

Takeaway food and 'off sales' of alcohol from licensed premises

Health Protection (Coronavirus Restrictions) (England) Regulations 2020



Under the above Regulations restaurants, public houses, wine bars or other food and drink establishments must remain closed to members of the public.

The Regulations also prevent customers from remaining on your premises or any area adjacent to your premises where seating is available for customers of the business (whether or not this is made available by the business).

Delivery and takeaway services can remain operational but it is your responsibility to ensure that all relevant aspects of the Regulations and other regulatory procedures are fulfilled.

Do

- In order to avoid queues:
 - Promote telephone and online ordering.
 - Provide designated time slots for takeaway collections.
 - Consider a delivery service.
- Have measures in place to manage any queues which may form, i.e. markers for social distancing and communication to manage expectations of waiting time.
- Manage queues to prevent them affecting the ability of pedestrians to safely use the footway.
- Tape off areas in your premises which are not accessible to the public, such as toilets and seating areas.
- Operate strict cleaning and social distancing regimes.
- Undertake regular litter inspections and collections.
- Ensure that your CCTV system is operational at all times.
- Provide alcohol in sealed bottles and cans suitable for consumption at home.
- Discourage customers from consuming any alcohol in public areas.
- Refuse alcohol sales where it is clear that the intention is to consume it in the vicinity of the premises.
- If your premises are in an area subject to a Public Spaces Protection Order (PSPO) display notices and alert customers that they are in an area subject to a PSPO and consuming alcohol is an offence. A PSPO prohibits people from drinking outside and they could have their alcohol confiscated.
- When supplying or delivering alcohol, ensure that your staff and drivers enforce a proof of age scheme, such as 'Check 25'.

Don't

- Do not provide chairs/tables inside or outside the premises.
- Do not let customers consume food and/or drink on site, or in any adjacent area to the premises.
- Do not allow customers to socialise outside your premises once they have collected their order.
- Do not allow staff or occupants of the premises to remain on site socialising at times when the premises are closed.
- Do not provide alcohol unless you have a Premises Licence that allows for 'off-sales'. Even then you will need to check the terms of your licence to make sure there are no conditions relevant to off sales.
- Do not supply alcohol to anyone who appears under age or who is drunk.
- Drinks sold in pint glasses or similar with a temporary lid, or customers' own containers are not appropriate (be mindful of weights & measures).

If it is considered that your premises are operating in contravention of the Regulations you could be liable to a prohibition notice which will require you to cease trading.

Should you hold a Premises Licence under the Licensing Act 2003 you are responsible for upholding the four licensing objectives, which include the prevention of crime & disorder, public nuisance, public safety and the protection of children from harm.

Issues resulting from the operation of your premises, such as nuisance created from noise, discarded litter or people drinking alcohol in the vicinity of your premises, could result in a review of your licence.

Links to further information

Further information including how to add 'off sales' to your existing premises licence is available on the Leeds Pubwatch website at <http://bacil.org/pub-watch/2020/4/message-from-leeds-city-council-entertainment-licensing-section-covid19/>

Guidance on how to apply for various licences for your business is available on the Leeds City Council Entertainment Licensing webpage at <https://www.leeds.gov.uk/business/licensing/beer-and-entertainment>

Legislation: [The Health Protection \(Coronavirus Restrictions\) \(England\) Regulations 2020](#)

Government guidance - Closing certain businesses and venues in England
<https://www.gov.uk/government/publications/further-businesses-and-premises-to-close/further-businesses-and-premises-to-close-guidance>

Government guidance - Working safely during COVID-19 in restaurants offering takeaway or delivery
<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-takeaway-delivery-110520.pdf>

Food Standards Agency Guidance
<https://www.food.gov.uk/business-guidance/reopening-and-adapting-your-food-business-during-covid-19>

Contact details:

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LCC Entertainment Licensing	Phone:	0113 378 5029
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This document should be used as a quick reference guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate, but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.