

WinckworthSherwood

Covid Regulations Rule of 6. Singing and Dancing

The Government has amended the Health Protection (Coronavirus, Restrictions) (Obligations of... Undertakings) (England) Regulations 2020 ("the Regulations"). The amendments came into force on September 28 2020. The updated regulations remove the word hospitality from the title and broaden the range of businesses affected. I will do my best to summarise them in this Briefing. The Regulations apply to England. There are further localised restrictions which will not be covered in this Briefing.

New restrictions

An operator of relevant premises must take all reasonable measures to ensure that:

1. no bookings are accepted for a group of more than six persons
2. no persons are admitted to the premises in a group of more than six
3. no person joins another group or otherwise acts in a way which would contravene the existing restrictions on gatherings.

"Relevant premises" includes restaurants, hotels, cafes and pubs, indoor sport and leisure centres, outdoor swimming pools, museums and galleries. The list is long and space does not allow me to include them all.

A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that an appropriate distance is maintained between tables occupied by persons who are not in the same qualifying group.

A "relevant business" is a business which provides food or drink for consumption on its premises. So this will include pubs, cafes, hotel bars and restaurants.

An "appropriate" distance means:

1. at least two metres, or
2. at least one metre, if-
 - there are barriers or screens between tables;
 - the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or
 - other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables.

A person responsible for carrying on a business of a public house, café, restaurant or bar must take all reasonable measures to stop:

1. singing on the premises by customers in groups of more than six; or
2. dancing on the premises by customers.

The prohibition on dancing does not apply in relation to dancing at a wedding or civil partnership ceremony but the exemption only applies to the happy couple.

A person responsible for carrying on a business of a public house, café, restaurant or bar must ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music. This sound limitation does not apply to live music.

Requirements relating to signage and information

A person responsible for carrying on a business in a place where a person is required to wear a face covering (a "Relevant Area") must:

1. display a notice advising that any person present at the Relevant Area is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 unless an exemption under those Regulations applies to the person, or the person has a reasonable excuse under those Regulations not to wear a face covering; or
2. take other measures to ensure that any person who enters the Relevant Area without wearing a face covering is given the information specified paragraph 1 above. This information is that the person is to wear a face covering unless exempt or that he or she has a reasonable excuse not to do so.

The notice must be displayed in a conspicuous location at the Relevant Area.

A face covering is a covering of any type which covers a person's nose and mouth. Question here whether a visor does cover the mouth.

The following is the list of businesses where a person is required to wear a face covering:

1. A shop (but not restaurants, bars or pubs). An area within or adjacent to a shop where seating or tables are made available by that business for the consumption of food and drink on the premises by customers of that business is not a relevant place for the purposes of these Regulations.
2. Enclosed shopping centres, excluding any area in that building which is open to the public and where seating or tables are made available for the consumption of food and drink.
3. Banks, building societies and Post Offices.

In the interests of comprehension I have not listed all of the businesses affected or the exemptions to the above rules. I intend this Briefing to be a useful and readable summary of complex regulations.

Offences and penalties

A person who without reasonable excuse contravenes any of the above requirements commits an offence.

An offence is punishable on summary conviction by a fine.

An officer of a company can be convicted if the offence is carried out by a company. A police or local authority officer may issue a fixed penalty notice of £1,000 reduced to £500 if paid within 14 days.

Repeat offenders may receive a fixed penalty notice of £2,000 (2nd offence) £4,000 (3rd offence) and £10,000 (4th and subsequent offences).

Review and Expiry

The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come into force.

The Regulations will expire at the end of September 2021.

Conclusion

The Regulations introduce yet more obligations on business and in particular the licensed trade. Officers will struggle with enforcement and of course clients will have real practical difficulties ensuring compliance but clients who operate shops of any description should ensure they now have the required signage in place. Hopefully there will be a significant degree of pragmatism out there. Good luck everyone and stay safe!

This is a brief summary of complex regulations. Please contact us if you have any questions.



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