton Council

Ref: COVID/BLOS/02/20

Date: 11.09.2020

DIRECTION No. 2 (BLOSSOMS, 7A NORTH STREET, WOLVERHAMPTON, WV1 1RE)

Replaces Direction No.1 ref COVID/BLOS/01/20

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) (NO. 3) REGULATIONS 2020 (No.2020/750)¹, REGULATION 4(1)

1. Wolverhampton City Council ("the Authority"), in exercise of the powers conferred by regulation 4(1) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020² ("the No. 3 Regulations"), gives the following direction.
2. The Authority considers that the following conditions are met—
 - a. this direction responds to a serious and imminent threat to public health;
 - b. this direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the Authority's area; and
 - c. the prohibitions, requirements or restrictions imposed by this direction are a proportionate means of achieving that purpose.³
3. Before giving this Direction, the Authority has had regard to—
 - a. any advice given to it by its Director of Public Health; and
 - b. the need to ensure that members of the public have access to essential public services and goods (including whether the individual premises forms part of essential infrastructure).
4. The Authority has taken reasonable steps to give advance notice of this direction to MR JOHNNY JONES - a person carrying on/managing a business from the premises to which the direction relates.

¹ SI 2020/750 accessed at <https://www.legislation.gov.uk/uksi/2020/750/contents/made>; guidance on local authority powers at: <https://www.gov.uk/government/publications/local-authority-powers-to-impose-restrictions-under-coronavirus-regulations/local-authority-powers-to-impose-restrictions-health-protection-coronavirus-restrictions-england-no3-regulations-2020>

² In this Direction, any reference to a regulation is a reference to a regulation of the Health Protection (Coronavirus Restriction) (No. 3) (England) 2020 (S.I. 2020/750).

³ See regulation 2(1).

DIRECTION

Person and premises

5. This Direction is given to Mr JOHNNY JONES, 7A North Street, Wolverhampton, WV1 1RE who is the occupier of the premises to which the direction relates and is involved in managing entry into, or departure from, the premises or location of persons in the premises.
6. This Direction is given in respect of BLOSSOMS, 7A NORTH STREET, WOLVERHAMPTON, WV1 1RE ("the Premises").

Directed actions

7. This Direction requires the following:
 - a. Closure of the Premises.

Timing and duration of direction

8. Any actions required to put into effect the restrictions set out in paragraph 5 must be undertaken by **11TH September 2020 at 18:00 hours** when the prohibition *come(s) into effect*. The restrictions set out in paragraph 5 have effect until **9th October 2020 at 18:00 hours**.
9. In accordance with Regulation 2(2)(b) of the No. 3 Regulations, the Authority will review this Direction at least once every seven days. If the Authority considers that one or more of the conditions in regulation 2(1) are no longer met in relation to the Direction, it will either be revoked without replacement or revoked and replaced with another direction.

Grounds for Direction

10. This Direction is given on the basis that you have failed to identify and implement adequate control measures associated with preventing the spread by others of Coronavirus 2 (SARS – CoV – 2), and to comply with Direction **No.1 Ref COVID/BLOS/01/20**. Evidence identified that you failed to manage social distancing, shouting and singing presenting increased aerosol transmission, and both dancing and vertical drinking were observed. You also permitted increased levels of capacity into the premises.

Consequences of not meeting the requirements of the Direction

11. There may be consequences if this Direction is not complied with. For example, the Authority may issue a Prohibition Notice⁴ or Fixed Penalty Notice⁵ against you or may commence criminal proceedings against you.
12. A person commits an offence if, without reasonable excuse, the person:⁶
- contravenes a direction under regulation 4(1); or
 - obstructs a person carrying out a function under the No. 3 Regulations, including any local authority designated officer under regulation 12 or a constable.

Such an offence is punishable on summary conviction by an unlimited fine.

Appeal/representations

13. If you believe that this Direction should not have been issued, and/or it contains incorrect information, please inform the specified point of contact set out below, setting out your reason(s).
14. You have a right to appeal against this Direction to a magistrates' court by way of complaint for an order.⁷ There is a time limit of **up to six months from the date of issue of this Direction to appeal to the Magistrates' Court**. However, bear in mind that this Direction will be reviewed by the Authority at least every seven days and it will decide whether to revoke this Direction or revoke and replace it with another direction.⁸
15. You also have the right to make representations to the Secretary of State about this Direction.⁹ The Secretary of State must consider any such representations as soon as is reasonably practicable, and decide whether it would be appropriate to exercise the Secretary of State's powers set out in regulation 3 of the No. 3 Regulations. The Secretary of State may direct the Authority to revoke this Direction, or revoke and replace this Direction. The Secretary of State must provide written reasons for the decision to the person who made the representations and to the Authority.
16. In making any representations to the Secretary of State about this Direction, the recipient of the Direction should do this via NHS Test and Trace, with representations emailed to directionnotification@dhsc.gov.uk. This should include:
- a. The name of the Authority;

⁴ See regulation 12(2) of the No. 3 Regulations.

⁵ See regulation 14(1) of the No. 3 Regulations

⁶ See regulation 13(1) of the No. 3 Regulations.

⁷ See regulation 4(9)(a) of the No. 3 Regulations.

⁸ If this direction was made pursuant to a direction of the Secretary of State under regulation 3 of the No 3 Regulations, a summons is to be issued to both the Secretary of State and the local authority.

⁹ See regulation 4(9)(b) of the No. 3 Regulations.

- b. The reference [code/number] listed at the top of this Direction;
- c. The link to this Direction as noted in paragraph 19 below;
- d. An explanation as to how you have been impacted by the Direction and their relationship to the premises, such as whether you are the owner, occupier or involved in managing entry into, or departure from, the Premises, as set out in Regulation 4(5) of the No.3 Regulations;
- e. An explanation of the basis upon which the Direction should not have been made and was or is not appropriate, with reference to the conditions set out in Regulation 2(1) / paragraph 2 of this Direction;
- f. Any evidence which supports this contention; and
- g. What action you would like to be taken.

17. You are still required to comply with this direction pending the outcome of any appeal to the magistrates' court or the Secretary of State.

18. You may wish to obtain independent legal advice should you seek to pursue an appeal.

Additional powers and requirements that accompany this Direction

Publication

19. This Direction (and notice of revocation of this direction) is published on the Authority's website as required by the No. 3 Regulations. Details can be found at:

www.wolverhampton.gov.uk/licences/licensing-public-notice

20. This Direction may also be published in such manner as the Authority considers appropriate to bring it to the attention of other persons who may be affected by it.

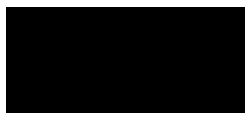
Notification

21. The Authority is required to notify any local authority whose area is adjacent to the initiating authority's area of this Direction (and any revocation of the Direction) by the No. 3 Regulations.

22. The Authority is required to notify the Secretary of State as soon as reasonably practicable after the Direction is given.

Chris Howell
Commercial Regulation Manager
City Environment

Signature



As authorised by Tim Johnson, Chief Executive, City of Wolverhampton Council



HM Government

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

10 September 2020





Document updates

Published 11 May 2020

Last updated 10 September 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



Document updates (continued)

Published 11 May 2020

Last updated 10 September 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



Document updates (continued)

Published 11 May 2020

Last updated 10 September 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
10 September 2020	9.0	Updated guidance on social gatherings	2.1 Keeping customers and visitors safe
10 September 2020	9.0	Updated guidance to mandate the collection of Test and Trace data	2.1 Keeping customers and visitors safe



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 10 September 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.

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.



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.



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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>.

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Contact HSE by phone on 0300 790 6787.



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 1st 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.



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 are currently operating, you will already have carried out an assessment of the risks posed by Covid-19 in your workplace. 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.



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 or 0300 003 1647)



2. Keeping your customers and visitors safe





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.

- Continued opening up of the economy is reliant on NHS Test and Trace being used to minimise transmission of the virus. In order to ensure that businesses are able to remain open, we are now mandating that you ask one member of every party who visit your premises to provide their contact details to assist NHS Test and Trace. You must have a system in place to ensure that you can collect that information from your customers and visitors.
- Many businesses that take bookings already have systems for recording this information – including restaurants, hotels and pubs. These existing systems may be an effective means of collecting contact details, but if such a system is not in place, this will now be required in order to be compliant with the new regulations on NHS Test and Trace. Any business that is found not to be compliant with these regulations will be subject to financial penalties. It is vital that you comply with these regulations to help keep people safe, and to keep businesses open.
- Businesses must also keep records of staff working patterns for a period of 21 days to assist NHS Test and Trace contain clusters or outbreaks. You can find out more about how NHS Test and Trace works [here](#).
- To prevent the spread of the virus, from 14 September there will be legal limits on how many people someone can spend time with in a social group at any one time. Whether indoors or outdoors people from different households must not meet in groups of larger than 6. This limit does not apply to meetings of a single household group or support bubble where it consists of more than 6 people.
- Venues following COVID-19 secure guidelines can host more than 6 people in total, but no one should visit or socialise in a group of greater than 6. It is also important that people from different households or support bubbles meeting in a single group remain socially distanced. Further information on social contact rules, social distancing and the exemptions that exist can be found [here](#). These rules will not apply to workplaces or education settings, alongside other exemptions.
- The number of people 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 people permitted to gather. Information on local restrictions can be found [here](#).
- Businesses should not intentionally facilitate gatherings between a greater number of people 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 people in their party at the point of arrival.
- 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.





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 rules on social contact. 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 people in their party at the point of arrival. Whether indoors or outdoors people from different households must not meet in groups of larger than 6. This limit does not apply to meetings of a single household group or support bubble where it consists of more than 6 people.
- 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.



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.



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.



2.3 Ventilation

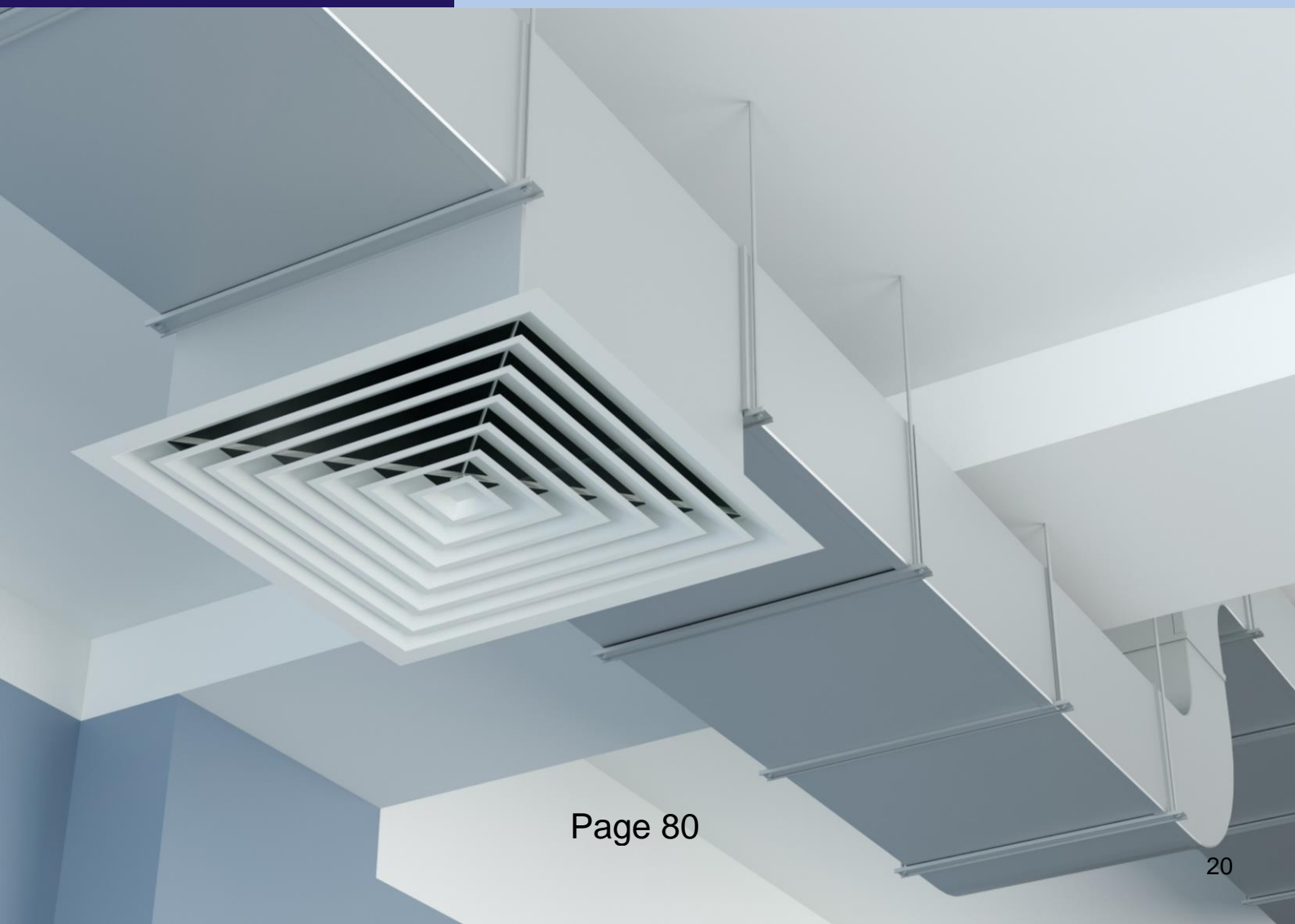
Objective: To use ventilation to mitigate the transmission risk of COVID-19.

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 to improve air circulation, provided there is good ventilation.





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.



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 1st 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.



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 1st 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.



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.



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.



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).



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.





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.



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



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





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.



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.



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.



6. Personal Protective Equipment (PPE) and face coverings





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.



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.



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



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 must 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.



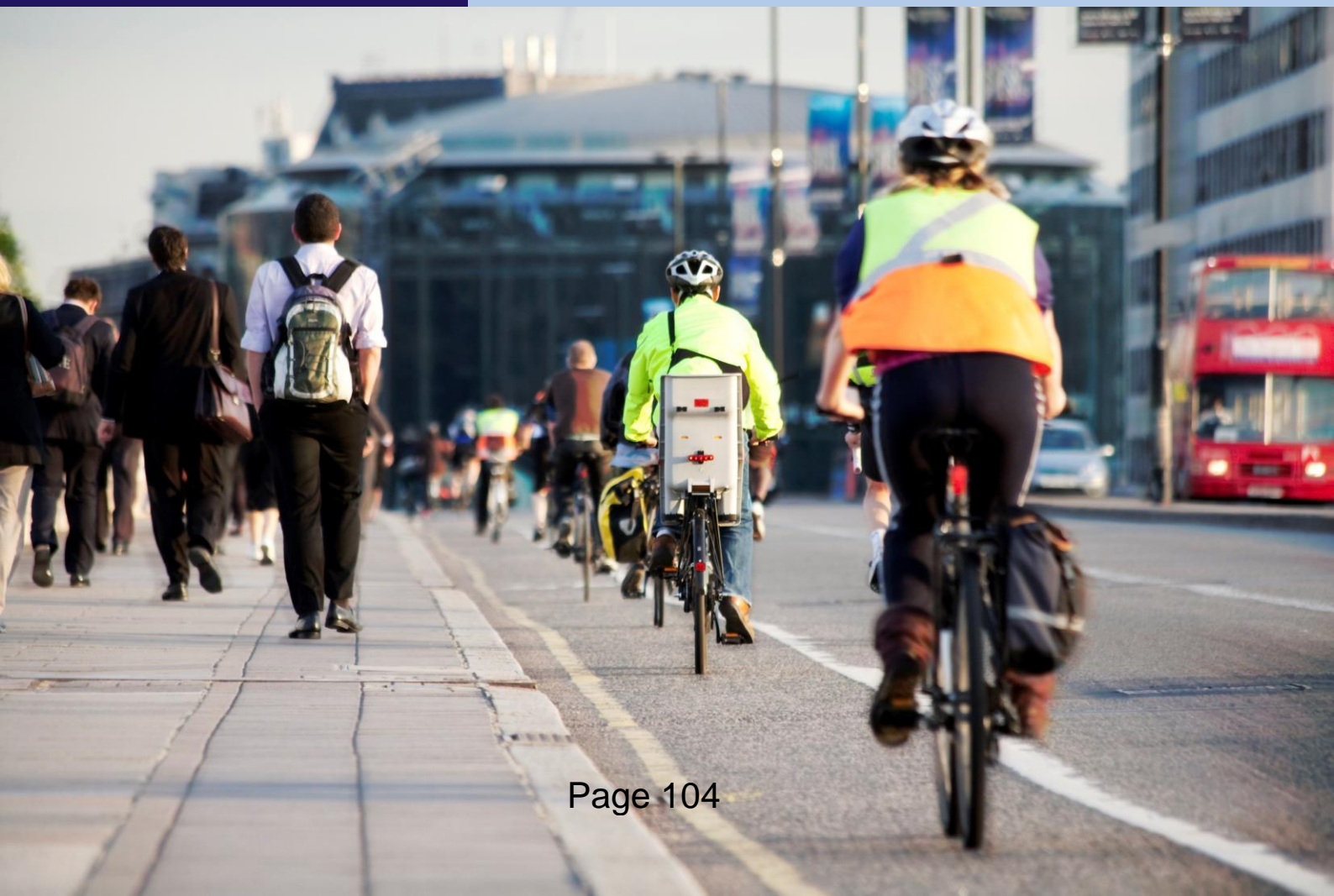
7.2 Work-related travel

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.





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.



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.



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: https://www.gov.uk/guidance/meeting-people-from-outside-your-household



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>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</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>https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing</p>



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enquiries@beis.gov.uk

STATEMENT OF WITNESS

Appendix G

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

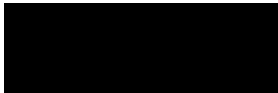
Statement of Elizabeth Gregg

Age of witness Over 18

Occupation of witness: Senior Licensing and Compliance officer

This statement, consisting of 4 pages 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.

Dated the 16 day of September 2020



.....
Signed

My name is Elizabeth Gregg and I am a Senior Licensing and Compliance Officer employed by City of Wolverhampton Council based within the City Environment Directorate in Licensing Services.

On 21 August 2020 Licensing Services received a complaint in regard to Blossoms, 7 North Street, Wolverhampton, WV1 1RE. The complainant provided live video footage from social media showing an event taking place at the premises on 21 August 2020 at 22:49 hours, the footage is attached as exhibit EG1. Still images have been taken from the footage and I produce these as exhibit EG2. Both EG1 and EG2 show blatant disregard to Coronavirus, Restrictions.



.....
Signed

NOTE : If statements are typed double spacing should be used.
One side only of the paper should be used.

STATEMENT OF WITNESS

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

Continuation Sheet No.

On 24 August 2020 I attended a meeting to discuss Covid related concerns in regard to Blossoms. Following this meeting it was agreed that Environmental Health would lead a compliance visit accompanied by colleagues from licensing services and officers from West Midlands Police.

On the evening of the 28th August 2020 at approximately 22:35 hours I attended Blossoms along with Charlotte Rose, Service Lead – COVID Business Compliance and Officers from West Midlands Police.

Upon entering the premises the manager [REDACTED] introduced herself and guided us around the premises. The first floor consists of a bar, dance floor (currently covered with tables and chairs) and an outside smoking area.

Charlotte Rose ensured that the extended smoking area which is potentially dangerous was securely closed off. We continued to look around the premises where I observed patrons dancing, singing loudly and vertical drinking. As the music was loud in order for Charlotte Rose to discuss matters with [REDACTED] we moved to a staff area. Whilst in this area [REDACTED] confirmed that Johnny Jones the Premises Licence Holder/Designated Premises Supervisor was not on site. Charlotte Rose therefore discussed with [REDACTED] and SIA staff the breaches of Covid Regulations. [REDACTED] advised that Johnny Jones had not briefed staff on the requirements of the risk assessment, therefore were not aware that the concerns raised were an issue. We proceeded to the ground floor bar area where the same breaches were observed however this area was less occupied.

[REDACTED]

.....
Signed

NOTE : If statements are typed double spacing should be used.
One side only of the paper should be used.

STATEMENT OF WITNESS

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

Continuation Sheet No.

Charlotte Rose instructed on the requirements and how to manage under Covid regulations. All officers then left the premises.

On 29 August 2020 at approximately 0010 hours we re-entered Blossoms, and noted that the music had been turned off, [REDACTED] advised Charlotte Rose that they had made the decision to turn off the music because vertical drinking, shouting and dancing was becoming unmanageable. During this discussion an incident occurred in the venue where SIA door supervisors and West Midlands Police intervened. Charlotte Rose during this time was again briefing staff on Covid requirements. Before leaving the premises Charlotte Rose agreed an acceptable level of which music could be played. Whilst Charlotte Rose agreed this level a patron within the premises walked into me, which demonstrates a lack of social distancing within the premises.

On 3 September 2020 at approximately 14:35 hours I attended a prearranged appointment at Blossoms with Johnny Jones, Charlotte Rose, and Aimee Taylor - Licensing & Regulatory Officer, West Midlands Police. Charlotte Rose discussed Covid Regulations with Johnny Jones. Charlotte Rose confirmed that CCTV footage from the bank holiday weekend needed to be obtained. Johnny Jones became irate and advised he did not wish to provide this footage. I advised Johnny Jones failure to provide footage would be a breach of his premises licence conditions. I proceeded to carry out a premises licence compliance check to ensure that Johnny Jones was compliant with his premises

[REDACTED]


.....
Signed

NOTE : If statements are typed double spacing should be used.
One side of the paper should be used.

STATEMENT OF WITNESS

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

Continuation Sheet No.

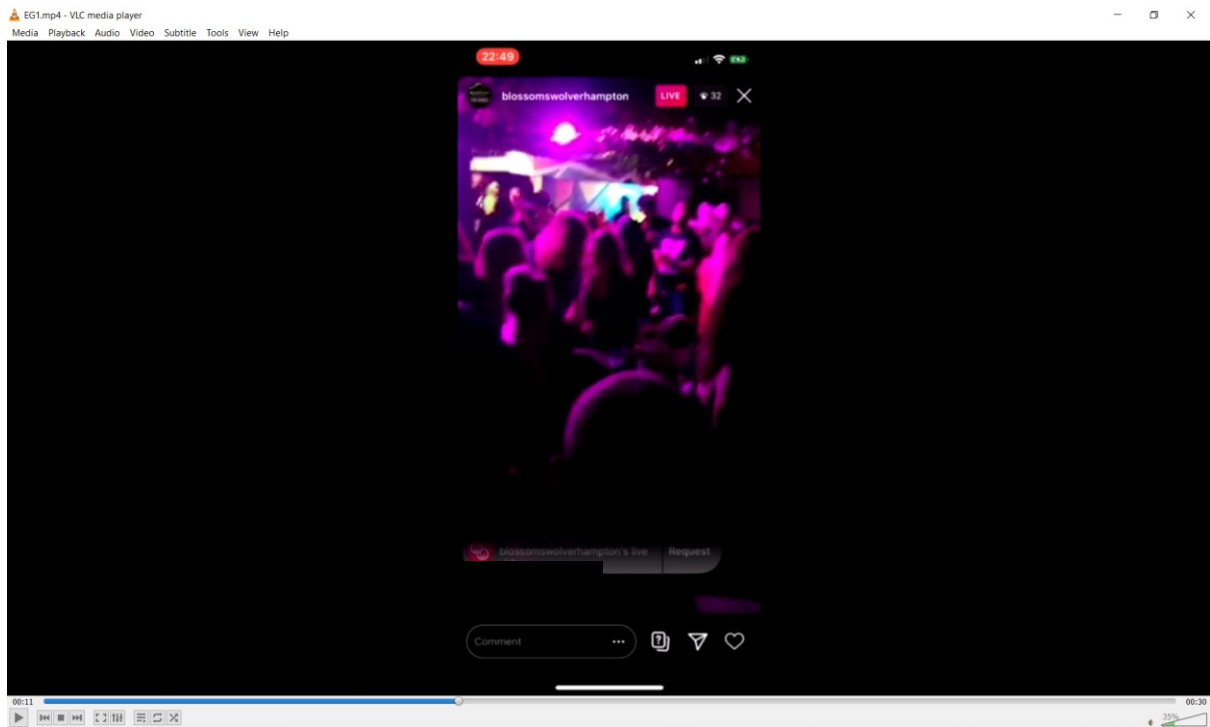
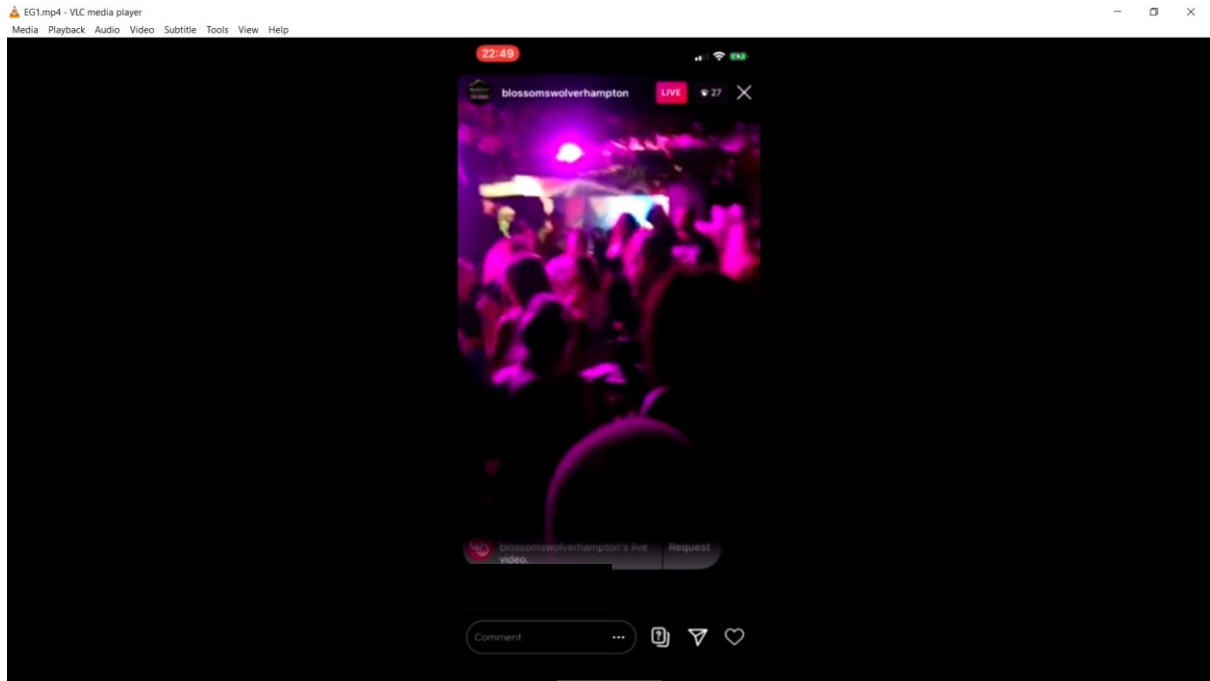
licence conditions. There were several areas of non-compliance raised with Johnny Jones, these were noted in a traders notice a copy of this was provided to Johnny Jones and is attached as exhibit EG3. I confirmed with Johnny Jones that these breaches could be resolved by providing the documentation required to licensing by email. To date this information has not been received. As the CCTV footage was going to take 45 minutes to download officers advised they were happy to wait for this footage however Johnny Jones advised he did not wish to wait, and it was agreed that Johnny Jones would drop the footage off to Bilston Street Police station during the morning of 4 September 2020. Officers then left the premises at approximately 16:04 hours. 



.....
Signed

NOTE : If statements are typed double spacing should be used.
One side only of the paper should be used.

21/08/2020



No: 00678

CITY ENVIRONMENT
LICENSING
CIVIC CENTRE
ST PETER'S SQUARE
WOLVERHAMPTON WV1 1SH
Telephone (01902) 553834
Email: licensing@wolverhampton.gov.uk

CITY OF
WOLVERHAMPTON
COUNCIL

TO: (PLH/DPS) Johnny Jones
ADDRESS: Blossoms, Blossoms Fold, Wolverhampton
PHONE NO: 01902 171111 DATE: 3/9/2020
LICENCE REF: 119/14251/PRC

Your attention is drawn to the following matters:

- The following breaches of Premises
licence conditions were identified:
- Female door Supervisor not signed
 - in on Friday 28/8/2020.
 - Personal licences to be obtained
 - by ~~floor~~ employees.
 - Incident log not provided.
 - Employees training record
 - not shown.

Received by:

Name:

Position:

Page 1 of 1

Authorised Officer

Position

Senior Licensing
& Compliance
Officer

D2ES2308 DC docx (10/19)

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Amy Baker <Amy.Baker@wolverhampton.gov.uk>
Sent: 08 October 2020 13:41
To: Licensing <Licensing@wolverhampton.gov.uk>
Subject: RE: Premises Licence Review -PRE1385 Blossoms, 7 North Street, Wolverhampton

Sensitivity: RESTRICTED

Please find attached public health response

Kind regards

Amy Baker
Health Improvement Officer
Tel. Office: 01902556219

[E-mail: Amy.Baker@wolverhampton.gov.uk](mailto:Amy.Baker@wolverhampton.gov.uk)
City of Wolverhampton Council

[REDACTED]

Anita Chonk
Licensing and Compliance Officer
City of Wolverhampton Council

8 October 2020

Dear Anita,

Blossoms, 7 North Street, Wolverhampton, WV1 1RE- Premises License Review

Thank you for your email dated 17/09/20 in reference to a review of Blossoms.

Public Health support the Licensing Authority request for a review of the premises in relation to the prevention of crime and disorder and public safety.

As a Responsible Authority, we would expect any business licensed to sell alcohol to act responsibly at all times and promote the key objectives of the Licensing Act 2003.

Due to the numerous reported failings to comply with the licensing conditions, and promote the licensing objectives, in addition to the public health risks associated with the non-compliance with The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020), offers no reassurance to Public Health that the business is operating in adherence with the Licensing Act. Therefore, Public Health supports the review of the premises license.

I, or a suitable representative from Public Health, will be available to attend the hearing and provide further information as required.

Yours sincerely



Amy Baker
Health Improvement Officer

Direct: 01902 556219

Email: amy.baker@wolverhampton.gov.uk

From: WV Licensing <wv_licensing@west-midlands.pnn.police.uk>

Sent: 08 October 2020 11:37

To: Licensing <Licensing@wolverhampton.gov.uk>

Subject: RE: [External]: Premises Licence Review -PRE1385 Blossoms, 7 North Street, Wolverhampton

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi,

West Midlands Police wish to submit supportive representations for the review of Blossoms, 7 North Street, WV1 1RE under the licensing objective of Prevention of Crime and Disorder and Public Safety.

Since the opening of the venue in early 2019 there has been a significant amount of concerns raised and meetings held regarding this premises. In particular concerns have been brought to my attention by officers following the opening of Blossoms on 2st August 2020. Therefore, on 3rd August 2020 myself, Senior Licensing officer Elizabeth Gregg and Service Lead Covid Business Compliance Officer Charlotte Rose attended the premises where a large number of license conditions were breached.

Following the disclosure of evidence in the application submitted by Elaine Morton, I have also attached my own further evidence that I will be relying upon.

Kind regards,

Aimee Taylor
Licensing & Regulatory Officer
West Midlands Police
Int Tel: 8713196

Aimee Taylor

From: Johnny Jones <[REDACTED]>
Sent: 20 August 2020 11:36
To: Aimee Taylor
Subject: [External]: Test Run

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi Aimee

Just giving you a heads up that we are having a test/ dry run tomorrow night to get staff reacquainted with work, DJs and security in, sound checks, Covid procedures etc We will be doing this between 8pm - 11pm tomorrow night.

The doors will be locked and it will not be open to the public but I just thought I'd let you know so you can let the guys on patrol know.

Regards

Johnny Jones

Director
Blossoms
7 North Street
Wolverhampton
WV1 1RE
[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

Aimee Taylor

Sir, Aimee, Steph,

PS 1338
City Centre Team 3/Business sector.
Wolverhampton Central Police Station.

Appendix I

Aimee Taylor

From: Antony Hyett
Sent: 22 August 2020 23:22
To: Aimee Taylor; Stephanie Reynolds
Subject: Blossoms

Aimee, Steph,

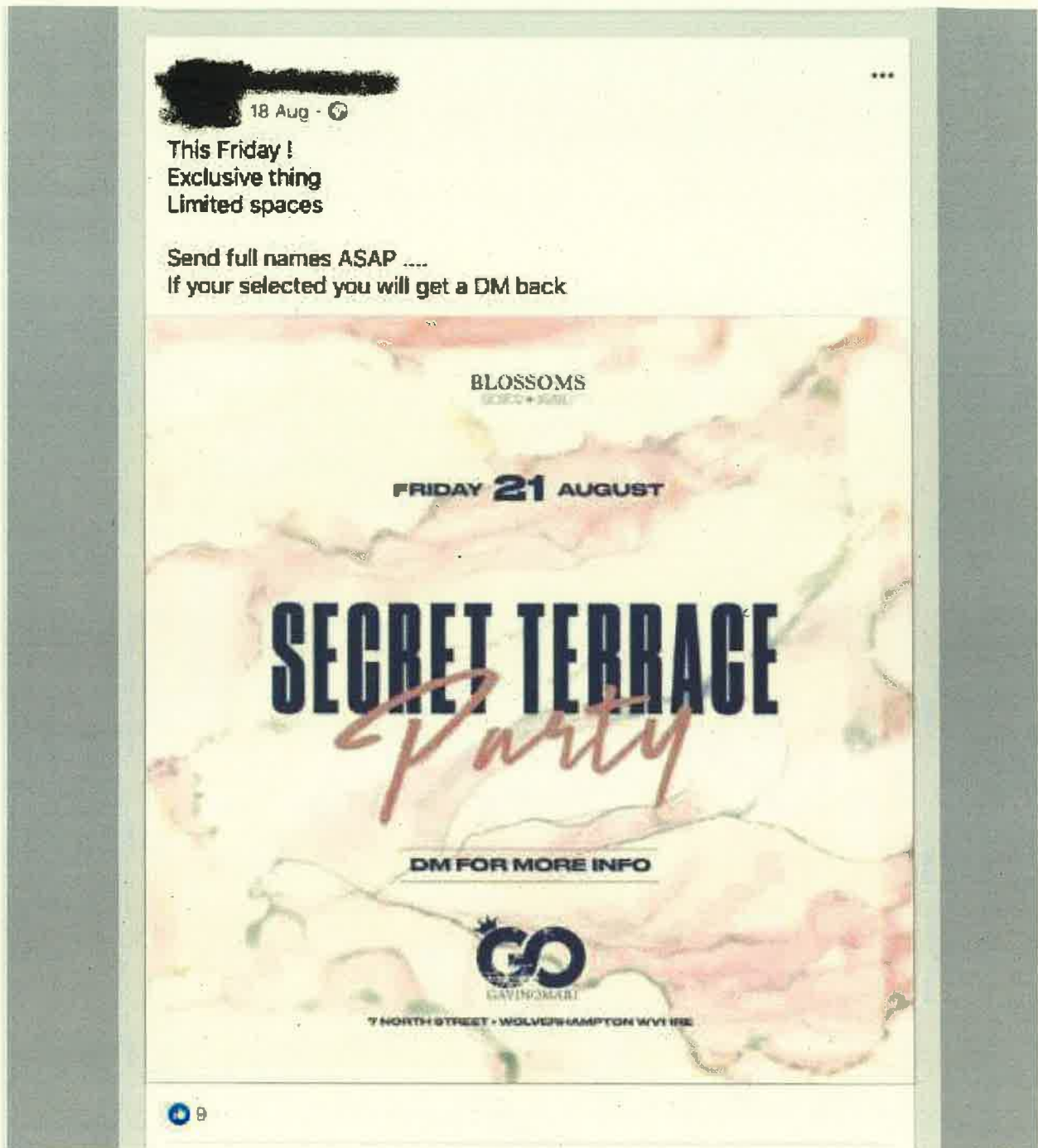
FYI, Reference my previous email, as the night wore on and I spoke with more people, it has become evident that this was more than thought, it appears persons were paying to enter in cash on the rear door, number were far in excess of the initial number given, one member of door staff stated to [REDACTED] they had at least 300 in but got wind of the police being in the area so started to let people out of the back door.

[REDACTED] was on the door, [REDACTED] he told [REDACTED] they had hundreds in and when the police arrived most had left, [REDACTED] (manager) [REDACTED] he doubted the place (Blossoms) would open again after the incident.

I am told that the smell of drugs from the place was very strong and the bar was open and serving alcohol.

Obviously this is all from [REDACTED] all I hear every DPS say is "its not fair, it dangerous and careless" most are angry that they were allowed to get away with it.

Tony



Appendix K

Aimee Taylor

From: [REDACTED]
Sent: 24 August 2020 14:25
To: Aimee Taylor
Subject: [External]: Weekend

Follow Up Flag:	Follow up
Flag Status:	Completed

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi Aim ee,

I have received an email from a [REDACTED] below working over the weekend. Is there anything you can update on with regard the venue below regarding Saturday.

But last night between 8pm and 1230 was a private party at Blossoms on North Street was open. Staff saying it's a private party but post on Facebook saying opening message for a table. From 7-0030 I was gang nominal central just like a normal night. They had downstairs in darkness. But operated from the garden terrace. I. Easily seen over 100 people going in but seemed to be no track and trace and the videos on social media showed no social distancing.

Is wasn't until 0045 ish after seeing response drive past it was mentioned then 2 vans shortly came down and entered I believe it was closed down. But by then the mass crowd had left.

The music could be heard from [REDACTED] front door.

ControlWorks Print - [REDACTED]

Appendix K

Primary Details

Title [REDACTED] - Caller reports a rave is happening in a bar

Description This was posted an hour ago on Snapchat. This is at Blossoms Liquor and Grind Bar - 7 North Street WV1.
Post is a video of about 40 people dancing and there is a DJ.
Caller has not attended and has NFI.

Caller's Number [REDACTED]

Contact Origin 101/Non-emergency

Address-Location [REDACTED] 7 NORTH STREET, WOLVERHAMPTON, WV1 1RE

Address-X 391300.1

Address-Y 298688.2

Address-URN 319734

Zone WVKA Wolverhampton City Centre

Type ASB - Environmental

Grade P2 - PRIORITY RESPONSE

Status CL - Closed

Call Back Status

Alarm Urn

Alarm Type

Created 22/08/2020 00:05

Occurred From 22/08/2020 00:05

Occurred To

Scheduled

Control Groups Western Dispatch Support

Access Classifications Nothing to display

Closure Details

Is Closed Yes

Closure Summary

Closure Codes PSW - Suspicious Activity/Premises/Vehicle

Qualifier Codes Nothing to display

ControlWorks Print - [REDACTED]

Appendix K

Primary Details

Title large que of people for the night club at location
 Description caller says theres about 200 people waiting to get into this tiny club with no social distancing going on at all.
 Caller's Number [REDACTED]
 Contact Origin 101/Non-emergency
 Address-Location BLOSSOMS, 7A NORTH STREET, WOLVERHAMPTON, WV1 1RE
 Address-X 391296.8
 Address-Y 298691.5
 Address-URN 576965
 Zone WVKA Wolverhampton City Centre
 Type PSW - Concern for Safety
 Grade P9 - CONTACT RESOLUTION
 Status CL - Closed
 Call Back Status
 Alarm Urn
 Alarm Type
 Created 30/08/2020 20:55
 Occurred From 30/08/2020 20:55
 Occurred To
 Scheduled
 Control Groups
 Force Ops1
 Access Classifications
 Nothing to display

Closure Details

Is Closed Yes
 Closure Summary
 Closure Codes
 Admin - Advice Given
 Qualifier Codes
 Nothing to display
 Officer In Case
 Alarm Resolution

Document is Restricted

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