

The Covid-19 new regulations: advice to businesses to ensure compliance

Introduction

1. The Government has announced a series of new Covid-19 regulations that add further restrictions on the operation of certain types of business. This is to contain the spread of coronavirus. These regulations also clarify how the rule of six, which came into effect on 14 September, is to be enforced and policed as well as the obligations being placed on business owners. They can be found at:
<https://www.legislation.gov.uk/ukxi/2020/1008/contents/made>
<https://www.legislation.gov.uk/ukxi/2020/1008/contents/made>
2. The regulations are to be reviewed in 6 months' time unless they are withdrawn by the Government at an earlier stage. Members should read this briefing note to ensure that they comply with the new regulations.

Summary

3. Details relating to the new regulations are set out below and are based on Government guidance. The key points members must be aware of are:
 - New rules on wearing masks and face coverings (paras 4 to 7);
 - Restrictions on businesses (paras 8 to 15);
 - Restrictions on groups (paras 16 to 19);
 - Exceptions to the rule of six (para 20);
 - Maintaining records (paras 21 to 24);
 - Issues that members must consider (paras 25 to 29);
 - Where to find additional information (paras 30 to 33).

New Rules on Wearing Face Masks

4. From 23 September customers in private hire vehicles and taxis must wear face coverings.
5. Customers in hospitality venues must wear face coverings, except when seated at a table to eat or drink. Staff in hospitality and retail will now also be required to wear face coverings. This applies from 24 September and means that any customer moving around a hospitality venue must wear a face covering.
6. People who are already exempt from the existing face covering obligations, such as those with an underlying health condition, will continue to be exempt from these new obligations.
7. As from 24 September, it will now be the law, rather than guidance, that face coverings and visors must be worn in close contact services. Staff working on public transport and taxi drivers will continue to be advised to wear face coverings.

New Rules and Restrictions on Businesses

8. There are now further rules for those operating hospitality businesses.
9. Businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs, casinos, bowling alleys, amusement arcades (and other indoor leisure centres or facilities), funfairs, theme parks, adventure parks and activities, and bingo halls,

must be closed between 10pm and 5am. This will include takeaways but delivery services can continue after 10pm. This applies from 24 September.

10. Cinemas, theatres and concert halls can stay open after 10pm, only if the performance started before 10pm. They should not serve food or drink after this time.
11. In licensed premises, food and drink must be ordered from, and served at, a table.
12. From 24 September, customers must eat and drink at a table in any premises selling food and drink to consume indoors, on site.
13. Businesses must display the official NHS QR code posters so that customers are registered with the Test and Trace system. This option is an alternative for customers in having to provide their contact details once the app is rolled out nationally. This will apply from 24 September. Further details on maintaining records are set out below.
14. Businesses and organisations will face stricter rules to make their premises COVID Secure from 28 September. This means that a wider range of leisure and entertainment venues, services provided in community centres, and close contact services will be subject to the COVID-19 Secure requirements. The Covid-19 secure requirements will now have the force of law and must be met. Where business owners fail to adequately enforce the new regulations and have failed to take all reasonable measures to ensure that the measures are complied with by their customers will face fixed penalty fines of up to £10,000. This includes all staff working in the business.
15. Employers must not knowingly require or encourage someone who is being required to self-isolate to come to work and businesses must remind people to wear face coverings where mandated.

Restrictions on Groups

16. From 24 September, support groups must be limited to a maximum of 15 people. These are groups that are formally organised to provide mutual aid, therapy or any other form of support. This includes support to victims of crime, recovering addicts, new parents, people with long-term illnesses, those facing issues relating to their sexuality or gender, and those who have suffered bereavement.
17. Indoor organised sport for over 18s will no longer be exempt from the rule of six. There is an exemption for indoor organised team sports for disabled people. This applies from 24 September.
18. A new exemption will apply from 24 September in those areas of local lockdown where household mixing is not allowed to permit friends and family to provide informal childcare for children under 14.
19. From 28 September, weddings and civil partnership ceremonies and receptions will be restricted to a maximum of 15 people (down from 30). Other significant standalone life events will be subject to the 'rule of six' limits, except funerals, which will remain at 30.

Exceptions to the Rule of Six

20. The new regulations have changed the exceptions to the rule of six. These are now:
 - for work, or the provision of voluntary or charitable services;

- registered childcare, education or training;
- supervised activities provided for children, including wraparound care, youth groups and activities, and children's playgroups;
- providing support to a vulnerable person;
- providing emergency assistance, and to avoid injury or illness or to escape risk of harm;
- for arrangements where children do not live in the same household as both their parents;
- fulfilling a legal obligation, such as attending court or jury service;
- elite sporting competition and training;
- wedding and civil partnership ceremonies and receptions – up to 15 people;
- funerals – up to 30 people. This does not include wakes, other than for religious ceremonial purposes;
- exercise classes, organised outdoor sport or licensed outdoor physical activity, and supervised sporting activity (indoors or outdoors) for under-18s;
- indoor organised team sports for disabled people;
- support groups of up to 15 participants;
- protests – if organised in compliance with COVID-19 Secure guidance. All individuals must be socially distanced.

Maintaining records

21. Businesses must register for an official NHS QR code and display the official NHS QR poster from 24 September 2020.
22. Venues in hospitality, the tourism and leisure industry, close contact services and local authority facilities must:
 - ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details;
 - keep a record of all staff working on their premises and shift times on a given day and their contact details;
 - keep these records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested;
 - display an official NHS QR code poster from 24 September 2020, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details;
 - adhere to General Data Protection Regulations.
23. Hospitality venues must also refuse entry to those who refuse to participate. Failure to do any of these requirements will result in fixed penalty fines.
24. The regulations regarding maintaining records apply to all tourism businesses including those in the self-catering sector.

Issues that members must consider

25. The new rules are long, complex and subject to change very quickly. However, members are strongly advised to consider the following points to ensure compliance with the regulations.

Covid-19 secure guidelines

26. The Covid-19 secure requirements set out the conditions a business needs to meet in order to remain open. These requirements have now been upgraded to have the

force of law. The main requirement is to ensure that all businesses have in place an up to date and flexible risk assessment. Any business that does not have a risk assessment is not complying with the secure guidelines and could be asked by the relevant local authority to cease operations. A CLA template on how to carry out a risk assessment and keep it updated can be found [here](#).

Maintaining records and registering for a QR code

27. As set out in paragraph 21 above all rural businesses that are open to the public (including self-catering accommodation) must register for a QR code by 24 September. Details on how to register can be found at: <https://www.gov.uk/create-coronavirus-qr-poster>

Practical steps on complying with the rule of six

28. The objective of the rule of six is to contain the spread of coronavirus. The new regulations now make it an offence to fail to comply, with fines for businesses of up to £10,000. It is therefore essential that all businesses make it clear in their risk assessments how they intend to meet the new restrictions.
29. This should be done on a practical basis, using a common sense approach whilst ensuring that the business takes all reasonable measures to ensure compliance. This will be different for different types of business which means that taking all reasonable measures should take into account how individual businesses operate. These measures will be different for a public house compared with a self-catering cottage. As such, the business owner will need to make a judgement as to how the rule of six is met.

Where to find more information

30. For more details on the changes, go to: <https://www.gov.uk/government/news/coronavirus-covid-19-what-has-changed-22-september>
31. Further details relating to meeting others and social distancing can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-meeting-with-others-safely-social-distancing/coronavirus-covid-19-meeting-with-others-safely-social-distancing>
32. For more information on maintaining records as part of the NHS Test and Trace system and how to comply, go to: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace> and <https://www.gov.uk/create-coronavirus-qr-poster>
33. The Government's FAQ briefing on what can and cannot be done has now been updated. For more information, go to: <https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do>