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Ref 1.

From: [redacted]
Sent: 07 April 2021 13:08
To: [redacted]; [redacted]; [redacted]; [redacted];
[redacted]; [redacted]; [redacted]; [redacted]; [redacted];
[redacted]
Cc: Burial & Cremation; [redacted]; [redacted]
Subject: RE: UPDATED MEETING NOTE (updated re
funerals physical distancing and venues etc)
ATTENDANCE LIMITS ON EVENTS ACTIVITIES AND
SETTINGS MEETING 06/04/21 (006)

Adding in [redacted] for FACTS.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

Tel: [redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 07 April 2021 13:06

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: Burial & Cremation <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: UPDATED MEETING NOTE (updated re funerals physical distancing
and venues etc) ATTENDANCE LIMITS ON EVENTS ACTIVITIES AND SETTINGS
MEETING 06/04/21 (006)

Thank you [redacted], I'm very grateful to you.

[redacted] – [out of scope]

[out of scope]

Thanks and happy to discuss.

[redacted]

Thank you for your email. If your query relates to the Burial and Cremation Team's work on COVID-19, please ensure you also forward your email to [redacted]@gov.scot

[redacted] Burial and Cremation Team | Scottish Government | St Andrew's House | Regent Road | Edinburgh EH1 3DG

Meeting note:

MEETING ON COVID-19: ATTENDANCE LIMITS ON EVENTS, ACTIVITIES AND SETTINGS (06/04/21)

Attending: [redacted]: **Outbreak Management**

[redacted]: **HPD: Burial, Cremation, Anatomy & Death Certification**

[redacted]: **Covid Safer Workplaces**

[redacted]: **CLLS**

[redacted]: **CLLS**

[redacted]: **Covid Safer Workplaces**

[redacted]: **Covid Safer Workplaces**

The basis of the meeting was to discuss issues based around options A, B and C submitted to the First Minister and the overall approach to the resumption of events in Scotland.

Summary of Discussion Points and Action Points

- There is a need for an announcement to businesses urgently. It is unclear when the FM will make a decision on the options put forward.
- Local authorities need to be consulted early in the process.
- Capacity Limits: Should the Scottish Government observe the UEFA gateway protocol for large events (the advantage with the protocol is the process is already in place). There was discussion around 5000 plus events coming under the Scottish Government jurisdiction and smaller events under LA control in conjunction with police/local health boards etc.

- Active Scotland colleagues have already put in guidance for smaller events. This potentially is a problem when developing other guidance.
- Can we learn from inspectors of funerals/crematoriums when applying guidance for local authorities/EHO's
- Inconsistencies in approach across sectors (e.g. public houses 1m physical distancing, theatres 2m) highlighted by the legal ruling. Can we justify legally?
- General implications for police and general legal position
- Capacity based approach how would this be measured? Potentially could be based on model used in Northern Ireland (building standards calculation) Issues of capacity issues at different venue e.g. different room sizes at same venue. Wales also use capacity approach
- **Need this capacity based tool as quickly as possible** a simple calculation tool would allow different sectors venues to set what maximum capacity is (and display it for the public to see) this could allow EHO's to ask how the calculation was worked out.
- Concerns about capacity issues being in regulations and not guidance – the capacity limit for funerals have always been in Scottish government guidance. Post meeting note: [redacted]

Issues of different sectors and different social distancing measures.

Competition issue – [redacted]

- The majority of businesses already have appropriate Covid compliant signs in place. Potentially other issues of ventilation etc. Guidance/regulations aim should be to keep the message simple to understand for all sectors.

Other areas of discussion

- Dominic Munro would like to map out the direction of travel on physical distancing. When will physical distancing be reduced, and ultimately go to no physical distancing?
- Issue of Article 11 of EHCR - the right to freedom of assembly and association, and the potential impact of any guidance put in place.
- **UK Government has until Tuesday 6 April to respond to a High Court legal challenge against the decision not to allow hospitality to reopen for indoor service until five weeks after non-essential retail.**

Action Points

1. [redacted] and [redacted] to have a meeting today or tomorrow with LA EHO's. [redacted] will sit in on meeting.

2. [redacted] to keep SG policy leads informed- on what options are being taken forward and contact policy areas when guidance needs to be potentially tweaked in any way.
3. [redacted] will send out a note to local authorities on the guidance being updated.
4. When the First Minister responds to the note submitted on attendance limits on events, activities and settings (hopefully this week) [redacted] **will take forward the necessary work on the option chosen.**
5. Penelope in discussion with Cosla today
 - Keep sharing of draft guidance between SG colleagues only

From: [redacted] <[redacted]@gov.scot>

Sent: 07 April 2021 12:35

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

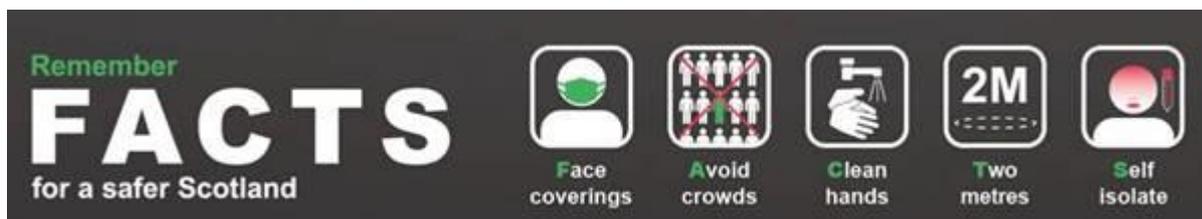
Subject: UPDATED MEETING NOTE (updated re funerals physical distancing and venues etc) ATTENDANCE LIMITS ON EVENTS ACTIVITIES AND SETTINGS MEETING 06/04/21 (006)

Good afternoon all

Please see amended meeting note attached above (updated re funerals and physical distancing). Thanks to [redacted].

Regards

[redacted]



Ref 2.

From: [redacted]
Sent: 08 April 2021 15:44
To: [redacted]; [redacted]; [redacted];
[redacted]; [redacted]; [redacted]
Cc: [redacted]; [redacted]
Subject: RE: Update - new venue capacity guidance

Hi [redacted],

Copying in [redacted] who is leading this work. I think we need to make the justification as to why retail would not be included.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 08 April 2021 15:09
To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Update - new venue capacity guidance

[redacted],[redacted]

I had asked Dominic directly if there would be ‘caps’ on retail – and he had said NO – but we would need a strong justification why that was the case – [redacted] – not that we need to put in capacity limits but that we need to recognise that retail operates without capacity limits

So has there been a change to the approach?

[redacted]

[redacted]

Retail Division

Scottish Government

Mobile : [redacted]



From: [redacted] <[redacted]@gov.scot>

Sent: 08 April 2021 15:00

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>

Subject: Update - new venue capacity guidance

Hi everyone,

[redacted] has flagged that her team is drafting new guidance on calculating capacity for settings and events.

The retail sector is already doing a lot on this, for example putting up posters at shop entrances saying what the capacity is. But now there will be a formal policy with accompanying guidance that we will need to link to on ours.

Can everyone take this as an action/ issue?

Thanks,

[redacted]

[redacted] | Retail Policy | Scottish Government | [redacted]

Please note my working pattern is Mon - Thurs. Friday is my non-working day.

Ref 3.

From: [redacted]
Sent: 09 April 2021 12:15
To: Garvin S (Stephen) (Dr); [redacted]
Cc: [redacted]; [redacted]
Subject: RE: Occupancy Capacity - under Covid regulations
- advice please?

Hi both,

I would be grateful if you can look at the *very* draft guidance on Covid Occupancy Capacity below and feed in your thoughts?

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]
Sent: 30 March 2021 16:54
To: Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: McPhee D (David) <David.Mcphee@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Occupancy Capacity - under Covid regulations - advice please?

Thanks so much! appreciated.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

Tel: [redacted]

From: Garvin S (Stephen) (Dr) <Stephen.Garvin@gov.scot>
Sent: 30 March 2021 16:51
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: McPhee D (David) <David.Mcphee@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Occupancy Capacity - under Covid regulations - advice please?

Hi [redacted]

Just spoken to [redacted] and he will get back to you with thoughts and advice.

Thanks

Stephen

From: [redacted]< [redacted]@gov.scot>

Sent: 30 March 2021 15:37

To: [redacted]< [redacted]@gov.scot>; Garvin S (Stephen) (Dr)
<Stephen.Garvin@gov.scot>

Cc: McPhee D (David) <David.Mcphee@gov.scot>; [redacted]<

[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: Occupancy Capacity - under Covid regulations - advice please?

Importance: High

Hi both

Grateful for your advice. As part of the Levels publication we have been asked to look at calculation for capacity in public premises such as cafes, restaurants, pubs etc. in line with the 2m or 1m physical distancing requirement.

Occupancy capacity for non-domestic properties is set out in this link [Building standards technical handbook 2019: non-domestic - gov.scot \(www.gov.scot\)](http://www.gov.scot/building-standards-technical-handbook-2019-non-domestic)

Would this be easily adapted to allow for a formula for any premises to work out their capacity in line with the distancing requirements?

I looked online and there are calculators out there like this one: [Social Distancing Venue Capacity Calculator - VenueSearch.ie](http://www.venuesearch.ie/social-distancing-venue-capacity-calculator) which is based on "Irish Fire Safety Regulations maximum occupancy for a licensed premises (pre covid-19) of 2 persons per square metre for standing areas and 1 person per square metre for seated areas."

Could you consider and advise? Apologies for tight turnaround but if you can come back as soon as you can?

Thanks and happy to discuss!

[redacted] **COVID Safer Workplaces – Compliance and Enforcement**

Tel: [redacted]

Ref 4.

From: [redacted]
Sent: 12 April 2021 11:08
To: [redacted]; [redacted]
Cc: [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Burial & Cremation; [redacted]; [redacted]; [redacted]; [redacted]; [redacted] (Major Events); [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; Rennick NS (Neil); [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]
Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted],

The guidance is to apply across public premises therefore that would include indoor leisure facilities.

It would be good to know the background to the 9 metres squared calculation. However, the intention is for the ask to be max capacity to be displayed and the guidance to be guidance on how to calculate max capacity, not to replace approaches already taken.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 12 April 2021 10:42
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted] (Major Events) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@nrsotland.gov.uk>; [redacted] <[redacted]@gov.scot>; [redacted]

<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] (Active Scotland) <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted]

I'm unclear as to whether this guidance is to be applied across all sectors (and to agree with the points made by [redacted] below on this).

Indoor sport and leisure facilities have been operating under specific guidance ([Coronavirus \(COVID-19\): guidance on sport and leisure facilities - gov.scot \(www.gov.scot\)](https://www.gov.scot/Coronavirus-(COVID-19)-guidance-on-sport-and-leisure-facilities-gov.scot)) since August and this states the following:

The maximum occupancy of each indoor facility should be limited to a minimum floor area of 9m² per person. For this figure, the area is the net useable indoor facility space available to occupants to use, including changing rooms, toilet and wash facilities. Reducing capacity in this way whilst sustaining ventilation flows, will increase the typical current 10l/s/p flow rate of ventilation to at least 20l/s/p, as fewer people are being served by the ventilation system.

This was agreed in a process with clinicians and HPS – so just looking for some clarity on whether we are expecting the sector to have to amend this guidance in line with the Capacity Guidance? (copied [redacted] for her interests).

Thanks

[redacted]

[redacted] | Active Scotland Division | Scottish Government | Area 3J North | Victoria Quay | Edinburgh | EH6 6QQ

□[redacted] | □[redacted]@gov.scot

To find out more about Active Scotland, please visit us on [Twitter](#) or on our [Actify hub](#).

Please note I work part time



From: [redacted] <[redacted]@gov.scot>
Sent: 12 April 2021 10:02
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] (Major Events) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@nrscotland.gov.uk>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] (Active Scotland) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted]/others.

The intention is to announce this tomorrow or Wed so we want to have the guidance cleared and published this week. [redacted] if we have guidance to go with an announcement **so if you can all feed in your comments as a priority this morning.**

[redacted]/ [redacted] – Can you add lines for larger events and for sporting events – link to guidance etc.?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 12 April 2021 09:50
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 12 April 2021 11:15

To: [redacted]< [redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; Cowan WJ (Willie) <Willie.Cowan@gov.scot>

Subject: FW: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

To see – for info for possible implications for court buildings.

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 12 April 2021 11:05

To: [redacted] <[redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot[redacted] (Justice)
<[redacted]@gov.scot[redacted] (Justice) <[redacted]@gov.scot>;
[redacted]<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] (Major
Events) <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted]< [redacted]@nrscotland.gov.uk>; [redacted]<
[redacted]@gov.scot[redacted] <[redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; SGLD Covid Legislation [redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted]

Many thanks, some responses (from me) below, and I will look at your feedback in the doc. [redacted].

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 11 April 2021 17:46

To: [redacted] <[redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted] (Justice) <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] (Major Events)< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@nrscotland.gov.uk>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Rennick NS (Neil) <Neil.Rennick@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

1. Thank you for sight of this. I have made a number of additions, amendments and comments in the ERDM version (above). I attach a word version too. General comments below.

Scope of guidance

2. I am not certain of the exact scope of the guidance? Is it intended for **all** places of worship, businesses and places providing a service? If so, it's very wide and would need to be seen by a number of policy leads. I wonder as well if it

would be helpful to consult key sectors and service providers on a draft of the guidance? [redacted]

3. I assume as well that the guidance needs to be seen by SGLD and by clinicians. *It will need to be cleared through the process, yes.*

4. My assumption (but not my policy area and would need to be checked with education colleagues) is the guidance would **not** extend to schools, where I am aware there has been a lot of specific work on physical distancing requirements. *No this would not apply to schools.*

Nature of guidance

[redacted]

6. Is the requirement to display an occupancy limit to be in guidance only or in regulations? *see above.*

7. [redacted]

8. I have two main reasons:

- First, a number of premises will already have calculated their capacity limit (or had it calculated for them). If we required everybody to follow a new procedure, we could expect a large number of complaints and questions and suggestions from venues that the methodology they used is better (because, for example, it more closely reflects the lay-out of the venue or the nature of what happens in the venue).
- Secondly, we would need SGLD advice on how we could make a particular methodology mandatory and on the sanctions for failure to calculate a capacity limit or using another methodology to calculate a capacity limit. It might, for example, be very difficult to apply sanctions to a venue which claims it has calculated a capacity limit which reflects the nature of that particular venue (and the mitigations it has put in place).

Agree, I think we could make 'premises must display their max capacity' a stipulation. This is guidance to try and support a standard approach and those premises who have not yet done this.

Thanks

[redacted]

[redacted] | Major Events Team Leader | Tourism and Major Events
Division | Scottish Government | 2G South, Victoria Quay, Edinburgh, EH6
6QQ | tel: [redacted] | mob: [redacted]
[redacted] | email: [redacted]@gov.scot | web: www.gov.scot

From: [redacted] <[redacted]@gov.scot>

Sent: 09 April 2021 16:28

To: [redacted] <[redacted]@nrscotland.gov.uk>; [redacted] <[redacted]@gov.scot>;
[redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>;

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>;
[redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted]

We haven't had an opportunity to comment on the draft guidance yet but will do so as soon as we can.

[out of scope]

[out of scope]

[redacted]

Thanks again

[redacted]

Thank you for your email. If your query relates to the Burial and Cremation Team's work on COVID-19, please ensure you also forward your email to [redacted]@gov.scot

[redacted] | Burial and Cremation Team | Scottish Government | St Andrew's House |
Regent Road | Edinburgh EH1 3DG

From: [redacted] <[redacted]@nrscotland.gov.uk>

Sent: 09 April 2021 15:35

To: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]
<[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>;

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi [redacted] – [redacted] shared the rationale as given: full 2m physical distancing in all 4 directions round each seated guest (so side to side, behind, and in front) – thus chopping 50 down to 15, as [redacted] noted. [redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 09 April 2021 15:13

To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Burial & Cremation
<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]
[redacted]@nrscotland.gov.uk>; [redacted] <[redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted],

Further to [redacted] points, I think it would be helpful if Glasgow City Council registration offices were able to share their working with us. It would be useful to know the rationale for a reduction from 35 to 15. Is this something you can ask them for?

Thanks

[redacted]

From: [redacted]< [redacted]@gov.scot>;

Sent: 09 April 2021 14:41

To: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;

Cc: [redacted]< [redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@nrscotland.gov.uk>; [redacted] <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

I'll chip in but this is not a definitive view just a suggested approach for debate. One formula on PD, applied by all, and communicated by EHOs etc; provides more reassurance in terms of risk than an approach that allows people to do their own calculations based on their own formulas. Given concerns around moving to PD too quickly etc, I think the minimum expectation will be that all businesses etc apply the same calculations. This should not be onerous, and from what I have seen of the approach set out in [redacted] sub it is doable within a week which is what we are giving people (hopefully.....).

[redacted]

Head of Unit

Scottish Government

Outbreak Management Directorate

Business Management/Briefing & Correspondence Units

[redacted]@gov.scot

[redacted]

From: [redacted]< [redacted]@gov.scot>;

Sent: 09 April 2021 14:26

To: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;

Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@nrscotland.gov.uk>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

I will have a look over the weekend.

One quick question. Some workplaces have already carried out capacity calculations. Local authority registrars, for example, told us earlier this week that staff within their local authorities have carried out capacity calculations – the main room where people get married in Glasgow City Council registration offices has had its (pre-Covid) capacity of 35 cut to 15.

Are we going to say that everybody should use our calculations? Or are we going to say that operators etc should carry out independent calculations and should provide information on how they were carried out if asked? And if operators don't know how to do the calculations our guidance can provide info on that?

[redacted]

Family Law Policy

Scottish Government

[redacted]

From: [redacted]<[redacted]@gov.scot>

Sent: 09 April 2021 13:32

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Expanding the copy list to include [redacted] and [redacted] from funeral policy because I'm on leave next week..... (sorry[redacted]).

[redacted]

Thank you for your email. If your query relates to the Burial and Cremation Team's work on COVID-19, please ensure you also forward your email to [redacted]@gov.scot

[redacted]|Burial and Cremation Team | Scottish Government| St Andrew's House | Regent Road | Edinburgh EH1 3DG

From: [redacted]< [redacted]@gov.scot>

Sent: 09 April 2021 13:18

To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Thanks [redacted]

I have [redacted]

Which takes me on to timings.....

There may be an announcement on the limits next week, Wednesday/Thursday. So we need to have the guidance and process nailed by then so we can issue it to stakeholders following announcement (because as soon as we announce it many will ask). I am not sure how clear I have been on this timescale (not sure how clear it was in my own head) so flagging now.

[redacted] and [redacted] are around next week to pick up where i leave the sub after Sunday – aim is to issue that on Monday to FM.

[redacted]

Head of Unit

Scottish Government

Outbreak Management Directorate

Business Management/Briefing & Correspondence Units

[redacted]@gov.scot

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 09 April 2021 12:05

To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>
Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>; [redacted]<
[redacted]@gov.scot>; [redacted]@gov.scot[redacted]@gov.scot>
Subject: RE: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Copying in other colleagues with an interest.

From: [redacted]< [redacted]@gov.scot>

Sent: 09 April 2021 12:00

To: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]<
[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;

Cc: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;

Subject: Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

Hi all, Please see first draft of capacity management guidance, with paras noted for **life events** and **events** to be completed. I am caveating this with LAs have not seen the events part yet. [redacted] has looked over the premises section.

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April
(A32829039)

Feedback from this morning is LAs are keen to not add an additional burden to the LAs (as they have SAGs and processes already there for the main events LAs) and I think as long as they can input into how any process will work for larger events so it fits with their processes (like GCC who are all over this stuff) [redacted]

We will probably have to deal with the smaller events and any impact on LA capacity, if and when it happens.

[redacted]

Ref 5.

From: [redacted]
Sent: 12 April 2021 14:49
To: [redacted]; [redacted]; [redacted]; Rogers D (David) (Constitution and Cabinet Director)
Cc: Munro D (Dominic); McPhee D (David); [redacted]; McAllan M (Mary); [redacted]; Burgess WG (George); Ogle G (Geoff); Director of Outbreak Management; [redacted]; Hynd JS (James); [redacted]; [redacted]; [redacted]
Subject: RE: COVID-19: Levels tables: advice on attendance limits on events, activities and settings in light of last week's Judicial Review outcome

Hi [redacted],

For close contact I would assume that the premise could work out around settings within the premises for the close contact work, with 2m elsewhere in the premises. Happy to add a line to the guidance if helpful?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>
Sent: 12 April 2021 14:18
To: [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>
Cc: Munro D (Dominic) <Dominic.Munro@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>; [redacted]< [redacted]@gov.scot>; McAllan M (Mary) <Mary.McAllan@gov.scot>; [redacted]< [redacted]@gov.scot>; Burgess WG (George) <George.Burgess@gov.scot>; Ogle G (Geoff) <Geoff.Ogle@fss.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted]< [redacted]@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; [redacted]< [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>[redacted]< [redacted]@gov.scot>
Subject: RE: COVID-19: Levels tables: advice on attendance limits on events, activities and settings in light of last week's Judicial Review outcome

Thanks [redacted],

Can I ask how this will work in practise for close contact services? The calculations within the document are for 2m and 1m distancing however, as close contact services cannot be provided from a 2m distance, these services can continue to take place (within the appropriate level) despite physical distancing regulations. We advise in our guidance that where possible 2m should be maintained to reduce contact but it may be beneficial for the guidance to specifically highlight close contact services and the calculation they should follow.

[redacted]

[redacted] | Team Leader | Retail Restart & Recovery

[redacted]

From: [redacted]
Sent: 12 April 2021 09:27
To: [redacted]; [redacted] Rogers D (David)
(Constitution and Cabinet Director)
Cc: Munro D (Dominic); McPhee D (David); [redacted]
McAllan M (Mary); [redacted] Burgess WG (George); Ogle
G (Geoff); [redacted] Director of Outbreak Management;
[redacted] Hynd JS (James); [redacted]; [redacted];
[redacted]
Subject: RE: COVID-19: Levels tables: advice on
attendance limits on events, activities and settings in light
of last week's Judicial Review outcome

Hi [redacted],

The max capacity for business premises will be self-assessed and there will be guidance, it's in draft here:

[Internal hyperlink]

[redacted]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted] **Mob** [redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 12 April 2021 09:25

To: [redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>

Cc: Munro D (Dominic) <Dominic.Munro@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; McAllan M (Mary) <Mary.McAllan@gov.scot>; [redacted]@gov.scot> Burgess WG (George) <George.Burgess@gov.scot>; Ogle G (Geoff) <Geoff.Ogle@fss.scot>; [redacted]@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted]@gov.scot>; Hynd JS (James) <James.Hynd@gov.scot>; [redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: COVID-19: Levels tables: advice on attendance limits on events, activities and settings in light of last week's Judicial Review outcome

Thanks [redacted] that's helpful to know

[redacted], [redacted]

In reading the submission again can I just check the setting calculations based on PDBC will be issued in guidance and assessed by business through self assessment or is the intention that every business has to make an application to LAs – I think reading the submission it is only for events that applications will be necessary – but if assessment is also required for all retail settings than we have a real risk in delaying retail businesses opening on 26th April (all retail and close contact businesses are hoped to open on 26th) if it is an application process. Can you advise please

Thanks

[redacted]

[redacted]

[redacted]

Retail Division

Scottish Government

Mobile : [redacted]



From: [redacted]@gov.scot>

Sent: 11 April 2021 21:38

To: Rogers D (David) (Constitution and Cabinet Director)

<David.Rogers@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: Munro D (Dominic) <Dominic.Munro@gov.scot>; McPhee D (David)

<David.Mcphee@gov.scot>; [redacted]@gov.scot[redacted]@gov.scot>McAllan M

(Mary) <Mary.McAllan@gov.scot>; [redacted]@gov.scot>; Burgess WG (George)

<George.Burgess@gov.scot>; Ogle G (Geoff) <Geoff.Ogle@fss.scot>;

[redacted]@gov.scot>; Director of Outbreak Management

<Directorofoutbreakmanagement@gov.scot>; [redacted]@gov.scot>;Hynd JS

(James) <James.Hynd@gov.scot>; [redacted]@gov.scot>[redacted]

<[redacted]@gov.scot>; [redacted]@gov.scot>

Subject: RE: COVID-19: Levels tables: advice on attendance limits on events, activities and settings in light of last week's Judicial Review outcome

Hi [redacted]

Apologies I did mean to get back to you last week. FM has opted for C, meaning no standard limits for settings (which includes retail) and instead physical distance based capacity (PDBC) will apply. So capacity will be dictated by their PDBC which has been applied, possibly in different ways, throughout the pandemic. Guidance will be supplied to achieve consistency in approach to calculating PDBC, so hopefully this will be no more than a minor tweak for the vast majority.

I am off next week, but [redacted] and [redacted] are around if you need to discuss further.

Regards

[redacted]

Head of Unit

Scottish Government

Outbreak Management Directorate

Business Management/Briefing & Correspondence Units

[redacted]@gov.scot

[redacted]

[redacted]

[email out of scope]

[email out of scope]

[email out of scope]

[email out of scope]

Ref 6

From: [redacted]
Sent: 13 April 2021 16:59
To: [redacted]; Ogle G (Geoff); [redacted]
Cc: [redacted]; [redacted]; [redacted]
Subject: RE: Attendance Caps & Events

Hi [redacted], I'm about to send a sub around for input.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 13 April 2021 16:50
To: Ogle G (Geoff) <Geoff.Ogle@fss.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: Attendance Caps & Events

Geoff it would be good to get a read out from today

[redacted], [redacted] – it would be really helpful to have a final view on the necessity of retail settings being included or not in the capacity guidance – and if there is anything we can do more from a policy point to help

[redacted]

[redacted]

[redacted]

Retail Division

Scottish Government

Mobile : [redacted]



From: Ogle G (Geoff) <Geoff.Ogle@fss.scot>

Sent: 13 April 2021 09:33

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot> [redacted] <[redacted]@gov.scot> [redacted] <[redacted]@gov.scot> [redacted] <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@fss.scot>

Subject: RE: Attendance Caps & Events

[redacted]/[redacted]

I would agree the guidance doesn't apply to retail in terms of calculations, but as I recall, there is a requirement for businesses to display capacity levels and would we want that excluded too? As [redacted] has highlighted though, for supermarkets the flow is constant but nonetheless there could be something worth pursuing in terms of public assurance.

[out of scope]

I have my usual weekly catch up with retailers today so if you are content we can run the issue by them and get their views. Think we would want: (i) assurance they are applying a methodology in calculating capacity; (ii) views on display of volume limits. Anything else?

Geoff

Geoff Ogle
Chief Executive
Food Standards Scotland

Pilgrim House

Old Ford road

Aberdeen

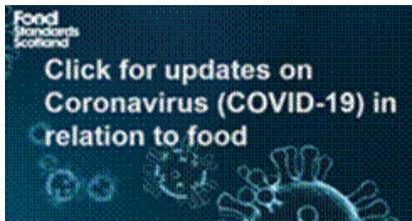
AB11 5RL

[redacted]

Geoff.Ogle@fss.scot

www.Foodstandards.gov.scot

I'm currently working from home so email or mobile is the best means of contact.



From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 09:21

To: [redacted] <[redacted]@gov.scot> [redacted] <[redacted]@gov.scot>; Ogle G (Geoff) <Geoff.Ogle@fss.scot>

Subject: RE: Attendance Caps & Events

Hi [redacted] – [redacted] from Retail - I see you went back to [redacted] last night saying retail did not need to be included within the capacity guidance. While I think this is sensible (particularly as many have operated with their own calculated capacity restrictions and that this would be retrofitting for some stores these have been operational through out lockdown) - I just wanted to highlight that the Scottish Retail Consortium while not ecstatic at the thought also believed that most retailers would just get on and do it if necessary. I just wanted to flag that it could be manageable if it helped the overall approach however I am very much of your view in that it is not necessary and that household limits would still apply so 'mixing' is not the same in shopping environments. Do we need to make this explicit with Ministers however if retail is not to be covered as the advice to date hasnt highlighted their exclusion (or inclusion particularly for that matter). happy to chat if easier. [redacted]

[redacted]

[redacted]

Retail Division
Scottish Government
Mobile : [redacted]



From: [redacted]
Sent: 13 April 2021 12:15
To: Munro D (Dominic); [redacted]
Cc: [redacted]; Director of Outbreak Management;
Harden J (John)
Subject: RE: Attendance Caps & Events

Hi [redacted], just checking you are referring to the method set out in this guidance at page 17 [Supplementary Guidance 02: Planning for Social Distancing at Sports Grounds \(sgsa.org.uk\)](#)

Happy to directly copy this across.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: Munro D (Dominic) <Dominic.Munro@gov.scot>
Sent: 13 April 2021 11:04
To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>
Subject: FW: Attendance Caps & Events

[redacted]

@JohnHardenED

Scottish Government

St Andrew's House

Regent Road

Edinburgh EH1 3DG



Scottish Government
Riaghaltas na h-Alba
gov.scot

From: [redacted]< [redacted]@gov.scot>

Sent: 13 April 2021 09:32

To: Rogers D (David) (Constitution and Cabinet Director)

<David.Rogers@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>;

Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>;

SGLD Covid Legislation <[redacted]@gov.scot>; [redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>; [redacted]

<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>

Subject: RE: Attendance Caps & Events

Hi John I'd be grateful if you could respond in Jason's absence please,

If anyone has any final comments on the draft capacity guidance could you email to [redacted] by 12:00 today please.

Kind regards

[redacted]

Head of Local Interventions, Outbreak Management

[redacted]

[redacted]@gov.scot



From: [redacted]

Sent: 12 April 2021 19:10

To: Rogers D (David) (Constitution and Cabinet Director)

<David.Rogers@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>;

Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>;

SGLD Covid Legislation <[redacted]@gov.scot>; [redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>; [redacted]

<[redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>;[redacted]<

[redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>

Subject: FW: Attendance Caps & Events

Hi all,

PSA the draft Safer Workplaces – capacity guidance for attendance limits. If you have any comments I would be grateful if you could reply to all so [redacted] can pick them up.

Kind regards

[redacted]Head of Local Interventions, Outbreak Management

[redacted][redacted]@gov.scot



From: [redacted] <[redacted]@gov.scot>
Sent: 12 April 2021 18:59
To: [redacted]< [redacted]@gov.scot>
Subject: FW: Attendance Caps & Events

Can you do me a favour and circulate this round the usual suspects for clearing guidance – to include sgld/[redacted] and clinicians

Thanks

[redacted]

[redacted]

[redacted], Outbreak Management

Mobile: [redacted]

From: [redacted]
Sent: 12 April 2021 20:34
To: [redacted]; Ogle G (Geoff)
Subject: RE: Attendance Caps & Events

[redacted]

I don't think this should apply in retail as people don't mix the same way in that setting. I'd be content for them to continue to use their own guidance unless anyone feels differently

[redacted]

[redacted]

[redacted], Outbreak Management

Mobile: [redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 12 April 2021 17:37

To: [redacted] <[redacted]@cosla.gov.uk>; [redacted] <[redacted]@cosla.gov.uk>; [redacted] <[redacted]@cosla.gov.uk>; [redacted]@fife.gov.uk; [redacted] <[redacted]@southlanarkshire.gov.uk>; [redacted] <[redacted]@argyll-bute.gov.uk>

Cc: [redacted] <[redacted]@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Attendance Caps & Events

Hi all,

Please see *draft* guidance attached which covers

1. **Covid Occupancy Capacity in Public Venues**
 2. **Covid Occupancy Capacity in Life Events**
 3. **Covid Occupancy Capacity in Events**
 4. **Guidance for Local Authorities on exceptions to attendance caps for events.** – This may be better as a separate doc with additional information added to para 3 on the exceptions process once agreed.
- Grateful for your feedback as soon as possible. Please note numbers are provisional and not agreed.

Thanks!

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

-----Original Appointment-----

From: [redacted] <[redacted]@cosla.gov.uk>

Sent: 12 April 2021 12:10

To: [redacted] [redacted]@fife.gov.uk; [redacted]; [redacted]; [redacted]; [redacted]

Subject: Attendance Caps & Events

When: 12 April 2021 16:30-17:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Microsoft Teams Meeting

Microsoft Teams meeting

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Our Business Address is : COSLA, Verity House, 19 Haymarket Yards, Edinburgh, EH12 5BH. t: +441314749200 w: <http://www.cosla.gov.uk>

From: [redacted]
Sent: 13 April 2021 09:09
To: [redacted]
Subject: RE: Changes to events and levels
Attachments: RE: Attendance Caps & Events

See attached. I think you should have a chat with [redacted].

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 09:07

To: [redacted] <[redacted]@gov.scot> ; [redacted] <[redacted]@gov.scot>

Subject: RE: Changes to events and levels

[redacted]

I seem to be only in parts of these conversations - is retail in or out? I didn't see [redacted] comments – it does seem strange to be retro fitting numbers to places that have been open through out especially

[redacted]

[redacted]

[redacted]

Retail Division

Scottish Government

Mobile : [redacted]



From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 08:58

To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; MacDougall A (Audrey) <Audrey.MacDougall@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Subject: RE: Changes to events and levels

Hi [redacted]

(David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>

Subject: RE: Changes to events and levels

Okay, I'll make those changes. I've also updated taking into account David's email this morning.

[redacted] – does the physical distancing capacity requirement include shops and close contact services?

Kind regards

[redacted]

[redacted]Head of Local Interventions, Outbreak Management

[redacted] [redacted]< [redacted]@gov.scot>



Ref 7.

From: [redacted]
Sent: 13 April 2021 13:42
To: [redacted]
Cc: [redacted]; [redacted]; [redacted]
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE -
Strategic Framework Levels Tables

Lines added at section 3. On events.

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April
(A32829039)

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>
Sent: 13 April 2021 13:37
To: [redacted]< [redacted]@gov.scot>
Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;
[redacted]< [redacted]@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels
Tables

Hi [redacted]. Just for the benefit of others – as discussed on teams this is fine with
me, thanks for sorting.

[redacted] | **Major Events Policy** | Scottish Government | T [redacted]

From: [redacted]< [redacted]@gov.scot>
Sent: 13 April 2021 13:31
To: [redacted]< [redacted]@gov.scot>
Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

[redacted]< [redacted]@gov.scot>

Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Hi [redacted], I think it makes sense to set out that for Drive-in events that physical distancing capacity would need to be taken into consideration for facilities like toilets based on the number of cars attending and that queues for facilities are managed.

I will add this to the capacity guidance if you are content?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 13 April 2021 13:22

To: [redacted]< [redacted]@gov.scot>

Cc: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

[redacted]< [redacted]@gov.scot>

Subject: FW: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Hi [redacted]

Just checking in on drive-in event capacities vs standard limits as per [redacted] instruction in the [out of scope]. Can I check that we're going with the former – given these haven't had a number limit until now and as people are mainly contained within their vehicle? That will make them different to other events (which I think we can justify) but in line with cinemas (which are the most common activity at drive-ins)

Kind regards

[redacted]**Major Events Policy** | Scottish Government |

From: [redacted]

Sent: 13 April 2021 13:16

To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>;

Ref 8.

From: [redacted]
Sent: 13 April 2021 14:00
To: [redacted]; [redacted]
Cc: [redacted]; [redacted]; [redacted]; [redacted];
[redacted]
Subject: RE: New levels table - Places of Worship

Hi [redacted]

Please see attached guidance here. Happy for you to input for places of worship, if you want to include a specific section that may be helpful? The plan is to put the guidance to FM later today with a handling plan including engagement with sectors.

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April
(A32829039)

Copying in [redacted] re. the highlighted point.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

[email out of scope]

From: [redacted]
Sent: 13 April 2021 18:01
To: [redacted]; [redacted]
Subject: RE: IMMEDIATE - Submission - For comment -
Capacity in settings and events - BY 1830

Brilliant, I will add something in to that effect.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 13 April 2021 17:59

To: [redacted]< [redacted]@gov.scot>; [redacted]< [redacted]@gov.scot>

Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Ah, didn't see that – but that would also be my interpretation – hospitality and events are separate for the time being and can't be mixed up i.e. can't do a live musician/band/comedian outside with punters at 1m drinking and eating etc. Would have to be either hospitality with no live entertainment or a live event with hospitality provided in another space away from the events space, which would be operating at 2m. So, same as before from my perspective.

[redacted]

From: [redacted]< [redacted]@gov.scot>

Sent: 13 April 2021 17:55

To: [redacted]< [redacted]@gov.scot>[redacted]< [redacted]@gov.scot>

Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Thank you! [out of scope] did you see [redacted] point about events in hospitality? What do you think?

[redacted]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>
Sent: 13 April 2021 17:50
To:[redacted]< [redacted]@gov.scot>;[redacted]< [redacted]@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Thanks for sharing [redacted]

This looks ok from hospitality perspective. I see it as being an added tool to their risk assessment resources rather than something new to them. In essence it is only what they should already be doing, and in most cases will have already done – though they may wish to revisit risk assessments with the suggested methodology.

I note you have picked up our wording on queue management which I still expect to keep in our revised sector guidance so that will all remain current. Will just need to double check the link is still correct at time of publication in case we move things around in our pages when making our own updates, which should be done by end of this week.

Other than that – I don't see this making any material difference to how hospitality should be operating from current risk assessed guidance, other than perhaps having to display maximum capacity at entry points.

Best,

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 13 April 2021 17:28
To: [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: FW: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

I [out of scope]– but hopefully [redacted] can pick up now.

[redacted]

Working from home, please use mobile, email or Microsoft Teams

[redacted] | **Head of Tourism Strategy and Delivery**

Tourism and Major Events Division | Culture, Tourism and Major Events Directorate
Area 2J South, Victoria Quay, Edinburgh, EH6 6QQ

[redacted]

[redacted]@gov.scot

From: [redacted]
Sent: 13 April 2021 18:28
To: [redacted]
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Thanks [redacted] will update.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]< [redacted]@gov.scot>
Sent: 13 April 2021 18:25
To: [redacted]< [redacted]@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Hi [redacted]

Emailing direct as every time I check the doc someone else is in editing.

A very quick point from me that I couldn't see covered in the linked tourism and hospitality guidance. Page 6, section 'Additional considerations when calculating COVID Occupancy Capacity' bullet point 7 where it states 'There should be no [queueing](#) inside licensed hospitality setting, such as at bars, and systems should be in place to ensure this does not happen'. Could this be expanded to highlight such systems re table service as an example?

Thanks

[redacted]

[redacted] Assistant Programme Manager | Covid Safety and Compliance

Safer Communities | Scottish Government | Mob: [redacted]

|Email: [redacted]@gov.scot>



Stopping the spread starts with all of us.

From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 17:22

To: COVID Safety & Compliance Team <[redacted]@gov.scot>

Subject: FW: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Importance: High

Note deadline. If you have comments please feedback direct.

[redacted]

From: [redacted]

Sent: 14 April 2021 09:38

To: [redacted]; [redacted]

Cc: [redacted]; [redacted]; [redacted]; [redacted];
[redacted]; McPhee D (David); [redacted]; [redacted];
McPhee D (David)

Subject: RE: IMMEDIATE - Submission - For comment -
Capacity in settings and events - BY 1830

Thanks [redacted], that's helpful. Copying to [redacted] to note.

We will need to think carefully about the exemptions re. public services and how we would assess if any settings are exempt, like schools etc.

[redacted]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]**Mob:** [redacted]

[email redacted]

From: [redacted]<[redacted]@gov.scot>
Sent: 14 April 2021 08:58
To: [redacted]<[redacted]@gov.scot>
Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;
[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;
[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; McPhee D
(David) <David.Mcphee@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and
events - BY 1830

Hi [redacted]

[redacted] I think there is clear argument that it doesn't apply in LA registration buildings or child contact centres.

We perhaps need to provide a clear list of where it doesn't apply – courts, education establishments etc. which I will pursue.

I think the view is that it will be in guidance rather than regs given the need to take account of guidance, copying [redacted] on that point.

If the marriage is in hospitality then yes the PD capacity guidance would apply.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]<[redacted]@gov.scot>

Sent: 14 April 2021 08:52

To: [redacted]<[redacted]@gov.scot>

Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

[redacted]

Hi. Have we reached a view on how we require venues to display their capacity limit. In guidance, I assume?

As discussed, it may not be straightforward to work out exactly which venues the capacity guidance will apply to. In my area, I assume it would not apply to local authority registration buildings, as these are an essential service. There's an argument it should not apply to child contact centres, as although run by the voluntary sector they may be seen as essential too. I assume it would apply to hotels etc (where marriages may take place).

[redacted]

Family Law Policy

Scottish Government

[redacted]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]<[redacted]@fss.scot>

Sent: 13 April 2021 18:23

To: [redacted]<[redacted]@gov.scot>; Munro D (Dominic)

<Dominic.Munro@gov.scot>; Director of Outbreak Management

<Directorofoutbreakmanagement@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]

<[redacted]@gov.scot>; Communications Economy <[redacted]@gov.scot>;

Economy COVID-19 Hub Communications <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Hi [redacted]

A couple of minor edits and a question on publishing the capacity limit online in the attached.

I think our key question is still whether or not this will apply to the supermarket retailers who have operated throughout the pandemic and thus have considerable experience of calculating max covid occupancy – they will argue this does not add anything as they are already operating with capacity limits in an environment where

customers do not tend to spend long periods of time on their premises. As mentioned previously, they are also concerned about a degree of overkill on signage, particularly that the really vital messages are being lost in a fog of additional requirements which do not in themselves help to suppress the virus and which customers are no longer paying attention to.

If the new guidance does apply, we know they will look for clarity on the publication requirement – is it simply to publish their max occupancy figure, or the means by which they arrived at it? The guidance makes reference to online publication – it would be helpful to set that out as either a requirement or not – the current wording is unclear. Finally, they will want to know how the new guidance will be explained to the public and enforcement authorities to ensure that misunderstandings are minimised.

Thanks,

[redacted]

[Same email subject, different thread]

From: [redacted]
Sent: 15 April 2021 09:47
To: McPhee D (David); [redacted]
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Will send on to [redacted]

[redacted]**COVID Safer Workplaces – Compliance and Enforcement**

[redacted]

From: McPhee D (David) <David.Mcphee@gov.scot>
Sent: 15 April 2021 09:46
To: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Looks good to me. Can you suggest in the draft.

David

David McPhee |Acting Deputy Director COVID Safer Workplaces |

5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Tel: [redacted] | david.mcphee@gov.scot

Find us on Twitter @DITScotland

From: [redacted] <[redacted]@gov.scot>
Sent: 15 April 2021 09:40
To: McPhee D (David) <David.Mcphee@gov.scot>; [redacted] <[redacted]@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Would we be better saying something like this?

After the engagement period and comments from stakeholders have been considered and the guidance has been published in final form, the persons in charge of the relevant settings will be under a duty to have regard to the guidance, *in addition to the requirements the regulations already place on them (such as ensuring that appropriate physical distancing is in place between household groups)*. Local Authorities will ~~then use the powers under the directions to support compliance~~ *continue to use the 4 Es approach (Engage, explain, Encourage and Enforce)*. Where necessary and proportionate, this may include taking enforcement action or using their direction making powers to set restrictions on premises or events.

[redacted]

From: McPhee D (David) <David.Mcphee@gov.scot>
Sent: 15 April 2021 09:26
To: [redacted]<[redacted]@gov.scot>;[redacted]<[redacted]@gov.scot>
Cc: Aitken R (Reuben) <Reuben.Aitken@gov.scot>;
[redacted]<[redacted]@gov.scot>
Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Thanks that is great. [out of scope]

David

David McPhee |Acting Deputy Director COVID Safer Workplaces |

5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Tel: [redacted] | david.mcphee@gov.scot

Find us on Twitter @DITScotland

From: [redacted]<[redacted]@gov.scot>
Sent: 15 April 2021 09:24
To: McPhee D (David) <David.Mcphee@gov.scot>;
[redacted]<[redacted]@gov.scot>

Cc: Aitken R (Reuben) <Reuben.Aitken@gov.scot>;

[redacted]<[redacted]@gov.scot>

Subject: RE: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

I'll have a look. We've had repeated asks for a diagram for households – mainly for funerals and weddings so people sat in a row. This would have to be developed and cleared by clinicians.

I can add a line around how settings should think about configuration, and if in a hospitality setting you should consider placement of households to help you maximise capacity.

Is that ok?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: McPhee D (David) <David.Mcphee@gov.scot>

Sent: 15 April 2021 07:59

To: [redacted]<[redacted]@gov.scot>;[redacted]<[redacted]@gov.scot>

Cc: Aitken R (Reuben) <Reuben.Aitken@gov.scot>;

[redacted]<[redacted]@gov.scot>

Subject: FW: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

[redacted]

I've made some minor amendments in the ERDM version of this. Could you have a look at the comment from [redacted] at para 16. I think we will want to say that we are continuing to discuss the use of direction making powers with LA's but not sure what conversations have taken place in the last week.

One thing I am a bit concerned about is how the guidance in annex A would adjust the capacity for a venue like a restaurant. What we are saying is that they should calculate how many people who can be in the restaurant based on 1m distancing but you could technically get more than this in the restaurant if every table just had the same household (i.e. 1 household per table not 1 household per restaurant). This flags up an issue where restaurants were not ensuring distancing of different households before as they were allowing people to sit closer to each other at tables

than they should have but if they moved to a model where every person had to be separated by 75cm each side then it may change their calculations – and we may get some push back? Have EHO's raised any concerns about this or from their perspective is this formalising what they would check if they went into a premise anyway? I suppose the point here is could a venue argue that they can exceed their capacity due to the fact that they have in more households than individuals?

Happy to discuss.

David

David McPhee |Acting Deputy Director COVID Safer Workplaces |

5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Tel: [redacted] | david.mcphee@gov.scot

Find us on Twitter @DITScotland

From: [redacted] <[redacted]@gov.scot>

Sent: 14 April 2021 18:12

To: [redacted]<[redacted]@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Pryce JM (Jonathan) <Jonathan.Pryce@gov.scot>; Sizeland B (Bettina) <Bettina.Sizeland@gov.scot>; Johnston DM (David) <david.johnston@fss.scot>; Ogle G (Geoff) <Geoff.Ogle@fss.scot>; [redacted]< [redacted]@transport.gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot> Burial & Cremation <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Economy COVID-19 Hub Communications <[redacted]@gov.scot>; Economy COVID-19 Hub Communications <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Pryce JM (Jonathan) <Jonathan.Pryce@gov.scot>; Sizeland B (Bettina) <Bettina.Sizeland@gov.scot>; [redacted]<[redacted]@ffs.scot>; Ogle G (Geoff) <Geoff.Ogle@ffs.scot>; [redacted] <[redacted]@transport.gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Burial & Cremation <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Communications Economy <[redacted]@gov.scot>; Economy COVID-19 Hub Communications <[redacted]@gov.scot>

Cc: [redacted] <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: IMMEDIATE - Submission - For comment - Capacity in settings and events - BY 1830

Importance: High

All,

Please see submission with guidance on capacity setting for settings and events here: [\[internal hyperlink\] submission on physical distancing capacity \(A32874720\)](#)

Please send on to anyone who should see it who I have missed.

Grateful if you can feed in your comments by 1830.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

Ref 9.

From: [redacted] (CRS) <[redacted]@gov.scot>

Sent: 15 April 2021 10:28

To: [redacted] <[redacted]@gov.scot>

Subject: capacity limits- request from FACTS UNIT 15/04

Hi [redacted],

Following on from yesterday's meeting on capacity in venues- please can you copy me into the draft guidance that has been sent out for the 7 day consultation on calculation for non-domestic buildings.

Also, we are interested in feeding in to the guidance- if that is ok? Liz Sadler has asked that I pass the information on to Covid Ready Soc.

As an aside point, I was telling a colleague that it may not be ready for 26 April- and he said he went to a meeting where someone from the hairdressing industry said whatever guidance is up for 26th will be read, but if its put up after 26th, they won't go back to look at the guidance. I know that doesn't help! But I'm just passing it on for information!

Thanks, [redacted]

[redacted] | Head of F.A.C.T.S. and Compliance Unit in the Covid Ready Society Division

Telephone- [redacted] (I work full time, Monday – Friday).

COVID-19 Public Health Directorate, Scottish Government



Ref 10.

From: [redacted]
Sent: 15 April 2021 09:47
To: [redacted]
Subject: update for enforcement section

Importance: High

Sorry – reflecting [redacted] comments can you change to the below?

After the engagement period and comments from stakeholders have been considered and the guidance has been published in final form, the persons in charge of the relevant settings will be under a duty to have regard to the guidance, in addition to the requirements the regulations already place on them (such as ensuring that appropriate physical distancing is in place between household groups). Local Authorities will ~~then use the powers under the directions to support compliance~~ continue to use the 4 Es approach (Engage, explain, Encourage and Enforce). Where necessary and proportionate, this may include taking enforcement action or using their direction making powers to set restrictions on premises or events.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement
[redacted] **Mob**[redacted]

Ref 11.

From: [redacted]
Sent: 15 April 2021 09:28
To: [redacted]
Cc: McPhee D (David); Aitken R (Reuben)
Subject: RE: Events capacity guidance

Importance: High

[redacted] can you add a line in the guidance to say the below in the things you should consider list

- When calculating your COVID occupancy capacity you should consider the setting and the seating of households, this will help you maximise capacity within your setting and meet the household requirements.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 15 April 2021 09:21
To: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Cc: McPhee D (David) <David.Mcphee@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: Events capacity guidance

[redacted] as soon as everyone has commented I am putting it to FM to note and getting it published this morning

[out of scope]

Thanks

[redacted]

[redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]

From: [redacted]<[redacted]@gov.scot>

Sent: 14 April 2021 16:38

To: [redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>

Cc: McPhee D (David) <David.Mcphee@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted] (Active Scotland)

<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: RE: Events capacity guidance

Hi [redacted] and [redacted]

Thank you for the discussion earlier.

We (Major Events, Culture and Active Scotland) have been considering further the definition of an event and a setting to try to resolve this so we can move forward with the event capacity guidance. We understand that settings cover a wide range of premises / venues and that your view is that the policy here means events can take place in settings (they are not mutually exclusive).

What we had agreed with [redacted] previously is that the settings that are in the Leisure and Entertainment category are subject to physical distancing capacity calculations only (currently at 2m). [out of scope]. These venues are generally smaller than the stadia that are included in the events and stadia category, hence the rationale for not having a number cap on entertainment and leisure but having a number cap on events and stadia in addition to physical distancing capacity.

Following the judicial review, we understood that there was a move away from arbitrary number caps as much as possible.

I had been going to suggest that we use the text below to define an event in the guidance and am sharing so you can see where our thinking had reached. However, I realise that this may have been overtaken by some suggested text in the teams chat of our meeting that [redacted] shared at 15.54. We think is an improvement in terms of how events will be considered.

Could you perhaps share an updated version of the events capacity guidance so that we can see the new suggested text and any other updates in situ and see whether this issue is now resolved?

Kind regards

[redacted]

Definition

The following settings are not subject to the considerations for events (and so not subject to the standard capacity limits). They may reopen on the basis of physical distancing capacities only (currently 2m):

- cinemas,
- theatres,
- concert halls,
- music venues,
- comedy clubs,
- amusement arcades;
- bingo halls
- soft play,
- funfairs,
- bowling alleys; and
- snooker/pool halls.

Events are defined as activities that take place in any other setting, whether indoors or outdoors, that are an organised gathering or activity, limited in duration, that brings people together in significant numbers for culture, sport, recreation, entertainment, art or business.

Life events (funerals and weddings) have separate guidance. Mass participation events (marathons, triathlons etc) are not covered by this guidance as they have separate sportscotland guidance which is currently being reviewed but is not covered within the strategic framework.

[redacted] | **Major Events Policy** | Scottish Government | T [redacted]

Ref 12.

From: [redacted]
Sent: 14 April 2021 15:35
To: McPhee D (David); [redacted]
Subject: RE: for clearance - submission on capacities

I'm thinking we will need sector teams to engage with their sectors once we publish it? as well as the main orgs?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: McPhee D (David) <David.Mcphee@gov.scot>
Sent: 14 April 2021 15:15
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted]<[redacted]@gov.scot>
Subject: RE: for clearance - submission on capacities

[redacted],

I think the business orgs would be able to support their members a bit on this but as you note below it should be a simple calculation (which they should already have done) so there should be minimal need for support. I would imagine also if they contacted the Local Authority they would put them in touch with one of their experts who could support them. On FRS I think from emails I have seen there was a concern about capacity and I think BRC are just retail (and I suspect retail businesses would already be engaged).

Happy to discuss.

David

David McPhee |Acting Deputy Director COVID Safer Workplaces |

5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

Tel: [redacted] | david.mcphee@gov.scot

Find us on Twitter @DITScotland

From: [redacted] <[redacted]@gov.scot>
Sent: 14 April 2021 14:54
To: McPhee D (David) <David.Mcphee@gov.scot>
Subject: FW: for clearance - submission on capacities

David, can you add anything, particularly on point 3?

Thanks

[redacted]

[redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]

From: [redacted]
Sent: 14 April 2021 14:39
To: Munro D (Dominic) <Dominic.Munro@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: for clearance - submission on capacities

Comments in red

[redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]

From: Munro D (Dominic) <Dominic.Munro@gov.scot>
Sent: 13 April 2021 21:49
To: [redacted] <[redacted]@gov.scot>
Cc: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: for clearance - submission on capacities

Thanks [redacted].

I have tracked in the comments I can usefully add this evening. (In the link below.)

A few more general comments.

1. To sign this guidance off I think it would be good if (in addition to me, David, Ruairaidh, Penelope being content – the ‘panel’ for the guidance), Reuben could indicate that he was likewise content for economy (safer workplaces) interests and Jonathan for events interests.

Everyone was included in the wider chain that precedes this one. Reuben has indicated he is happy

1. [out of scope]

2. [out of scope]

3. A point I’ve made before but seems to have fallen through the cracks: is there any organisation that a premises owner/manager could ask for help for in conducting their self assessment? This is not a straightforward task, particularly for small businesses. Since I presume government can’t recommend a specific business (as we haven’t contracted anyone?), I think I had previously suggested that business organisations (e.g. FSB), trade unions, BRC (Geoff’s suggestion) might be able to help? But I don’t know if that’s the case. [Redacted] suggested the FRS on account of their familiarity with closely related fire safety certificates. What I’m keen to do is have any potential sources of help explicitly considered and ruled out rather than just dropped, as it could matter a lot for take up of the guidance.

The self assessment is fairly simple so shouldn’t require much in the way of support. But there are a number of bodies who provide support to small and medium businesses who could help in this capacity – David McPhee is more familiar with them so I will ask him to respond separately. Its fair to say though that there is no one stop shop for this as it would sit across different business sectors. What we need to do is tee those organisations up to offer that help and support which we can do over the next week.

4. [out of scope]

5. [out of scope]

6. As mentioned in a margin comment, the end of the guidance just seems to peter out rather than explain how events organisers can gain an extension. Is that because that’s being covered in other guidance – if so, worth stating that.

Yes, its being covered in other guidance, I’ll amend to make that clear

Hope these are helpful. [out of scope]

Thanks,

Dominic Munro

Director: Exit Strategy

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 20:41

To: Munro D (Dominic) <Dominic.Munro@gov.scot>

Cc: Rogers D (David) (Constitution and Cabinet Director)
<David.Rogers@gov.scot>; Director of Outbreak Management
<Directorofoutbreakmanagement@gov.scot>

Subject: for clearance - submission on capacities

Hi Dominic

I've gone through all the comments we got from colleagues on the submission, it's fair to say that a large amount of them were around clarity on events (which will be picked up in the events guidance) and concerns about whether this should apply to their particular sector. As we have a week to engage there's also some scope to refine following further discussion with policy. I've actioned where needed and have kept the previous version with the comments on so I can engage with the relevant areas on their concerns tomorrow

I've created a clean version below though and would be grateful for your comments so we can get this up tomorrow and the guidance published

Thanks

[interal hyperlink] submission on physical distancing capacity - clean details - Objective ECM (scotland.gov.uk)

[Redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]



Ref 13.

From: [redacted]
Sent: 14 April 2021 17:27
To: {redacted}
Cc: [redacted]
Subject: Updated Guidance to be added to sub

Couple of questions outstanding that are marked in sub to consider and for policy input.

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

Ref 14.

From: [redacted]
Sent: 13 April 2021 16:29
To: Munro D (Dominic); Director of Outbreak Management; [redacted]; [redacted]; [redacted]; [redacted]; Aitken R (Reuben)
Cc: SGLD Covid Legislation; [redacted]; [redacted]; [redacted]; [redacted]; Rogers D (David) (Constitution and Cabinet Director): [redacted]
Subject: RE: guidance on attendance

Comms may have a view? Not sure who though, but grateful for thoughts on:
5 inches tall so 360 pt. which will print text that's approximately 5" tall.

[Banner Font Size - How Big Should They be? | 48HourPrint](#)

[out of scope]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: Munro D (Dominic) <Dominic.Munro@gov.scot>
Sent: 13 April 2021 16:21
To: [redacted]<[redacted]@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>
Cc: SGLD Covid Legislation <[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: guidance on attendance

Thanks [redacted]

While I'm no expert on this, I think it needs to be cm or mm rather than font size. There must be precedent.

Thanks,

Dominic Munro

Director: Exit Strategy

[redacted]

From: [redacted]<[redacted]@gov.scot>

Sent: 13 April 2021 16:19

To: Munro D (Dominic) <Dominic.Munro@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>

Cc: SGLD Covid Legislation <[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>;

[redacted]<[redacted]@gov.scot>

Subject: RE: guidance on attendance

Hi Dominic further updates have gone in [redacted], I will update as below. Happy to set out what size of font to use.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: Munro D (Dominic) <Dominic.Munro@gov.scot>

Sent: 13 April 2021 15:54

To: Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]

<[redacted]@gov.scot>; Aitken R (Reuben) <[redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;

[redacted]<[redacted]@gov.scot>; Rogers D (David) (Constitution and Cabinet

Director) <David.Rogers@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: RE: guidance on attendance

Importance: High

[redacted]

I'm commenting on the latest version of the guidance that I could extract from erdm (unsurprisingly it was locked).

1. I agree that the title of the first part should not refer to “venues”, as the connotation of that is too narrow: “premises”, “settings”?
2. I think it’s OK to merge the settings capacity limit and the events guidance ONLY if the latter does not delay the former. If it will delay it, then the settings capacity limit guidance should be banked first while work continues on the latter. (Remember that we have undertaken to publish the former today. Latterly we have said it will be ‘draft’).
3. Other critical infrastructure to which this would not apply would include hospitals. I have not seen a convincing argument yet (beyond ‘surprise’) at why this would not apply to retail.
4. I agree that the guidance should lead with a 2m distancing example as that is the norm. 1m is the exception (and can be noted, but secondarily).
5. The point about counting kids is a good one. My inclination is that they count (even under 12s) for this purpose else – taken to its logical extreme a venue could be rammed full of loads of kids and few adults and still meet the guidance.
6. I keep coming back to the need to specify what a large clear font means. I think it needs to have a measurement attached to it (e.g. at least 10cm tall) else 12 point font could be considered a large, clear font and would not serve its purpose at all. **Can someone explain to me what the obstacle is with this please?**
7. Responding to one margin comment, I think we would now allow an event in a hospitality venue with alcohol – so long as it met all the other rules.
8. For the events guidance, LAs need some guidance (and the public should presumably be able to access it too, to help them reach a defensible decision on when they should permit an exemption to the standard limit. It need not be long guidance, but there needs to be *something*.
9. As discussed before, does there need to be an upper cut off at which decision moves beyond the LA (e.g. because it becomes an event of such scale or national import that Ministers would appropriately take the decision). If so, the threshold will need to be set.

Thanks,

Dominic Munro

Director: Exit Strategy

[redacted]

[email redacted]

[email out of scope]

From: [redacted]<[redacted]@gov.scot>

Sent: 13 April 2021 11:52

To: [redacted] <[redacted]@gov.scot>; Munro D (Dominic)
<Dominic.Munro@gov.scot>; Director of Outbreak Management
<Directorofoutbreakmanagement@gov.scot>; Aitken R (Reuben)
<Reuben.Aitken@gov.scot>

Cc: [redacted]<[redacted]@gov.scot>; SGLD Covid Legislation
<[redacted]@gov.scot>

Subject: RE: guidance on attendance

Fantastic thanks!

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

(She/her) **Mob:** [redacted]

[email redacted]

From: [redacted]<[redacted]@gov.scot>

Sent: 13 April 2021 11:49

To: [redacted] <[redacted]@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>

Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; SGLD Covid Legislation <[redacted]@gov.scot>

Subject: RE: guidance on attendance

Hi [redacted]

On guidance we are pulling all the comments from COSLA/LAs and Reuben shared in word, into the one doc in erdm, which leads who have seen it have fed into internally now (hopefully) to have a draft this afternoon [out of scope] – happy to help with drafting of that.

Scope is the key part for the self-assessment for venues (ignoring the events).

That the guidance on capacity setting should apply in all settings with the exception of X. [redacted]

Guidance is here.

[internal hyperlink] Safer Workplaces - Draft Capacity guidance - 09 April (A32829039)

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 13 April 2021 11:25

To: Munro D (Dominic) <Dominic.Munro@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>; Aitken R (Reuben) <Reuben.Aitken@gov.scot>

Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>

Subject: guidance on attendance

Morning

Just to update on where we are on this

I think there are still some issues need flagging

- Scope – the intention is that this applies in all public settings except those delivering essential public services. Every setting should be giving thought to how many people they can safely accommodate in any particular setting, whether that is how many workers you can have on a building site or the number of customers in a pub. So this guidance should really be a formalising of existing good practice. The reality will be that there will be a mixed bag of how much thought/rigour/structure there is currently around thinking about capacity. As previously discussed there is scope for arguments to be made that this should not apply in a particular setting but I've not seen anything convincing yet. I'm mindful though that this is very wide ranging and not every area has clocked that this is coming or that it will apply to them, it has become very apparent over the last couple of days that a number of colleagues had not appreciated this would apply to their sector and are concerned about handling □ Timing – Hospitality and retail settings are due to open in 26th and I believe the intention was for this guidance to apply to those venues at that time. There has been an ask that the guidance is framed as draft to allow for some engagement with stakeholders. Even if this was done over the course of a week, that would mean that this is unlikely to be in effect for 26th and would more likely apply from the 17th May. The period of engagement would be very helpful though in refining the guidance and helping this land well with stakeholders. I'd welcome views on that
- Exemptions – the guidance on the self assessment is fairly well advanced and was circulated for approval last night. The one issue we are getting push back on is the definition of events but if we have a period of engagement that will allow us to further refine that. The bit that needs more work is the exemptions process, as the majority of those exemptions will be dealt with by local authorities that guidance needs, I think, to be developed in partnership with COSLA and SOLACE and that is their preference too. That would need to be done at pace but if we decide not to implement until 17th that buys us a little time to get the process up and running before applications start to come through

Where I am coming to, I think, is a short piece of advice to go to FM this afternoon to accompany the draft guidance which covers issues, handling and engagement

I'd welcome thoughts

[redacted]

[redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]



Ref 15.

From: [redacted]
Sent: 13 April 2021 19:27
To: [redacted]
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Missed this can you update the guidance in the sub?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 13 April 2021 18:51
To: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Cc: Cuthbert-Kerr S (Simon) <Simon.Cuthbert-Kerr@gov.scot>; [redacted]
[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Just to confirm that I spoke with [redacted] and confirmed that this would not be a change to the existing process which requires theatres to engage with the LA to agree a figure prior to opening

[redacted]

Deputy Director Local Interventions, Outbreak Management

Mobile: [redacted]

From: [redacted]<[redacted]@gov.scot>
Sent: 13 April 2021 18:27
To: [redacted] <[redacted]@gov.scot>
Cc: Cuthbert-Kerr S (Simon) <Simon.Cuthbert-Kerr@gov.scot>; [redacted]
[redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Apologies [redacted] – just realised this should have gone to [redacted]

Will resend

[redacted]

From: [redacted]
Sent: 13 April 2021 18:26
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: FW: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

Hi [redacted]

[out of scope]

In point 11 of sub, it states 'Some settings may be hosting events, for examples theatres and concert halls. In those circumstances we would ask the setting to submit an exemption request in the first instance but would not expect that process to be repeated unless there is a significant change to the footprint or layout.'

As theatres and concert halls are treated as settings, their capacity limit will be set according to 2m physical distancing, so I don't think there could be any room for an exemption without permitting a reduction to less than 2m PD? Apologies if I'm missing something and, indeed, many would be grateful for such a reduction.

Best wishes

[redacted]

From: Cuthbert-Kerr S (Simon) <Simon.Cuthbert-Kerr@gov.scot>
Sent: 13 April 2021 17:49
To: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>;
Subject: RE: OFFICIAL - SENSITIVE - IMMEDIATE - Strategic Framework Levels Tables

There's a draft submission doing the rounds just now which suggests that the publication of the guidance (as a consultative draft) is imminent. I've attached it in case you've not seen it.

It would be better to hold off until we know when it will be published – if it's not out by 19 April, it will hopefully be later that week and a few days shouldn't make too much difference.

Cheers,

Simon

Dr Simon Cuthbert-Kerr | Acting Deputy Director for Culture and Historic Environment Division | 2-G-South Victoria Quay | Edinburgh EH6 6QQ | Tel: [redacted] | Mobile: [redacted]

Ref 16.

From: [redacted]
Sent: 13 April 2021 18:43
To: [redacted]
Cc: [redacted]; [redacted]; McPhee D (David); [redacted]; Munro D (Dominic); Director of Outbreak Management; Rogers D (David) (Constitution and Cabinet Director); [redacted]; [redacted]; [redacted]; Aitken R (Reuben); [redacted]; [redacted]; [redacted]
Subject: RE: submission on physical distancing capacity - SGLD comments

Thanks [redacted], and I will amend the enforcement line, hadn't picked it up.

[redacted]

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

([redacted] **Mob:** [redacted])

[email redacted]

Ref 17.

From: [redacted]
Sent: 15 April 2021 15:02
To: [redacted]; McPhee D (David)
Cc: [redacted]
Subject: RE: for approval - draft guidance on Covid occupancy to be published today

Hardly anything so the previous version is fine. Will publish imminently.

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]<[redacted]@gov.scot>
Sent: 15 April 2021 15:00
To: [redacted]<[redacted]@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>
Subject: RE: for approval - draft guidance on Covid occupancy to be published today

Hi [redacted]

I circulated a draft version of this earlier today. What time will this be published today? How much has it changed from the earlier version?

[redacted] **Strategic Business Engagement Team Lead
Scottish Government | Covid Business Support and Strategic Engagement |
Directorate for Covid Business Resilience and Support** [redacted]

[redacted]<[redacted]@gov.scot>

I am working remotely and am available by email or MS Teams

From: [redacted]<[redacted]@gov.scot>
Sent: 15 April 2021 14:36
To: [redacted]<[redacted]@gov.scot>; McPhee D (David) <David.Mcphee@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>
Subject: FW: for approval - draft guidance on covid occupancy to be published today
Importance: High

Hi to see

This will be published this afternoon. Can you make sure business orgs have it?

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]
Sent: 15 April 2021 14:34
To: [redacted]; Website (gov.scot)
Cc: [redacted]
Subject: RE: for approval - draft guidance on covid occupancy to be published today
Attachments: Guidance on COVID Physical distance based capacity - UPDATED.pdf

Importance: High

Hi Webteam updated please publish this version.

Thanks!

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted]
Sent: 15 April 2021 14:17
To: Website (gov.scot)
Cc: [redacted]
Subject: RE: for approval - draft guidance on covid occupancy to be published today

Importance: High

PLEASE HOLD OFF FOR ONE MORE CHANGE

[redacted]

COVID Safer Workplaces – Compliance and Enforcement

[redacted]

From: [redacted] <[redacted]@gov.scot>

Sent: 15 April 2021 13:44

To: Website (gov.scot) <[redacted]@gov.scot>
Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: FW: for approval - draft guidance on covid occupancy to be published today

Webteam please note that this has been for publication. Grateful if you could update as below

Many thanks

[redacted]

From: [redacted] <[redacted]@gov.scot>
Sent: 15 April 2021 12:15
To: Rogers D (David) (Constitution and Cabinet Director) <David.Rogers@gov.scot>; Solicitor to the Scottish Government <solicitor@gov.scot>; Munro D (Dominic) <Dominic.Munro@gov.scot>; Director of Outbreak Management <Directorofoutbreakmanagement@gov.scot>
Cc: [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>; [redacted]<[redacted]@gov.scot>
Subject: for approval - draft guidance on covid occupancy to be published today

Hi

[out of scope] I would be grateful if you could approve publication of the attached draft guidance for publication ASAP to enable engagement with stakeholders today (business orgs meeting scheduled for this 4pm today).

To note Dominic has already improved and this has been subject to engagement with SGLD [redacted], policy (events, sports, hospitality, culture and business) and approved by clinicians

I intend to add a new section to the covid page [Coronavirus in Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot) which links to the attached PDF

Capacity in Public Buildings

The [Coronavirus Regulations](#) require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its setting and that the number of persons admitted to its setting are admitted in sufficiently limited numbers to make it possible to maintain the required physical distance as set out in the regulations.

Draft guidance on how to calculate the **physical distance based capacity (PDBC)** for any public setting can be found here. We will be engage with stakeholders over the coming days to refine and finalise this guidance

Thanks

[redacted]

[redacted]

Deputy Director Local Interventions, Outbreak Management

[redacted]



Covid Occupancy Capacity in Public Venues (draft 1)

Overview

The Coronavirus Regulations require premises to take actions to reduce the spread of the virus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises and that the number of persons admitted to its premises are admitted in sufficient numbers to make it possible to maintain the required distance. Everyone visiting a hospitality setting must remain at least 1 metre apart from the next person, unless from the same household or a carer. In most other settings 2 metres must be observed.

We expect **all premises** to identify (and publish) a COVID Occupancy Capacity limit that ensures the premises is able to meet physical distancing requirements. This limit should be referred to by the premises to control the number of persons including staff who are on the premise at any one time. The COVID Occupancy Capacity limit should be displayed at entrances which will be beneficial for premises in explaining entry controls to customers.

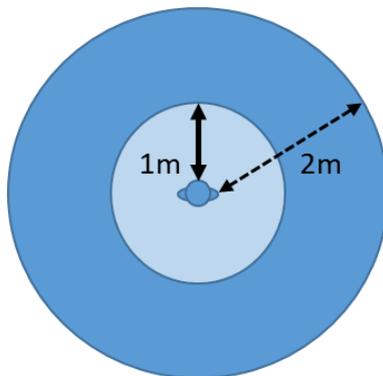
COVID Occupancy Capacity

Non-domestic premises will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation is based on this formula. COVID Occupancy Capacity should be worked out by the premises, based on a range of factors. The principal consideration will be maximum available floor space. Premises should consider the differing floor spaces available for all occupants – therefore customers and staff ⁻¹ and the requirement that individuals from different households maintain at least 2 metres or 1 metre distance (as appropriate for the premises). For all public premises capacity should be determined by the need for physical distancing and numbers must not exceed safe limits

How to calculate COVID Occupancy Capacity

¹ [redacted] UKG says ignore staff for events, will be interesting to see what SGLD say on this.
Response: [redacted]: You can't ignore staff in all circumstances as their numbers can impact on the ability to maintain PD distances

A simple calculation would be to divide the floor space by the space required by each individual (a circle with a diameter based on the required distance) as set out in the diagram below.



Area required for one individual

$$1\text{m} = 0.5^2 \times 3.14 = 0.8 \text{ m}^2 \text{ per person}$$

$$2\text{m} = 1^2 \times 3.14 = 3.14 \text{ m}^2 \text{ per person}$$

Example: A café that is 20 m² with 1m physical distancing required, would be calculated as 20 m² divided by 0.8 m² = 25 You should round the number down if necessary, therefore **25 individuals is the maximum COVID Occupancy Capacity** for the café to meet distancing requirements of 1m. However, There are additional considerations that should be taken by premises when setting maximum COVID Occupancy Capacity, these are set out below.

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances.²
- Premises must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The capacity will be dynamic and based on a number of variables for example the number of staff on duty, as well as the number of groups and individuals.
- Where customers are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating may limit the available space, given distancing requirements.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.³
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided, there

² [Redacted]: [redacted]

³ [redacted]This can be judged by the size of toilet queuing

should be no queueing inside premises, such as at bars, and systems should be in place to ensure this does not happen.⁴

- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues do not result from the process i.e. systems in place to ensure only one person can approach at any time.
- Steps should be taken to avoid queues outside the premises as much as possible but where unavoidable for safety reasons, measures should be taken to ensure physical distancing.
- It is essential that clear signage is displayed at queuing, entry points and throughout the premises to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.
- Premises should challenge any occurrence of crowding and remind staff and customers, congregants etc. of their duty of care when within the premises and to each other by observing physical distancing.

The above factors should be considered by premises when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

Premises may choose to set a lower limit for capacity in practice, but should not allow people to enter when the safe capacity limit is reached. Doing so will make implementing the necessary controls difficult, which will increase the risk of transmission of the virus. Premises may also be breaching the coronavirus regulations.

Other measures

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Premises should therefore ensure that all other safety measures are in place no matter how many customers are present on the premises. Examples of the types of measure which are included in the regulations, are:

- Maximising ventilation in the premises in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the premises

⁴ [redacted]: Agreed but we need to ensure consistencies across hospitality i.e. fast food takeaway where seating also provided

- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment
- Providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- There are also requirements on staff and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene. Premises should look to ensure they support staff and members of the public in meeting these requirements.

Enforcement

Under the Coronavirus regulations, local authority officers and Police Scotland have been provided with enforcement responsibilities and powers. As part of this, they are working with premises to ensure they are in compliance with all requirements under the Coronavirus regulations. As part of their routine COVID compliance role, they may consider the capacity limit of the premises, and ask premises how they have determined the limit.

Covid Occupancy Capacity Management in Life Events at Level 3 and Level 2

Funerals and weddings including post-funeral events and receptions can take place with up to 50 people (no alcohol). Increased numbers at life events and places of worship subject to stakeholder engagement at early June (level 1)

Covid Occupancy Capacity in Events at Level 2⁵

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at Level 2 **providing that the event:**

- organisers carry out a risk assessment, including assessing the space available to adhere to distancing requirements
- is outside or utilises as much outside space wherever possible

⁵ [redacted]: [redacted] and [redacted] – review process?

- organisers can assure that attendees arrive and leave the event in a staggered manner throughout the day, maintain distance and not mix with other households ⁶
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport.
- organisers and attendees maintain group sizes permitted by household restrictions and prevent mixing between groups,
- organisers and attendees use face coverings in indoor areas (such as toilets) where required.
- is ticketed wherever possible to monitor capacity
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

We expect these events to have **fewer than X attendees per day**⁷.

Larger events with a capacity over X will be required to go through a gateway approval process.

- notify the local authority who will bring to gateway?
- Ticketed events

⁶ [redacted]: If the household requirement is eased this will need to be amended, obvs.

⁷ [redacted]: Not sure about this, may send the wrong message for events of less than a day duration. Is a per hour capacity better?

Covid Occupancy Capacity in Public Venues (draft 2)

Overview

The Coronavirus Regulations require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus.⁸ This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises and that the number of persons admitted to its premises are admitted in sufficient numbers to make it possible to maintain the required distance. Everyone visiting a hospitality setting must remain at least 1 metre apart from the next person, unless from the same household or a carer. In most other settings, 2 metres must be observed.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its premises, business or service.⁹

This guidance is issued under these Regulations. It does not apply to schools¹⁰.

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus to identify (and publish) a COVID Occupancy Capacity limit that ensures their premises is able to meet physical distancing requirements¹¹. This limit should be referred to by the premises to control the number of persons including staff who are on the premises at any one time. The COVID Occupancy Capacity limit should be displayed at entrances¹² which will be beneficial for premises in explaining entry controls to customers. Where appropriate, it could also be included on websites.¹³

⁸ [redacted]: Tried to reflect what the Regulations provide.

⁹ [redacted]: I'm assuming this is statutory guidance, issued under the Regulations. SGLD should be asked to see and comment on the guidance.

¹⁰ [redacted]: Is the intention that this guidance will apply generally to places of worship and to places carrying on a business or providing a service? If so, it needs to be seen by a wide range of policy teams. I am assuming schools would not be covered as I am aware there's been a lot of work on PD in the schools context but that's just my assumption – schools are not my policy area.

¹¹ [redacted]: [redacted] Or is this statutory guidance to support the existing requirements in the Regulations.

¹² [redacted]: [redacted]

¹³ [redacted]: For example, wedding venues could display their capacity on websites as well as at entrances.

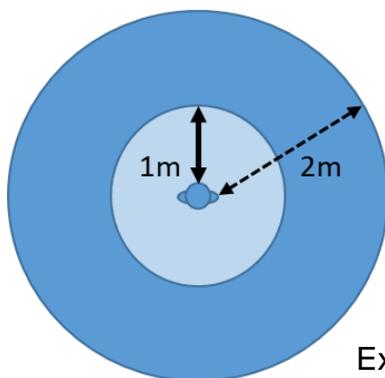
This guidance provides a methodology for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a business or providing a service may already have calculated limits. It is acceptable to use methods other than this guidance but local authorities may, as part of their work to enforce the Regulations, seek details of the methodology followed.¹⁴

COVID Occupancy Capacity

Non-domestic premises will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the premises, based on a range of factors. The principal consideration will be maximum available floor space. Premises should consider the differing floor spaces available for all occupants – therefore users and staff¹⁵- and the requirement that individuals from different households^{16,17} maintain at least 2 metres or 1 metre distance (as appropriate for the premises). For all public premises capacity should be determined by the need for physical distancing and numbers must not exceed safe limits

How to calculate COVID Occupancy Capacity¹⁸

A simple calculation would be to divide the floor space by the space required by each individual (a circle with a diameter based on the required distance) as set out in the diagram below.



Area required for one individual

1m = 3.14 m² per person

2m = 12.5 m² per person

Example: A café that is 200 m² with 1m physical distancing required, would be calculated as 200 m² divided by 3.14 m² = 63.7¹⁹. You should

¹⁴ [redacted]: Changed to “users” as not everywhere will have “customers”. For example, places of worship do not have customers.

¹⁵ [redacted]: [redacted]

[redacted]: You can't ignore staff in all circumstances as their numbers can impact on the ability to maintain PD distances

¹⁶ [redacted]: Rules may be changing here to allow 6 form 6, and other easings, so will need reflected in some way (perhaps simply referring to gathering limits prescribed by regulations/guidance/levels.

¹⁷ [redacted]: Agree that PD should be between households rather than individuals.

[redacted]: Response: I agree. The guidance also needs to cover the exemption for carers.

¹⁸ [redacted]: It might be helpful to have another visual diagram of a calculation around a group/household to avoid confusion.

Response: I agree.

round the number down, therefore **63 individuals is the maximum COVID Occupancy Capacity** for the café to meet distancing requirements of 1m. However, There are additional considerations that should be taken by premises when setting maximum COVID Occupancy Capacity, these are set out below.

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets ²⁰²¹
- Premises must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The capacity will be dynamic and based on a number of variables for example the number of staff on duty, as well as the number of groups and individuals.²²
- Where users are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating may limit the available space, given distancing requirements.
- Any needs of the premises which take up floor space may reduce the capacity available²³.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements²⁴.
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided. There should be no queueing inside premises, such as at bars, and systems should be in place to ensure this does not happen. ²⁵²⁶
- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues do

¹⁹ [redacted]: Do we have the fire safety numbers for an area this size as a comparison?

[redacted]: Response: [Non-domestic Technical Handbooks](#) They use squares not circles and cafes have an OLF of 1 i.e. 1 person per metre squared = 200 max capacity

²⁰ Redacted: Big thing is the spacing between households sitting at same table in hospitality. It may be that businesses decide that whatever the legislative allowance they would retain 4/2 for example to maximise the floor space use

²¹ [redacted]: It seems to me this guidance is generally about the capacity of the **building** rather than of a room within a building. So, for example, I think we are saying that the Covid Occupancy Capacity would relate to the capacity of the building where a couple are getting married rather than the capacity of the room they are marrying in? The room may be large but there could be smaller pinch points such as corridors, ante-rooms, toilets, exits and entrances. Do we need to say any more about these pinch-points?

²² [redacted]: Not sure I follow this. If we include staff and suppliers in a capacity limit, then I agree that this could mean there is less room for users if there is a period when more staff is needed. Do we need actually to say this though?

²³ [redacted]: For example, if a couple are getting married, there may (not just because of Covid) need to be a bit of space at the front to give room to the couple and the celebrant. This may be true for a variety of settings and events.

²⁴ [redacted]: This can be judged by the size of toilet queuing

²⁵ [redacted]: Agreed but we need to ensure consistencies across hospitality i.e. fast food takeaway where seating also provided

²⁶ [redacted]: Not my area but I think Hospitality colleagues have detailed guidance on this.

not result from the process i.e. systems in place to ensure only one person can approach at any time.

- Steps should be taken to avoid queues outside the premises as much as possible but where unavoidable for safety reasons, measures should be taken to ensure physical distancing.
- It is essential that clear signage²⁷ is displayed at queuing, entry points and throughout the premises to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance.²⁸
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.
- Premises should challenge any occurrence of crowding and remind staff, users and suppliers of their duty of care when within the premises and to each other by observing physical distancing.

The above factors should be considered by premises when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

Premises may choose to set a lower limit for capacity in practice, but should not allow people to enter when the safe capacity limit is reached. Doing so would make implementing the necessary controls difficult, which will increase the risk of transmission of the virus. Premises may also be breaching the coronavirus regulations.

Other measures²⁹

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Premises should therefore ensure that all other safety measures are in place no matter how many users are present on the premises. Examples of the types of measures,³⁰ are:

- Maximising ventilation in the premises in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts

²⁷ [redacted]: Add here reference to the need to ensure large font size (state appropriate size, unless this would cause an issue re having to check it is a particular size, based on EHO view) – considered crucial to ensure notice is clearly visible. If we do not progress we will need to explain why.

²⁸ I think there are communications toolkits – see [Coronavirus \(COVID-19\): Communications toolkit | NHS inform](#) (though at a quick look I couldn't open them). There's also [Coronavirus \(COVID-19\): FACTS poster including translations and accessible formats - gov.scot \(www.gov.scot\)](#) Comms/marketing may be able to advise on potential links.

²⁹ [redacted]: Needs to add a reference to test and protect?

³⁰ [redacted]: Not sure all of the safety provisions are in regs. Some are in guidance. Think there is a checklist for guidance on issues which should be considered for inclusion?

- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the premises
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate³¹
- Providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene³². Premises should look to ensure they support staff, suppliers and members of the public in meeting these requirements³³.

Enforcement

Under the Coronavirus regulations, local authority officers and Police Scotland have been provided with enforcement responsibilities and powers. As part of this, they are working with premises to ensure they are in compliance with all requirements under the Coronavirus regulations. As part of their routine COVID compliance role, they may consider the capacity limit of the premises, and ask premises how they have determined the limit.³⁴

Covid Occupancy Capacity Management in Life Events at Level 3 and Level 2

Funerals and weddings including post-funeral events and receptions can take place with up to 50 people (no alcohol). Increased numbers at life events and places of worship subject to stakeholder engagement at early June (level 1)

Covid Occupancy Capacity in Events at Level 2³⁵

³¹ [redacted]: My understanding is PPE is generally only required in some settings (unless we including face coverings as PPE).

³² [redacted]: Not sure what is meant by good respiratory hygiene? Is this coughing and sneezing?

³³ [redacted]: Do we mean reminding everybody of the requirements; providing hand-washing facilities and sanitisers etc?

³⁴ [redacted]: Worth saying here that EHOs will be able to check whether COVID occupancy capacity assessments have been undertaken correctly and take remedial action (or whatever wording is appropriate) if that is not the case – on a risk assessed basis so not automatic

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at Level 2 **providing that the event:**

- organisers carry out a risk assessment, including assessing the space available to adhere to distancing requirements
- is outside or utilises as much outside space wherever possible
- organisers can assure that attendees arrive and leave the event in a staggered manner throughout the day, maintain distance and not mix with other households³⁶
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport.
- organisers and attendees maintain group sizes permitted by household restrictions and prevent mixing between groups,
- organisers and attendees use face coverings in indoor areas (such as toilets) where required.
- is ticketed wherever possible to monitor capacity
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

We expect these events to have **fewer than X attendees per day**³⁷.

Larger events with a capacity over X will be required to go through a gateway approval process.

- notify the local authority who will bring to gateway?
- Ticketed events

³⁵ [redacted]: [redacted] and [redacted] – review process?

[redacted]: If I've understood the question correctly, we could refer to these measures being kept under review as we progress through the levels and monitor the data. Review points are dictated by the easings, so 26th April for initial approach set out here (with the limits as currently set out in levels table applying, with the possibility of exceptions, for large (indoor/enclosed?) events dictated by PD capacity) 17th May for next step (limits removed, PD applied, max limit applied to all (1,000?) possibility for exceptions above max limit), 7th June for next step (3 weeks after 17th) (max limit of 1,000 removed, PD only), then some point after that restrictions removed, other than perhaps some NPIs.

³⁶ [redacted]: If the household requirement is eased this will need to be amended, obv's.

[redacted]: Agree, noted in my comment above that there may be some movement around gathering rules that will need reflected. For guidance we can simply refer to ensuring gathering rules are adhered to (and supply a link)?

³⁷ [redacted]: Not sure about this, may send the wrong message for events of less than a day duration. Is a per hour capacity better?

[redacted]: Do we need this at all? If limits set by PD, then what we expect is that limit is not breached at any point in time, people can come and go but PD limit must be adhered to? I have seen this work in retail.

Covid Occupancy Capacity in Public Venues (draft 3)

Overview

The Coronavirus Regulations require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus.³⁸ This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises and that the number of persons admitted to its premises are admitted in sufficient numbers to make it possible to maintain the required distance. Everyone visiting a hospitality setting must remain at least 1 metre apart from the next person, unless from the same household or a carer. In most other settings, 2 metres must be observed.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its premises, business or service³⁹.

This guidance is issued under these Regulations. It does not apply to schools⁴⁰.

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus to identify (and publish) a COVID Occupancy Capacity limit that ensures their premises is able to meet physical distancing requirements⁴¹. This limit should be referred to by the premises to control the number of persons including staff who are on the premises at any one time. The COVID Occupancy Capacity limit should be displayed at entrances⁴² which will be beneficial for premises in explaining entry controls to customers. Where appropriate, it could also be included on websites.

This guidance provides a methodology for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a business or providing a service may already have calculated limits. It is acceptable to use

³⁸ [redacted]: Tried to reflect what the Regulations provide.

³⁹ [redacted]: I'm assuming this is statutory guidance, issued under the Regulations. SGLD should be asked to see and comment on the guidance.

⁴⁰ [redacted]: Is the intention that this guidance will apply generally to places of worship and to places carrying on a business or providing a service? If so, it needs to be seen by a wide range of policy teams. I am assuming schools would not be covered as I am aware there's been a lot of work on PD in the schools context but that's just my assumption – schools are not my policy area.

⁴¹ [redacted]: [redacted] Or is this statutory guidance to support the existing requirements in the Regulations.

⁴² [redacted]: [redacted]

methods other than this guidance but local authorities may, as part of their work to enforce the Regulations, seek details of the methodology followed⁴³.

COVID Occupancy Capacity

Non-domestic premises will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the premises, based on a range of factors. The principal consideration will be maximum available floor space. Premises should consider the differing floor spaces available for all occupants – therefore users⁴⁴ and staff ⁴⁵- and the requirement that individuals from different households⁴⁶⁴⁷ maintain at least 2 metres or 1 metre distance (as appropriate for the premises). For all public premises capacity should be determined by the need for physical distancing and numbers must not exceed safe limits

How to calculate COVID Occupancy Capacity⁴⁸

A simple calculation would be to divide the floor space by the space required by each individual (a circle with a diameter based on the required distance) as set out in the diagram below.

⁴³ [redacted]: In practice, some venues etc have calculated their capacity already (or have had it calculated for them). [redacted]

⁴⁴ [redacted]: Changed to “users” as not everywhere will have “customers”. For example, places of worship do not have customers.

⁴⁵ [redacted]: [redacted]

[redacted]: You can't ignore staff in all circumstances as their numbers can impact on the ability to maintain PD distances

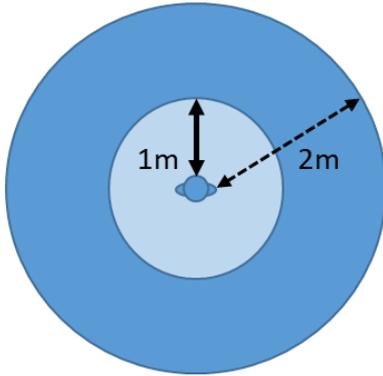
⁴⁶ [redacted]: Rules may be changing here to allow 6 form 6, and other easings, so will need reflected in some way (perhaps simply referring to gathering limits prescribed by regulations/guidance/levels.

⁴⁷ [redacted]: Agree that PD should be between households rather than individuals.

[redacted]: I agree. The guidance also needs to cover the exemption for carers.

⁴⁸[redacted]: It might be helpful to have another visual diagram of a calculation around a group/household to avoid confusion

[redacted]: I agree.



Area required for one individual

1m = 3.14 m² per person

2m = 12.5 m² per person

Example: A café that is 200 m² with 1m physical distancing required, would be calculated as 200 m² divided by 3.14 m² = 63.7⁴⁹. You should round the number down, therefore **63 individuals is the maximum COVID Occupancy Capacity** for the café to meet distancing requirements of 1m. However, There are additional considerations that should be taken by premises when setting maximum COVID Occupancy Capacity, these are set out below.

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets⁵⁰⁵¹
- Premises must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.

⁴⁹ [redacted]: Do we have the fire safety numbers for an area this size as a comparison?

[redacted]: [Non-domestic Technical Handbooks](#) They use squares not circles and cafes have an OLF of 1 i.e. 1 person per metre squared = 200 max capacity

⁵⁰ [redacted]: Big thing is the spacing between households sitting at same table in hospitality. It may be that businesses decide that whatever the legislative allowance they would retain 4/2 for example to maximise the floor space use.

⁵¹[redacted]: It seems to me this guidance is generally about the capacity of the **building** rather than of a room within a building. So, for example, I think we are saying that the Covid Occupancy Capacity would relate to the capacity of the building where a couple are getting married rather than the capacity of the room they are marrying in? The room may be large but there could be smaller pinch points such as corridors, ante-rooms, toilets, exits and entrances. Do we need to say any more about these pinch-points?

- The capacity will be dynamic and based on a number of variables for example the number of staff on duty, as well as the number of groups and individuals⁵².
- Where users are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating may limit the available space, given distancing requirements.
- Any needs of the premises which take up floor space may reduce the capacity available⁵³.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.⁵⁴
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided. There should be no queueing inside premises, such as at bars, and systems should be in place to ensure this does not happen⁵⁵⁵⁶.
- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues do not result from the process i.e. systems in place to ensure only one person can approach at any time.
- Steps should be taken to avoid queues outside the premises as much as possible but where unavoidable for safety reasons, measures should be taken to ensure physical distancing.
- It is essential that clear signage⁵⁷ is displayed at queuing, entry points and throughout the premises to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance⁵⁸.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.
- Premises should challenge any occurrence of crowding and remind staff, users and suppliers of their duty of care when within the premises and to each other by observing physical distancing.

The above factors should be considered by premises when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure

⁵² [redacted]: Not sure I follow this. If we include staff and suppliers in a capacity limit, then I agree that this could mean there is less room for users if there is a period when more staff is needed. Do we need actually to say this though?

⁵³ [redacted]: For example, if a couple are getting married, there may (not just because of Covid) need to be a bit of space at the front to give room to the couple and the celebrant. This may be true for a variety of settings and events.

⁵⁴ [redacted]: This can be judged by the size of toilet queuing

⁵⁵ [redacted]: Agreed but we need to ensure consistencies across hospitality i.e. fast food takeaway where seating also provided

⁵⁶ [redacted]: Not my area but I think Hospitality colleagues have detailed guidance on this.

⁵⁷ [redacted]: Add here reference to the need to ensure large font size (state appropriate size, unless this would cause an issue re having to check it is a particular size, based on EHO view) – considered crucial to ensure notice is clearly visible. If we do not progress we will need to explain why.

⁵⁸ [redacted]: I think there are communications toolkits – see [Coronavirus \(COVID-19\): Communications toolkit | NHS inform](#) (though at a quick look I couldn't open them). There's also [Coronavirus \(COVID-19\): FACTS poster including translations and accessible formats - gov.scot \(www.gov.scot\)](#). Comms/marketing may be able to advise on potential links.

compliance with the requirements in the Coronavirus regulations and the associated guidance.

Premises may choose to set a lower limit for capacity in practice, but should not allow people to enter when the safe capacity limit is reached. Doing so would make implementing the necessary controls difficult, which will increase the risk of transmission of the virus. Premises may also be breaching the coronavirus regulations.

Other measures⁵⁹

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Premises should therefore ensure that all other safety measures are in place no matter how many users are present on the premises. Examples of the types of measures⁶⁰, are:

- Maximising ventilation in the premises in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the premises
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate⁶¹
- Providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory⁶² hygiene. Premises should look to ensure they support staff, suppliers and members of the public in meeting these requirements⁶³.

Enforcement

Under the Coronavirus regulations, local authority officers and Police Scotland have been provided with enforcement responsibilities and powers. As part of this, they are

⁵⁹ [redacted]: Needs to add a reference to test and protect?

⁶⁰ [redacted]: Not sure all of the safety provisions are in regs. Some are in guidance. Think there is a checklist for guidance on issues which should be considered for inclusion?

⁶¹ [redacted]: My understanding is PPE is generally only required in some settings (unless we including face coverings as PPE).

⁶² [redacted]: Not sure what is meant by good respiratory hygiene? Is this coughing and sneezing?

⁶³ [redacted]: Do we mean reminding everybody of the requirements; providing hand-washing facilities and sanitisers etc?

working with premises to ensure they are in compliance with all requirements under the Coronavirus regulations. As part of their routine COVID compliance role, they may consider the capacity limit of the premises, and ask premises how they have determined the limit⁶⁴.

Covid Occupancy Capacity Management in Life Events at Level 3 and Level 2

Funerals and weddings including post-funeral events and receptions can take place with up to 50 people (no alcohol). Increased numbers at life events and places of worship subject to stakeholder engagement at early June (level 1)

Covid Occupancy Capacity in Events at Level 2⁶⁵

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at Level 2 **providing that the event:**

- organisers carry out a risk assessment, including assessing the space available to adhere to distancing requirements
- is outside or utilises as much outside space wherever possible
- organisers can assure that attendees arrive and leave the event in a staggered manner throughout the day, maintain distance and not mix with other households⁶⁶

⁶⁴ [redacted]: Worth saying here that EHOs will be able to check whether COVID occupancy capacity assessments have been undertaken correctly and take remedial action (or whatever wording is appropriate) if that is not the case – on a risk assessed basis so not automatic

⁶⁵ [redacted]: [redacted] and [redacted] – review process?

[redacted]: If I've understood the question correctly, we could refer to these measures being kept under review as we progress through the levels and monitor the data. Review points are dictated by the easings, so 26th April for initial approach set out here (with the limits as currently set out in levels table applying, with the possibility of exceptions, for large (indoor/enclosed?) events dictated by PD capacity) 17th May for next step (limits removed, PD applied, max limit applied to all (1,000?) possibility for exceptions above max limit), 7th June for next step (3 weeks after 17th) (max limit of 1,000 removed, PD only), then some point after that restrictions removed, other than perhaps some NPIs.

⁶⁶ [redacted]: If the household requirement is eased this will need to be amended, obv.

[redacted]: Agree, noted in my comment above that there may be some movement around gathering rules that will need reflected. For guidance we can simply refer to ensuring gathering rules are adhered to (and supply a link)?

- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport.
- organisers and attendees maintain group sizes permitted by household restrictions and prevent mixing between groups,
- organisers and attendees use face coverings in indoor areas (such as toilets) where required.
- is ticketed wherever possible to monitor capacity
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

We expect these events to have **fewer than X attendees per day**⁶⁷.

Larger events with a capacity over X will be required to go through a gateway approval process.

- notify the local authority who will bring to gateway?
- Ticketed events

⁶⁷ [redacted]: Not sure about this, may send the wrong message for events of less than a day duration. Is a per hour capacity better?

[redacted]: Do we need this at all? If limits set by PD, then what we expect is that limit is not breached at any point in time, people can come and go but PD limit must be adhered to? I have seen this work in retail.

Covid Occupancy Capacity in Public Venues⁶⁸ (draft 4)

Overview

The [Coronavirus Regulations](#) require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises and that the number of persons admitted to its premises are admitted in sufficiently limited numbers to make it possible to maintain the required physical distance as set out in the regulations.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its premises, business or service.

This guidance is issued under these Regulations. It does not apply to schools and other critical infrastructure such as courts.....⁶⁹

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to identify and display a **COVID Occupancy Capacity limit**⁷⁰ that demonstrates that their premises can meet physical distancing requirements⁷¹. This limit should be referred to by the premises to control the number of persons including staff who are on the premises at any one time. The COVID Occupancy Capacity limit shall be displayed at entrances which will be beneficial for premises in explaining entry controls to customers. Where appropriate, it could also be included on websites.

This guidance provides a methodology⁷² for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a business or providing a service may already have calculated limits. It is acceptable to use

⁶⁸ [redacted]: [redacted] - We need to be clear about term "venues" – do we mean all non-domestic buildings (or all venues open to the public)? What is captured by fire regs at the mo (and precedent where this operates overseas)?

⁶⁹ [redacted]: [redacted] - May need to have specific examples of what is included for clarity (e.g does it apply to colleges, universities etc)

⁷⁰ [redacted]: [redacted] – Is this guidance? Will this be enforceable?

Suggest changing this to '**This is the maximum number that can be permitted inside a premises in order to meet physical distancing requirements**'

⁷¹ [redacted]: [redacted] Or is this statutory guidance to support the existing requirements in the Regulations.

⁷² [redacted]: [redacted] – Provisional/ draft methodology, so we can engage with industry

methods other than this guidance but local authorities may, as part of their work to enforce the Regulations, seek details of the methodology followed.

COVID Occupancy Capacity

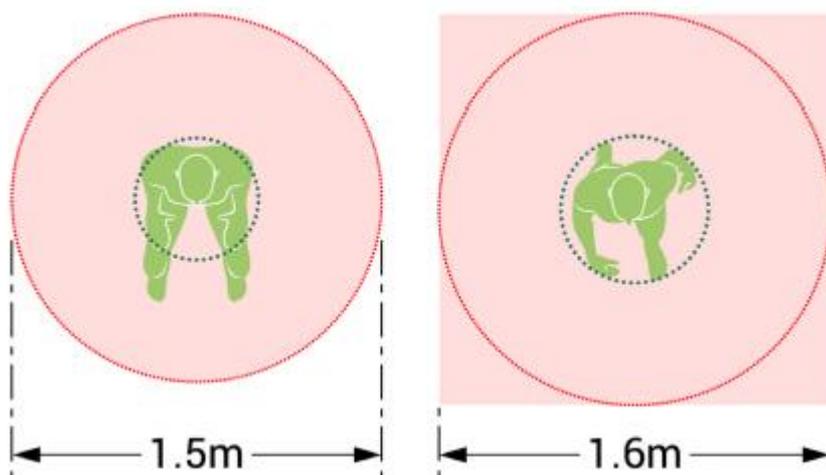
Non-domestic premises will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the premises, based on a range of factors. The principal consideration will be maximum available floor space⁷³, including temporary structures and outdoor areas such as beer gardens. Premises should consider the differing floor spaces available for all occupants – therefore attendees and workforce - and the requirement that individuals from different households maintain at least 2 metres or 1 metre distance (as appropriate for the premises) noting the exemptions for example, for carers⁷⁴. For all public premises capacity should be determined by the need for physical distancing, taking into account pinch points, and numbers must not exceed safe limits.

How to calculate COVID Occupancy Capacity - provisional methodology

A simple calculation would be to divide the floor space by the space required by each individual (a circle with a diameter based on the required distance) as set out in the diagram below.

⁷³ [redacted]: Would it be better to add "... that the public have access to.." E.g a pub could have an overall area of 177m². Using the load factor number below (with 1m spacing) this would provide an occupation of 177 people. However, half this area could be taken up with store rooms, kitchen, etc, which would only provide a public space of 88 people. (PS – I usually work in building standards and I'm aware of how load factors should be used in buildings – happy to discuss further, if need be).

⁷⁴ [redacted]: Are children to be included? If not, theoretically, a place of worship could have, say, 50 adults attending, with up to 30 children, which would take up a considerable area of "safe distancing space". Might be an idea to clarify if children are included or not.



The above circles set out the distancing for 1m physical distancing⁷⁵. The circle used for calculation and planning purposes takes into account the width of an individual, and therefore two different circles are needed. For a seated person a 1.5 m diameter circle is used, to allow for a typical body width of 500 mm. For a standing or walking person, a 1.6 m square is used, to allow for typical side-to-side movement in the range of 600 mm in width.

This results in a socially distanced space in all directions of approx. 1.0 m between two people sitting, standing or walking. Note that when calculating the capacities of standing areas and concourses, a 1.6 m square, equating to 2.6 m² per person, should be used, rather than a circle.⁷⁶

If the premises requires that a social distance of 2.0 m per person the equivalent measurements are: for seated accommodation a 2.5 m diameter circle, and for standing areas or concourses, for calculation purposes, a 2.6 m square.

As set out below:

Distance required	Seated Area required for 1 person	Standing required for 1 person
1m	1.77 m ²	2.01 m ²
2m	4.91 m ²	5.31 m ²⁷⁷

⁷⁵ [redacted]: Since 1m distancing is a specific exemption from the general rules, in my view it would be better to give the example for 2m. (Places of Worship will be straight onto us asking if they can use 1m distancing.)

⁷⁶ [redacted]: Can you explain why?

⁷⁷ [redacted]: This makes sense for individual people, and will be the worst case scenario, e.g. individuals attending a place of worship. But will there be an allowance for such buildings that are likely to contain groups of people from 1 household, sitting together, as they don't need to space out? – such buildings could safely hold more people when observing distancing requirements. [redacted]

Example: A café that is 20 m² with 1m physical distancing required, would be calculated as 20 m² divided by 1.77 m² (for seated persons) = 11.3 You should round the number down, therefore 11 individuals is the maximum COVID Occupancy Capacity for the café to meet distancing requirements of 1m. **However, There are additional considerations that should be taken by premises when setting maximum COVID Occupancy Capacity, these are set out below.**

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets. Consideration should be given to access requirements for all attendees.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.
- In addition to capacity setting, premises must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The maximum capacity will need to be assessed based on the number of staff on duty, as well as the number of groups and individuals.
- Where attendees are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating and furniture may limit the available space, given distancing requirements.
- Any needs of the premises which take up floor space may reduce the capacity available.
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided as much as possible. There should be no [queueing](#) inside licensed hospitality premises, such as at bars, and systems should be in place to ensure this does not happen.
- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues are avoided. When queues do occur they should be managed to ensure physical distancing is maintained.
- Steps should be taken to avoid queues outside the premises as much as possible but where unavoidable for safety reasons, measures should be taken to manage queuing through booking systems and if queues occur, ensure physical distancing is maintained.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.

The above factors should be considered by premises when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

Premises should not allow people to enter when the safe capacity limit is reached. Doing so would make implementing the necessary controls difficult, which will increase the risk of transmission of the virus. Premises may also be breaching the coronavirus regulations.

Other measures

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Premises should therefore ensure that all other relevant safety measures are in place no matter how many attendees are present on the premises. Examples of the types of measures, are:

- Maximising ventilation in the premises in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the premises
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate
- Providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus, for example having hand sanitiser available, ensuring touchpoints are cleaned etc.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene. Premises should look to ensure they support staff, suppliers and members of the public in meeting these requirements via signage and providing hand washing facilities.
- If you own or manage a pub, bar, restaurant or cafe, you must collect and record the details of customers, staff and anyone else who visits your venue. This includes pubs, bars, restaurants or cafes that may be part of another business, such as a hotel, visitor attraction or club. We'd also ask owners or managers of other businesses and services to collect and record the details of visitors.
- One way of making sure you collect people's details is by displaying a [Check In Scotland QR code poster at your venue](#), and asking anyone who visits to scan this QR code when they arrive.

Premises may wish to use the [Coronavirus \(COVID-19\): compliance self-assessment tool - gov.scot \(www.gov.scot\)](#) to help assess the measures in place.

Displaying COVID Occupancy Capacity

It is essential that clear signage using a large, clear font is displayed at queuing, entry points and throughout the premises to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is

reminded to observe the requirement to distance. Premises should challenge any occurrence of crowding and remind staff, attendees and suppliers of their duty of care when within the premises and to each other by observing physical distancing.

Enforcement

Under the Coronavirus regulations, local authority officers and Police Scotland have been provided with enforcement responsibilities and powers. Local authorities can offer health protection advice to premises to ensure they are in compliance with all requirements under the Coronavirus regulations. During their routine COVID compliance checks, local authority officers will consider the capacity limit of the premises, and ask premises how they have determined the limit. Local Authorities will take any action required to support premises to ensure they operate at a safer capacity to reduce the risk of transmission.

Covid Occupancy Capacity in Life Events

For prescribed life events (including wedding receptions) specific limits will be set in statutory guidance. Life events are defined as:

- Marriages/civil partnerships
- Funerals
- Wakes/post-funeral gatherings
- Wedding/civil partnership receptions

The limits are set out in the table below:

ATTENDANCE LIMITS ON LIFE EVENTS

	Maximum Attendees	Expected timing (subject to supportive data)
Level 4	20 (No post-funeral or wedding receptions)	Now
Level 3	50 (with alcohol)	26 April

Level 2	50 (with alcohol)	17 May
Level 1	100 (with alcohol)	Likely from early June
Level 0	200 (with alcohol)	Likely from end June

The premises where any ceremony or reception is held should only host a life event if the maximum attendees **is within their calculated COVID Occupancy Capacity**.

Covid Occupancy Capacity in Events⁷⁸

Drive-in events can resume in level 3. Organisers should consider should consider the facilities required for attendees such as toilets when setting capacity limits and how any queuing for facilities will be managed to ensure physical distancing is maintained. Face covering requirements (subject to exemptions) will apply in any indoor areas.

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at **Level 2** providing that the event:

- utilises outside space wherever possible
- organisers carry out a risk assessment, including assessing the indoor and outdoor space available to adhere to distancing requirements and **have calculated the maximum COVID occupancy capacity for the event**
- organisers have followed [events guidance and checklist](#)
- organisers can assure that attendees arrive and leave the event in a staggered manner where possible throughout the day, ensuring gathering rules are adhered to.
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport
- organisers and attendees maintain group sizes permitted by gathering restrictions and prevent mixing between groups
- organisers and attendees use face coverings in indoor areas (such as toilets) where required noting face covering exemptions.
- is ticketed wherever possible to monitor capacity⁷⁹
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

⁷⁸ [redacted]: [redacted]

⁷⁹ [redacted]: Should be ticketed unless there vis a reason for exemption. (markets etc)

For larger events – the normal Local Authority events application processes will apply.

There is a standard capacity limit on larger events as set out below.

	INDOOR standard ⁸⁰ limit*	OUTDOOR standard limit*
Level 4	N/A	N/A
Level 3 ⁸¹	N/A	N/A
Level 2	100	500 seated event 250 standing event
Level 1	200	1000 seated event 500 standing event
Level 0	400	2000 seated event 1000 standing event

*There may be exemptions to the limits set out above, in this instance the Local Authority will assess any application as per their own pre-Covid protocols for large events and subsequently consider whether the application should be permitted at a higher limit⁸²

Related information

[Scottish Government Events Sector Guidance](#)

[Scottish Government Stadium Guidance](#)

[Sports Ground Safety Authority Covid-19 Guidance](#)

⁸⁰ [redacted]: [redacted] is indoor seated only? Or is 100 the capacity irrespective of seat v standing – needs to be clear

⁸¹ [redacted]: [redacted] Does this mean in Level three the maximum is 99 indoors?

⁸² [redacted]: where exemption exists (particularly where dispensation granted by SG) The parameters of that exemption should be clear from the outset to both LA and organiser e.g 2m or 1m hospitality and what guidance is applicable. Pre-Covid protocols will only capture so much.

Covid Occupancy Capacity in Non-domestic setting (draft 5)

This is draft guidance and may be amended subject to comments received to take into account engagement with stakeholders.

Definition

Non-domestic settings are defined as non-private dwellings with the exceptions of those spaces essential for public services (schools, hospitals, courts, prisons etc. where separate guidance applies)⁸³

Overview

The [Coronavirus Regulations](#) require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its setting and that the number of persons admitted to its setting are admitted in sufficiently limited numbers to make it possible to maintain the required physical distance as set out in the regulations.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its setting, business or service. This guidance is issued under these Regulations.

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to identify and display a **COVID Occupancy Capacity limit** that demonstrates that their setting can meet physical distancing requirements. This limit should be referred to by the setting to control the number of persons including staff who are on the setting at any one time. The COVID Occupancy Capacity limit shall be displayed at entrances which will be beneficial for setting in explaining entry controls to customers. Where appropriate, it could also be included on websites.

This guidance provides a *provisional draft methodology* for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a

⁸³ [redacted]: Need to understand where it doesn't apply – schools? Colleges? Etc.

business or providing a service may already have calculated limits. It is acceptable to use methods other than this guidance. If settings have used a method other than that set out in this guidance, local authorities may wish to seek details of the methodology followed and assess its efficacy in minimising exposure to coronavirus.

COVID Occupancy Capacity

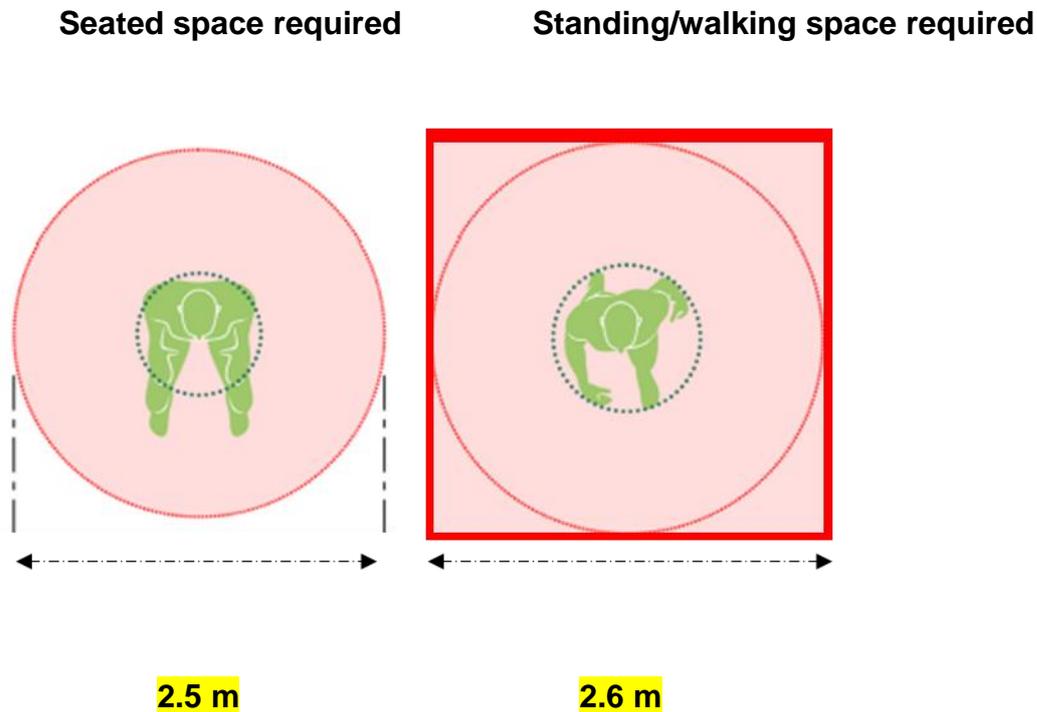
Non-domestic setting will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the setting, based on a range of factors. The principal consideration will be maximum publicly available floor space, including any temporary spaces and outdoor areas. Setting should consider the differing floor spaces available for all occupants – therefore attendees and workforce - and the requirement that individuals from different households maintain at least 2 metres or 1 metre distance (as appropriate for the setting) noting the exemptions for example, for carers⁸⁴. For all public setting capacity should be determined by the need for physical distancing, taking into account pinch points, and numbers must not exceed safe limits.

How to calculate COVID Occupancy Capacity - provisional methodology

A simple calculation would be to divide the floor space by the space required by each individual (a circle or square with a diameter based on the required distance) as set out in the Diagram 1.

⁸⁴ [redacted]: Are children to be included? If not, theoretically, a place of worship could have, say, 50 adults attending, with up to 30 children, which would take up a considerable area of “safe distancing space”. Might be an idea to clarify if children are included or not.

Diagram 1 – Space required for individuals to enable physical distancing.



The above circles set out the distancing for 2m physical distancing. The circle used for calculation and planning purposes takes into account the width of an individual, and therefore two different circles are needed. For a **seated person** a 2.5 m diameter circle is used, to allow for a typical body width of 500 mm. For a **standing or walking person**, a 2.6 m square is used, to allow for typical side-to-side movement in the range of 600 mm in width.

This results in a socially distanced space in all directions of approx. 1.0 m between two people sitting, standing or walking. Note that when calculating the capacities of standing areas and concourses, a 2.6 m square, equating to 2.6 m² per person, should be used, rather than a circle, to allow for typical side-to-side movement.

If the setting requires that a social distance of 1 m per person the equivalent measurements are: for seated accommodation a 1.5 m diameter circle, and for standing areas or concourses, for calculation purposes, a 1.6 m square.

As set out below:

Distance required	Seated area required for 1 person in metres ²	Standing area required for 1 person in metres ²
-------------------	--	--

1m	1.8 m ²	2.6 m ²
2m	4.9 m ²	6.8 m ²

You should also consider the space requirements for household groups when calculating your maximum capacity as physical distancing is not required within households.

Example: A café that is 20 m² with 1m physical distancing required, would be calculated as 20 m² divided by 1.77 m² (for seated persons) = 11.3.

You should round the number down, therefore 11 individuals is the maximum COVID Occupancy Capacity for the café to meet distancing requirements of 1m. **However, There are additional considerations that should be taken by setting when setting maximum COVID Occupancy Capacity, these are set out below.**

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets. Consideration should be given to access requirements for all attendees.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.
- In addition to capacity setting, setting must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The maximum capacity will need to be assessed based on the number of staff on duty, as well as the number of household groups and individuals.
- Where attendees are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating and furniture may limit the available space, given distancing requirements.
- Any needs of the setting which take up floor space may reduce the capacity available.
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided as much as possible. There should be no [queueing](#) inside licensed hospitality setting, such as at bars, and systems should be in place to ensure this does not happen.
- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues are avoided. When queues do occur they should be managed to ensure physical distancing is maintained.

- Steps should be taken to avoid queues outside the setting as much as possible but where unavoidable for safety reasons, measures should be taken to manage queuing through booking systems and if queues occur, ensure physical distancing is maintained.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.

The above factors should be considered by setting when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

Setting should not allow people to enter when the safe capacity limit is reached. Doing so would make implementing the necessary controls difficult, which will increase the risk of transmission of the virus. Setting may also be breaching the coronavirus regulations.

Other measures

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Setting should therefore ensure that all other relevant safety measures are in place no matter how many attendees are present on the setting. Examples of the types of measures, are:

- Maximising ventilation in the setting in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the setting
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate
- Providing information to those entering or working at the setting about how to minimise the risk of exposure to coronavirus, for example having hand sanitiser available, ensuring touchpoints are cleaned etc.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene. Setting should look to ensure they support staff, suppliers and members of the public in meeting these requirements via signage and providing hand washing facilities.
- If you own or manage a pub, bar, restaurant or cafe, you must collect and record the details of customers, staff and anyone else who visits your venue. This includes pubs, bars, restaurants or cafes that may be part of another business, such as a hotel, visitor attraction or club. We'd also ask owners or managers of other businesses and services to collect and record the details of visitors.

- One way of making sure you collect people's details is by displaying a [Check In Scotland QR code poster at your venue](#), and asking anyone who visits to scan this QR code when they arrive.

Setting may wish to use the [Coronavirus \(COVID-19\): compliance self-assessment tool - gov.scot \(www.gov.scot\)](#) to help assess the measures in place.

Displaying COVID Occupancy Capacity

It is essential that clear signage using a large, clear font is displayed at queuing, entry points and throughout the setting to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance. Setting should challenge any occurrence of crowding and remind staff, attendees and suppliers of their duty of care when within the setting and to each other by observing physical distancing.

Enforcement

Under the Coronavirus regulations, local authority officers and Police Scotland have been provided with enforcement responsibilities and powers. Local authorities can offer health protection advice to setting to ensure they are in compliance with all requirements under the Coronavirus regulations. During their routine COVID compliance checks, local authority officers will consider the capacity limit of the setting, and ask setting how they have determined the limit. Local Authorities will take any action required to support setting to ensure they operate at a safer capacity to reduce the risk of transmission.

Covid Occupancy Capacity in Life Events

For prescribed life events (including wedding receptions) specific limits will be set in statutory guidance. Life events are defined as:

- Marriages/civil partnerships
- Funerals
- Wakes/post-funeral gatherings
- Wedding/civil partnership receptions

The limits are set out in the table below:

ATTENDANCE LIMITS ON LIFE EVENTS

	Maximum Attendees	Expected timing (subject to supportive data)
Level 4	20 (No post-funeral or wedding receptions)	Now
Level 3	50 (with alcohol)	26 April
Level 2	50 (with alcohol)	17 May
Level 1	100 (with alcohol)	Likely from early June
Level 0	200 (with alcohol)	Likely from end June

The setting where any ceremony or reception is held should only host a life event if the maximum attendees **is within their calculated COVID Occupancy Capacity**.

Covid Occupancy Capacity in Events⁸⁵

An event can be described as a gathering of people which requires alterations to the setting in order for the 'event' to be staged. For example, changing a footprint from seating only, to standing. Or the building of temporary structures, entrances and exits, and the requirement for additional planning over and above 'business as usual'⁸⁶.

Drive-in events can resume in level 3. Organisers should consider should consider the facilities required for attendees such as toilets when setting capacity limits and how any queuing for facilities will be managed to ensure physical distancing is maintained. Face covering requirements (subject to exemptions) will apply in any indoor areas.

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at **Level 2** providing that the event:

- utilises outside space wherever possible
- organisers carry out a risk assessment, including assessing the indoor and outdoor space available to adhere to distancing requirements and **have calculated the maximum COVID occupancy capacity for the event**
- organisers have followed [events guidance and checklist](#)

⁸⁵ [redacted]: [redacted] [redacted]

⁸⁶ [redacted]: This needs further consideration

- organisers can assure that attendees arrive and leave the event in a staggered manner where possible throughout the day, ensuring gathering rules are adhered to.
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport
- organisers and attendees maintain group sizes permitted by gathering restrictions and prevent mixing between groups
- organisers and attendees use face coverings in indoor areas (such as toilets) where required noting face covering exemptions.
- is ticketed wherever possible to monitor capacity ⁸⁷
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

For larger events – the normal Local Authority events application processes will apply.

There is a standard capacity limit on larger events as set out below.

	INDOOR standard ⁸⁸ limit*	OUTDOOR standard limit*
Level 4	N/A	N/A
Level 3 ⁸⁹	N/A	N/A
Level 2	100	500 seated event 250 standing event
Level 1	200	1000 seated event 500 standing event
Level 0	400	2000 seated event 1000 standing event

*There may be exemptions to the limits set out above, in this instance the Local Authority will assess any application as per their own pre-Covid protocols for large events and subsequently consider whether the application should be permitted at a higher limit

Related information

⁸⁷ [redacted]: [redacted] Should be ticketed unless there is a reason for exemption. (markets etc)

⁸⁸ [redacted]: [redacted] is indoor seated only? Or is 100 the capacity irrespective of seat v standing – needs to be clear

⁸⁹ [redacted]: [redacted] Does this mean in Level three the maximum is 99 indoors?

[Scottish Government Events Sector Guidance](#)

[Scottish Government Stadium Guidance](#)

[Sports Ground Safety Authority Covid-19 Guidance](#)

Covid Occupancy Capacity in non-domestic settings (draft 6)

This is draft guidance and may be amended subject to comments received to take into account engagement with stakeholders.

Definition

Non-domestic settings are defined as non-private dwellings with the exceptions of those spaces essential for public services⁹⁰ (education settings, hospitals, courts, prisons etc. where separate guidance applies)

Overview

The [Coronavirus Regulations](#) require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its setting and that the number of persons admitted to its setting are admitted in sufficiently limited numbers to make it possible to maintain the required physical distance as set out in the regulations.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its setting, business or service. This guidance is issued under those Regulations.

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to identify and display a **COVID Occupancy Capacity limit** that demonstrates that their setting can meet physical distancing requirements. This limit should be referred to by the setting to control the number of persons including staff who are on the setting at any one time. The COVID Occupancy Capacity limit shall be displayed at entrances which will be beneficial for setting in explaining entry controls to customers. Where appropriate, it could also be included on websites.

This guidance provides a *provisional draft methodology* for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a

⁹⁰ [redacted] [redacted]

business or providing a service may already have calculated limits. It is acceptable to use methods other than this guidance.⁹¹ If settings have used a method other than that set out in this guidance, local authorities may wish to seek details of the methodology followed and assess its efficacy in minimising exposure to coronavirus.

COVID Occupancy Capacity

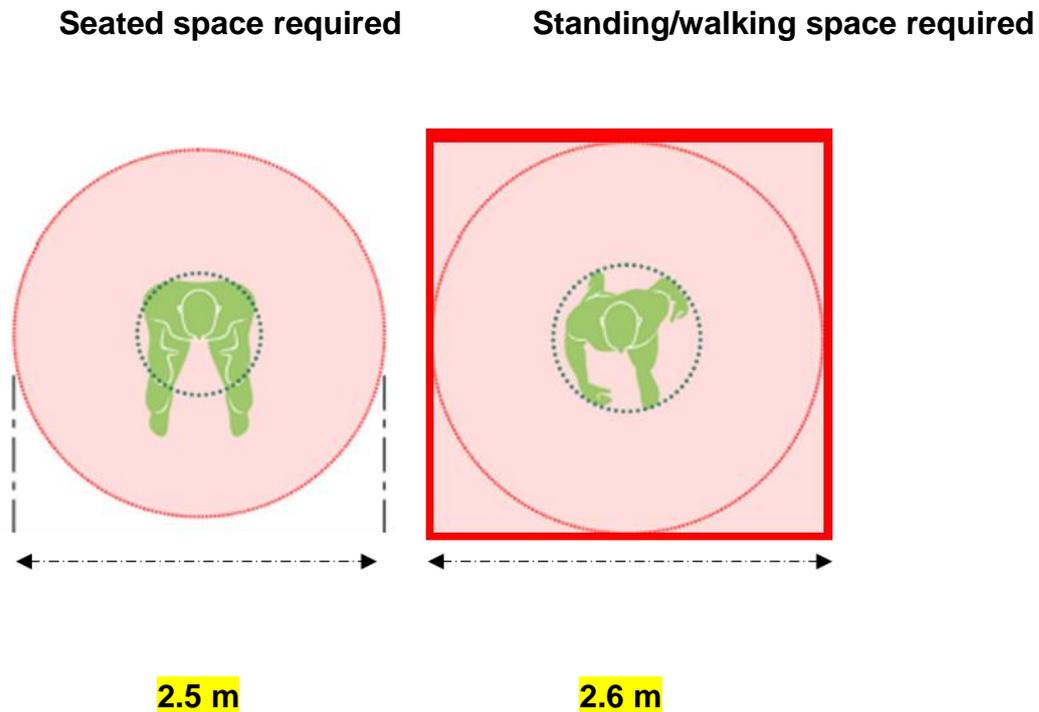
Non-domestic setting will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the setting, based on a range of factors. The principal consideration will be maximum publicly available floor space, including any temporary spaces and outdoor areas. Setting should consider the differing floor spaces available for all occupants – therefore attendees and workforce - and the requirement that individuals from different households maintain at least 2 metres or 1 metre distance (as appropriate for the setting) noting the exemptions for example, for carers. Children should be included for space requirements excluding infants and very small children. For all public setting capacity should be determined by the need for physical distancing, taking into account pinch points, and numbers must not exceed safe limits.

How to calculate COVID Occupancy Capacity - provisional methodology

A simple calculation would be to divide the floor space by the space required by each individual (a circle or square with a diameter based on the required distance) as set out in the Diagram 1.

⁹¹ [redacted]: [redacted]

Diagram 1 – Space required for individuals to enable physical distancing.



The above circles set out the distancing for 2m physical distancing. The circle used for calculation and planning purposes takes into account the width of an individual, and therefore two different circles are needed. For a **seated person** a 2.5 m diameter circle is used, to allow for a typical body width of 500 mm. For a **standing or walking person**, a 2.6 m square is used, to allow for typical side-to-side movement in the range of 600 mm in width.

This results in a socially distanced space in all directions of approx. 1.0 m between two people sitting, standing or walking. Note that when calculating the capacities of standing areas and concourses, a 2.6 m square, equating to 2.6 m² per person, should be used, rather than a circle, to allow for typical side-to-side movement.

If the setting requires that a social distance of 1 m per person the equivalent measurements are: for seated accommodation a 1.5 m diameter circle, and for standing areas or concourses, for calculation purposes, a 1.6 m square.

As set out below:

Distance required	Seated area required for 1 person in metres ²	Standing area required for 1 person in metres ²
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1m	1.8 m ²	2.6 m ²
2m	4.9 m ²	6.8 m ²

You should also consider the space requirements for household groups when calculating your maximum capacity as physical distancing is not required within households.

Example: A café that is 20 m² with 1m physical distancing required, would be calculated as 20 m² divided by 1.77 m² (for seated persons) = 11.3.

You should round the number down, therefore 11 individuals is the maximum COVID Occupancy Capacity for the café to meet distancing requirements of 1m. **However, there are additional considerations that should be taken into account when setting maximum COVID Occupancy Capacity, which are set out below.**

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets. Consideration should be given to access requirements for all attendees.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.
- In addition to capacity setting, setting must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The maximum capacity will need to be assessed based on the number of staff on duty, as well as the number of household groups and individuals.
- Where attendees are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating and furniture may limit the available space, given distancing requirements.
- Any needs of the setting which take up floor space may reduce the capacity available.
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided as much as possible. There should be no [queueing](#) inside licensed hospitality setting, such as at bars, and systems should be in place to ensure this does not happen.
- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues are avoided. When queues do occur they should be managed to ensure physical distancing is maintained.

- Steps should be taken to avoid queues outside the setting as much as possible but where unavoidable for safety reasons, measures should be taken to manage queuing through booking systems and if queues occur, ensure physical distancing is maintained.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.

The above factors should be considered by setting when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

People should not allow to enter non-domestic settings after their safe capacity limit is reached. Were the number of people in a setting to exceed the capacity limit, this would make implementing the required controls difficult, which will increase the risk of transmission of the virus. Any person responsible for such a setting who did allow people to enter in excess of their safe capacity limit may also be acting in breach of their obligations under the Coronavirus regulations.

Other measures

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Setting should therefore ensure that all other relevant safety measures are in place no matter how many attendees are present on the setting. Examples of the types of measures, are:

- Maximising ventilation in the setting in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the setting
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate
- Providing information to those entering or working at the setting about how to minimise the risk of exposure to coronavirus, for example having hand sanitiser available, ensuring touchpoints are cleaned etc.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene. Setting should look to ensure they support staff, suppliers and members of the public in meeting these requirements via signage and providing hand washing facilities.
- If you own or manage a pub, bar, restaurant or cafe, you must collect and record the details of customers, staff and anyone else who visits your venue. This includes pubs, bars, restaurants or cafes that may be part of another business, such as a

hotel, visitor attraction or club. We'd also ask owners or managers of other businesses and services ⁹²to collect and record the details of visitors.

- One way of making sure you collect people's details is by displaying a [Check In Scotland QR code poster at your venue](#), and asking anyone who visits to scan this QR code⁹³ when they arrive.

Setting may wish to use the [Coronavirus \(COVID-19\): compliance self-assessment tool - gov.scot \(www.gov.scot\)](#) to help assess the measures in place.

Displaying COVID Occupancy Capacity

It is essential that clear signage using a large, clear font at least 5 inches or 12.5 cm in height (360 pt)⁹⁴ is displayed at queuing, entry points. There should also be clear signage throughout the setting to inform people that they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance. The setting should challenge any occurrence of crowding and remind staff, attendees and suppliers of their duty of care when within the setting and to each other by observing physical distancing.

Enforcement

Local authorities can offer advice to persons responsible for non-domestic settings to help ensure to ensure they are acting in compliance with the requirements set out in the Coronavirus regulations. During their routine COVID compliance checks, local authority officers will consider the capacity limit of the setting, including asking questions about how the capacity limit has been determined. Local authority officers will have regard to this guidance when considering the capacity limits set and additional measures which have been put in place to to reduce the risk of transmission.

Local authority officers and Police Scotland have powers to enforce the requirements set out in the Coronavirus regulations.

Covid Occupancy Capacity in Life Events

⁹² [redacted]: Will / should regs be changed to require theatres, concert halls, and other performing arts venues to collect visitor details? And is lead booker information sufficient (i.e. responsible person for their household group) or is information required for each individual?

⁹³ [redacted]: May not be practical for some audience groups

⁹⁴ [redacted]: Comms can you advise.

For prescribed life events (including wedding receptions) specific limits will be set in statutory guidance. Life events are defined as:

- Marriages/civil partnerships
- Funerals
- Wakes/post-funeral gatherings
- Wedding/civil partnership receptions

The limits are set out in the table below:

ATTENDANCE LIMITS ON LIFE EVENTS

	Maximum Attendees	Expected timing (subject to supportive data)
Level 4	20 (No post-funeral or wedding receptions)	Now
Level 3	50 (with alcohol)	26 April
Level 2	50 (with alcohol)	17 May
Level 1	100 (with alcohol)	Likely from early June
Level 0	200 (with alcohol)	Likely from end June

The limits to life events will **have no** exemptions, if a venue can hold more people than the maximum limit the exemption set out for larger events does not apply.

A setting can host a life event attended by the **maximum number of attendees, if this is within their calculated COVID Occupancy capacity**. Otherwise the number of attendees should be reduced accordingly, to accommodate physical distancing requirements.

Covid Occupancy Capacity in Public Events⁹⁵

A public event can be described a one-time or periodic, free or ticketed, cultural, charitable or cause-related occasion, and conducted for the purpose of attracting revenue, support, awareness, and/or for entertainment purposes, and created by and/or for the general public

It can also be defined as a gathering of people which requires alterations to a setting in order for the 'event' to be staged. For example, changing a footprint from seating only, to standing. Or the building of temporary structures, entrances and exits, and the requirement for additional planning over and above 'business as usual'.⁹⁶⁹⁷

Drive-in events can resume in level 3. Organisers should consider should consider the facilities required for attendees such as toilets when setting capacity limits and how any queuing for facilities will be managed to ensure physical distancing is maintained. Face covering requirements (subject to exemptions) will apply in any indoor areas.

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at **Level 2** providing that the event:

- utilises outside space wherever possible
- organisers carry out a risk assessment, including assessing the indoor and outdoor space available to adhere to distancing requirements and **have calculated the maximum COVID occupancy capacity for the event**
- organisers have followed [events guidance and checklist](#)
- organisers can assure that attendees arrive and leave the event in a staggered manner where possible throughout the day, ensuring gathering rules are adhered to.
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport
- organisers and attendees maintain group sizes permitted by gathering restrictions and prevent mixing between groups
- organisers and attendees use face coverings in indoor areas (such as toilets)⁹⁸ where required noting face covering exemptions.
- is ticketed wherever possible to monitor capacity⁹⁹
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

For larger events – the normal Local Authority events application processes will apply.

⁹⁵ [redacted] – [redacted]

⁹⁶ This needs further consideration

⁹⁷ [redacted]: [redacted]

⁹⁸ [redacted] [redacted]

⁹⁹ [redacted]: Should be ticketed unless there vis a reason for exemption. (markets etc)

There is a standard capacity limit on larger events as set out below.

	INDOOR standard ¹⁰⁰ limit*	OUTDOOR standard limit*
Level 4	N/A	N/A
Level 3 ¹⁰¹	N/A	N/A
Level 2	100	500 seated event 250 standing event
Level 1	200	1000 seated event 500 standing event
Level 0	400	2000 seated event 1000 standing event

*There may be exemptions to the limits set out above, in this instance the Local Authority will assess any application as per their own pre-Covid protocols for large events and subsequently consider whether the application should be permitted at a higher limit

Related information

[Scottish Government Events Sector Guidance](#)

[Scottish Government Stadium Guidance](#)

[Sports Ground Safety Authority Covid-19 Guidance](#)

¹⁰⁰ [redacted]: [redacted]

¹⁰¹ [redacted]: Does this mean in Level three the maximum is 99 indoors?

Covid Occupancy Capacity in non-domestic settings (draft 7)

This is draft guidance and may be amended subject to comments received to take into account engagement with stakeholders.

Definition

Non-domestic settings are defined as non-private dwellings with the exceptions of those spaces essential for public services¹⁰² (education settings, hospitals, courts, prisons etc. where separate guidance applies)

Overview

The [Coronavirus Regulations](#) require a person who is responsible for a place of worship, carrying on a business or providing a service to minimise risk of exposure to coronavirus. This includes measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its setting and that the number of persons admitted to its setting are admitted in sufficiently limited numbers to make it possible to maintain the required physical distance as set out in the regulations.

The Regulations also provide that a person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken relating to its setting, business or service. This guidance is issued under those Regulations.

We expect **all** persons responsible for a place of worship, carrying on a business or providing a service to identify and display a **COVID Occupancy Capacity limit** that demonstrates that their setting can meet physical distancing requirements. This limit should be referred to by the setting to control the number of persons including staff who are on the setting at any one time. The COVID Occupancy Capacity limit shall be displayed at entrances which will be beneficial for setting in explaining entry controls to customers. Where appropriate, it could also be included on websites.

¹⁰² [redacted]: [redacted]

[redacted]: I think we need to agree approach here. should arguably be all public non domestic settings. Where does it not apply? [response to SGLD advice]

This guidance provides a *provisional draft methodology* for calculating a COVID Occupancy Capacity limit. Persons responsible for a place of worship, carrying on a business or providing a service may already have calculated limits. Other methodologies may be used provided that they are demonstrably effective methods of calculating Covid Occupancy capacity limits. If settings have used a method other than that set out in this guidance, local authorities may wish to seek details of the methodology followed and assess its efficacy in minimising exposure to coronavirus.

COVID Occupancy Capacity

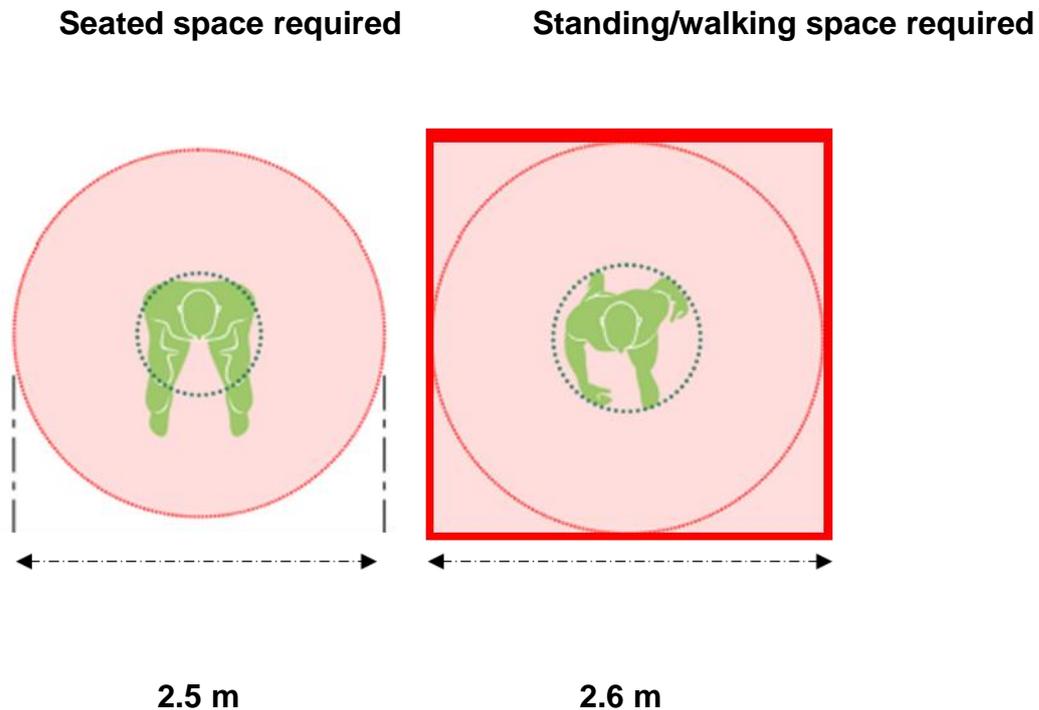
Non-domestic setting will have a fire safety maximum occupancy. The COVID Occupancy Capacity calculation outlined in this guidance is based on this formula. COVID Occupancy Capacity should be worked out by the setting, based on a range of factors. The principal consideration will be maximum publicly available floor space, including any temporary spaces and outdoor areas. Setting should consider the differing floor spaces available for all occupants – therefore attendees and workforce - and the requirement that individuals from different households maintain at least 2 metres or 1 metre distance (as appropriate for the setting) noting the exemptions for example, for carers. Children over 5 years should be included for space requirements excluding infants and very small children. For all public setting capacity should be determined by the need for physical distancing, taking into account pinch points, and numbers must not exceed safe limits.

The standard requirement for settings is 2 metres. Some sectors such as transport and hospitality have 1m requirements subject to additional mitigations.

How to calculate COVID Occupancy Capacity - provisional methodology

A simple calculation would be to divide the floor space by the space required by each individual (a circle or square with a diameter based on the required distance) as set out in the Diagram 1.

Diagram 1 – Space required for individuals to enable physical distancing



The above circles set out the distancing for 2m physical distancing. The circle used for calculation and planning purposes takes into account the width of an individual, and therefore two different circles are needed. For a **seated person** a 2.5 m diameter circle is used, to allow for a typical body width of 500 mm. For a **standing or walking person**, a 2.6 m square is used, to allow for typical side-to-side movement in the range of 600 mm in width.

This results in a socially distanced space in all directions of approx. 2m between two people sitting, standing or walking. Note that when calculating the capacities of standing areas and concourses, a 2.6 m square, equating to 2.6 m² per person, should be used, rather than a circle, to allow for typical side-to-side movement.

If the setting requires that a social distance of 1 m per person the equivalent measurements are: for seated accommodation a 1.5 m diameter circle, and for standing areas or concourses, for calculation purposes, a 1.6 m square.

As set out in Table 1

Table 1.

Distance required	Seated area required for 1 person in metres ²	Standing area required for 1 person in metres ²
1m	1.8 m ²	2.6 m ²
2m	4.9 m ²	6.8 m ²

You should also consider the space requirements for household groups when calculating your maximum capacity as physical distancing is not required within households.

Example: A café that is 20 m² with 1m physical distancing required, would be calculated as 20 m² divided by 1.77 m² (for seated persons) = 11.3.

You should round the number down, therefore 11 individuals is the maximum COVID Occupancy Capacity for the café to meet distancing requirements of 1m. **However, there are additional considerations that should be taken into account when setting maximum COVID Occupancy Capacity, which are set out below.**

Additional considerations when calculating COVID Occupancy Capacity

- The layout of a premise should be considered inside and outside, as the maximum space may not be available given distancing requirements, consider pinch points such as exits and entrances, corridors and toilets. Consideration should be given to access requirements for all attendees.
- The safe usage of any provided facilities (such as restrooms) should be considered when setting capacity requirements.
- In addition to capacity setting, setting must take all reasonable measures to ensure requisite spacing, using physical separators/screens where necessary and/or one-way systems.
- The maximum capacity will need to be assessed based on the number of staff on duty, as well as the number of household groups and individuals.
- Where attendees are seated, the possible configurations that maintain the distancing requirements will influence available capacity. In particular any existing fixed seating and furniture may limit the available space, given distancing requirements.
- Any needs of the setting which take up floor space may reduce the capacity available such as accessibility measures, furniture, seating etc.
- There is an increased risk that physical distancing will not be observed in queues, and that this can lead to people crowding together, which must be avoided as much

as possible. There should be no [queueing](#) inside licensed hospitality setting, such as at bars, and systems should be in place to ensure this does not happen, such as table service. Elsewhere, in non-licensed cafes etc. this will need careful management.

- Engaging with the public should take place at designated points which have been risk assessed, or where physical distancing can be observed and where queues are avoided. When queues do occur they should be managed to ensure physical distancing is maintained.
- Steps should be taken to avoid queues outside the setting as much as possible but where unavoidable for safety reasons due to the business model (for example walk up takeaway/café services etc.), measures should be taken to manage queuing through booking systems and if queues occur, ensure physical distancing is maintained.
- Systems should be in place to safely manage capacity to avoid overcrowding. It is essential that crowding in general is not permitted. This is an identified risk and must be avoided at all times.

The above factors should be considered by setting when calculating their maximum COVID occupancy capacity as part of ongoing risk assessments to ensure compliance with the requirements in the Coronavirus regulations and the associated guidance.

People should not be allowed to enter non-domestic settings after the safe capacity limit is reached. Were the number of people in a setting to exceed the capacity limit, this would make implementing the required controls difficult, which will increase the risk of transmission of the virus. Any person responsible for such a setting who did allow people to enter in excess of their safe capacity limit may also be acting in breach of their obligations under the Coronavirus regulations.

Other measures

Limiting capacity is a requirement to reduce the risk of transmission, **but on its own it is not sufficient**. Setting should therefore ensure that all other relevant safety measures are in place no matter how many attendees are present on the setting. Examples of the types of measures, are:

- Maximising ventilation in the setting in line with guidance
- Controlling the use of entrances, passageways, stairs and lifts
- Controlling the use of shared facilities such as toilets and kitchens
- Otherwise controlling the use of, or access to, any other part of the setting
- Installing barriers and/or screens
- Providing, or requiring the use of, personal protective equipment where appropriate

- Providing information to those entering or working at the setting about how to minimise the risk of exposure to coronavirus, for example having hand sanitiser available, ensuring touchpoints are cleaned etc.
- There are also requirements on staff, suppliers and members of the public to wear face coverings (with some exceptions such as when they are seated and eating) and around good hand and respiratory hygiene. Setting should look to ensure they support staff, suppliers and members of the public in meeting these requirements via signage and providing hand washing facilities.
- If you own or manage a pub, bar, restaurant or cafe, you must collect and record the details of customers, staff¹⁰³ and anyone else who visits your venue. This includes pubs, bars, restaurants or cafes that may be part of another business, such as a hotel, visitor attraction or club. We'd also ask owners or managers of other businesses and services to collect and record the details of visitors, if possible.
- One way of making sure you collect people's details is by displaying a [Check In Scotland QR code poster at your venue](#), and asking anyone who visits to scan this QR code when they arrive.

Setting may wish to use the [Coronavirus \(COVID-19\): compliance self-assessment tool - gov.scot \(www.gov.scot\)](#) to help assess the measures in place.

Displaying COVID Occupancy Capacity

It is essential that clear signage using a large, clear font at least 5 inches or 12.5 cm in height (360 pt) is displayed at entry points and where people may queue. There should also be clear signage throughout the setting to inform people if they are within a 1 metre or a 2 metre physical distancing zone and, most importantly, that everyone is reminded to observe the requirement to distance. The setting should challenge any occurrence of crowding and remind staff, attendees and suppliers of their duty of care when within the setting and to each other by observing physical distancing.

Enforcement

Local authorities can offer advice to persons responsible for non-domestic settings to help ensure they are acting in compliance with the requirements set out in the Coronavirus regulations. During their routine COVID compliance checks, local authority officers will consider the capacity limit of the setting, including asking questions about how the capacity limit has been determined. Local authority officers will have regard to this guidance when considering the capacity limits set and additional measures which have been put in place to reduce the risk of transmission.

¹⁰³ [redacted]: Is this now all customers, a change from previously when it was the lead customer from a party?

Local authority officers and Police Scotland have powers to enforce the requirements set out in the Coronavirus regulations.

Covid Occupancy Capacity in Life Events

Life events are defined as:

- Marriages/civil partnerships
- Funerals
- Wakes/post-funeral gatherings
- Wedding/civil partnership receptions

For prescribed life events (including wedding receptions) specific limits will be set in guidance, the limits are set out Table 2.

Table 2: Attendance at Life Events

	Maximum Attendees	Expected timing (subject to supportive data)
Level 4	20 (No post-funeral or wedding receptions)	Funerals Now Weddings 26 April
Level 3	50 (with alcohol)	26 April
Level 2	50 (with alcohol)	17 May
Level 1	100 (with alcohol)	Likely from early June
Level 0	200 (with alcohol)	Likely from end June

A setting can host a life event attended by the **maximum number of attendees, if this is within their calculated COVID Occupancy capacity**. Otherwise the number of attendees should be reduced accordingly, to accommodate physical distancing requirements.

Covid Occupancy Capacity in Events

An event can be described a one-time or periodic, free or ticketed, cultural, sporting, charitable, community or cause-related occasion, and conducted for the purpose of

attracting revenue, support, awareness, and/or for entertainment purposes, and created by and/or for the general public

It can also be defined as a gathering of people which requires alterations to a setting in order for the 'event' to be staged. For example, changing a footprint from seating only, to standing. Or the building of temporary structures, entrances and exits, and the requirement for additional planning over and above 'business as usual'.

There is a standard capacity limit on events as set out in Table 3 below. All events with the exception of drive in events will be asked to calculate their COVID Occupancy Capacity in line with guidance. The process for approving attendance capacity at an event will depend on the number of people that assessment would support

- Small events < **the numbers proposed in Table 3 below** – can proceed on the basis of their self-assessment. (subject to conditions below)
- Medium events < 5000 will be subject to additional review by the Local Authority to consider any additional risk factors drawing on existing licencing and events processes and procedures
- Large events > 5000 will be considered by a Scottish Government working group in the context of the wider state of the epidemic
- Major events will be considered as part of the existing major events gateway

Table 3: Events and Standard Attendance Limits

	INDOOR standard limit* is indoor seated only? Or is 100 the capacity irrespective of seat v standing – needs to be clear	OUTDOOR standard limit*	Expected timing (subject to supportive data)
Level 4	N/A	N/A	Now
Level 3	N/A	N/A	26 April
Level 2	100	500 seated event 250 standing event	17 May
Level 1	200	1000 seated event 500 standing event	Likely from early June
Level 0	400	2000 seated event 1000 standing event	Likely from end June

Drive-in events can resume in **level 3**. Organisers should consider the facilities required for attendees such as toilets when setting capacity limits and how any

queuing for facilities will be managed to ensure physical distancing is maintained. Face covering requirements (subject to exemptions) will apply in any indoor areas.

Small-scale outdoor and indoor events can resume subject to capacity constraints and gathering restrictions at **Level 2 providing that the event:**

- utilises outside space wherever possible
- organisers carry out a risk assessment, including assessing the indoor and outdoor space available to adhere to distancing requirements and **have calculated the maximum COVID occupancy capacity for the event**
- organisers have followed [events guidance and checklist](#)
- organisers can assure that attendees arrive and leave the event in a staggered manner where possible throughout the day, ensuring gathering rules are adhered to.
- organisers can assure that attendees will be dispersed across a sufficiently large geographic area or will be sufficiently distributed throughout the day, so as to mitigate the risk of crowding at the venue (including entry and exit points; toilet facilities; and food and drink facilities) and on public transport
- organisers and attendees maintain group sizes permitted by gathering restrictions and prevent mixing between groups
- organisers and attendees use face coverings in indoor areas where required noting face covering exemptions.
- is ticketed to monitor capacity
- has all permits/licenses required and reasonable action has been taken by the event organiser to mitigate risk to public health

Events in hospitality settings can only take place if the event is separate from the hospitality space.

For all events requiring licences etc. the normal Local Authority events application processes will apply at which point consideration will be given as to whether the event should be approved at LA level or whether further discussion is required to come to a view.

Related information

[Scottish Government Events Sector Guidance](#)

[Scottish Government Stadium Guidance](#)

[Sports Ground Safety Authority Covid-19 Guidance](#)