

Alcohol Focus Scotland and University of Stirling Briefing: Re-opening of hospitality - alcohol-specific risks and possible mitigation (June 2020)

Scotland's route map out of lockdown could see the hospitality sector fully open by the 15th July, while beer gardens could open from 6th July. This briefing considers issues arising from the re-opening of premises where alcohol is sold for consumption on the premises, outlining alcohol-specific risks and possible mitigation measures. It has been informed by data collected via the CSO-funded 'Lockdown & Licensed Premises' study, and informal views collected through engagement with licensing and public health stakeholders during the coronavirus crisis. We hope that this will assist the Scottish Government (SG) to develop guidance to take account of the additional transmission and other risks arising from alcohol consumption in hospitality settings.

Alcohol-specific risks

The direct effects of alcohol impair customer ability to comply with transmission control measures:

Drinking even small amounts of alcohol affects people's decision-making and lowers inhibitions. It can change the way people think and feel, influence how they act. It impairs hearing, meaning people have to lean in closer to hear or shout, which increases aerosolization of the virus. It impairs vision, affecting the ability to judge distances. It lowers the immunity to infection. It is a diuretic, resulting in people needing to urinate more frequently. Separately and together, these effects will reduce the ability (and potentially willingness) of people to physically distance and comply with safety measures, creating an increased risk of virus transmission. **All of these risks increase proportionately, the greater the amount of alcohol sold.**

Given these effects, responsibility for compliance with physical distancing and other measures lies

primarily with premises: When selling a product that inherently impairs customers' ability to adhere to physical distancing, it is unrealistic and unfair to emphasise 'customer responsibility' for reducing transmission risks in licensed premises. Businesses selling alcohol for consumption on their premises, have the primary responsibility for protecting customers - and staff - whilst on those premises. They should plan accordingly for this, and not seek to shift responsibility to consumers. This does not absolve customers of responsibility, but premises must proactively seek to minimise non-compliance, **including through consideration of how they can reduce alcohol consumption and its effect on individuals.**

Alcohol-related disorder linked to the night-time economy will require significant resources from emergency services. Whilst overall changes in alcohol consumption during lockdown require further investigation, police and other emergency services report significant easing of pressure due to reduced demand arising from alcohol-related incidents. As premises re-open, it is timely to consider whether that reduction in pressure can be maintained through careful re-opening measures (see below) to discourage/reduce overconsumption if there is a party atmosphere. There may be an increased risk of disorder in premises compared to normal as people get used to new systems - if people feel others are getting too close, if they are having to wait/queue to enter premises/toilets, or if customers refuse to comply with staff requests on distancing/hygiene. The role and protection of security staff in these situations requires careful consideration, as well as whether or not the police would be more frequently called upon. Under Scottish licensing law it is an offence to sell alcohol to a person who is drunk, however this measure was poorly enforced even prior to the pandemic.

People's movement and activities in and around licensed premises can also increase the risk of transmission. As the SG has identified, communal spaces such as bars and pubs can present a higher risk of coronavirus transmission. It is not uncommon for licensed premises to have 'pinch points' and high traffic areas, such as access points to and from the bar, toilet or kitchen. Noise from licensed premises, including loud music and entertainment, as well as the effect of alcohol, can cause customers to talk loudly or shout, increasing aerosolization of the coronavirus. At closing time, large numbers of people congregate in and

around premises, as well as in food outlets, taxi ranks, public transport etc. All of these factors could promote the spread of COVID-19, whilst the effect of alcohol continues to impair consumer ability to comply.

Attempts to be flexible around supporting business re-opening, through the use of ‘occasional licences’ to enable use of car parks, pavements etc. will reduce scrutiny of licensing decisions and risks longer term harms. Outdoor spaces are likely to be opened through the use of occasional licences (for space not previously licensed e.g. car parks, pavements etc.). Occasional licences do not undergo the same scrutiny as a new licences or major variations, which would be required to permanently licence an outdoor area. Licensing stakeholders have raised concerns about premises relying on a series of consecutive occasional licences (an issue that pre-dates coronavirus). There is no requirement to notify the neighbours of premises, or the health board about occasional licence applications. However, unless someone objects, occasional licences are automatically granted, without being considered by elected members. Repurposing a car park as a beer garden, in a venue that did not previously have outdoor space, could have significant impacts on neighbours. In addition, there is a risk that the opening of such outdoor spaces will become more permanent, which could increase alcohol availability. Evidence strongly suggests that increased availability leads to increased harms at population level.

Mitigation - how to reduce these risks

Consider the phasing of re-opening to focus on how and when premises operate, not just focusing on premises ‘types’ which are difficult to define. In the immediate term, premises should be open solely for seated customers, preferably with table service to prevent customers gathering/queuing at bar areas. The SG has taken a phased approach to the reopening of licensed premises, with outside areas opening prior to indoor areas, and nightclub/live entertainment venues remaining closed until a later date. This is broadly sensible, but the risks of ‘vertical drinking’ bars/pubs (where customers largely stand to drink) may not be significantly lower than those of nightclubs for example, and it may be difficult to legally distinguish between premises types. For this reason, it might be better to outline the modes of operation that are permissible (e.g. table service/food), and allow premises to adapt their business models if they wish to.

Limit the sale and effects of alcohol through limited time booking slots, requiring food provision and/or reducing hours of sale, particularly after midnight. These measures could all help to reduce alcohol consumption and associated risks on and around premises. [In Ireland, to be eligible to reopen](#), pubs must limit people to 1¾ hours on premises, with 15mins for cleaning between bookings, and must serve a “meal is such as might be expected to be served as a main midday or evening meal...for which it would be reasonable to charge not less than €9”. There is strong evidence that intoxication and alcohol-related violence increases significantly when premises are open past midnight, so delaying a return to full opening hours would protect emergency services.

Require/encourage customers to use booking systems to manage arrival times, reduce queuing, enable contact tracing and enable cleaning between bookings. The First Minister has advised that hospitality businesses should prepare to have to take people details for bookings and store them for up to four weeks as part of their opening plans. Customers arriving without a booking could be advised to book an available slot and return at the booked time.

Enable straightforward and easy reporting of non-compliance/poor management by the public. Premises owners should inform customers which members of staff to notify if they are concerned, and there should be clear information for the public to encourage and enable them to report non-compliance to an appropriate local authority or other team.

Establish and properly resource systems to guide and ensure compliance, including clear legal requirements to establish a level playing field. It needs to be clear who is responsible for ensuring that guidance is followed. It is currently unclear what aspects will be the responsibility of environmental health, trading standards or licensing standards officers, or indeed the police. Legal requirements rather than

guidance would ensure a level playing field for premises, and ensure that the relevant authorities had the required powers to deal with instances of non-compliance.

Improve transparency and scrutiny of occasional licence applications to reduce short and longer-term harms, and encourage licensing boards to attach conditions as needed to meet the licensing objectives.

Proper scrutiny of occasional licence applications could be supported by requiring that all statutory consultees (including health boards) are routinely informed, and recommending that councils use their social media presence and email community councils to let the public know about occasional licence applications.

Establish clear public messaging to ensure that the public understand how and why social distancing and other safety measures apply to licensed premises, and the related responsibilities of premises and customers. Any communications should reinforce the Chief Medical Officers' low risk alcohol guidelines.

Expand current guidance and checklist for the hospitality sector to address the additional risks where alcohol is served on premises. The SG sector guidance for tourism and hospitality contains some information and safety measures that will be helpful for licensed premises. However, there are a number of areas where further guidance could be particularly beneficial, including:

- How physical distancing should be applied in licensed premises e.g. around corners, between booths, if Perspex is used etc.
- How premises should identify safe customer volumes. E.g. should this be determined based on to the size of premises and staff capacity to deal with any issues arising from alcohol consumption including toilet access? The sector guidance for tourism and hospitality states only that businesses should ensure that they only admit people in sufficiently small numbers to maintain social distancing.
- The level of compliance with any safety measures that is needed before a licensed premises should decide to open. If they cannot comply with all of it (e.g. physical distancing for toilet access), should they open?
- The additional training and information which should be provided to staff in licensed premises. Should staff be trained on how alcohol affects Covid-19 transmission and compliance, as well as the requirements of Scottish licensing law?
- The types of licensed activities that should be avoided. It is likely that licensed premises will need to adapt their businesses models in order to keep people safe e.g. live entertainment, amplified music, events, functions, and pool tournaments could all pose increased risks which should be specifically considered in guidance, and if necessary, prohibited.

Consider how the effects of alcohol consumption are accounted for in modelling the likely impact of re-opening licensed premises on transmission. While sustained progress has been made to suppress coronavirus, it will be critical that the easing of restrictions on public gatherings and businesses remain contingent on scientific advice. It is unclear how alcohol has been factored into the SG's modelling of control measures to reduce the impact of the pandemic.

Consider measures to reduce any longer-term impact of Covid19, the lockdown and the re-opening of premises on alcohol consumption, harms and demand for services. The operation of on-trade premises and their impact on health, public order and on public services should be monitored to ensure a rapid and robust response to any problems that might arise. Raising the minimum unit price for alcohol is likely to be helpful to on-trade premises, whilst reducing overall harms from alcohol.

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