

# WinckworthSherwood

## Covid New Regulations - Curfew and face coverings

The latest regulations on face coverings and the closure of premises selling food and drink in England have been published by the Government today 24 September 2020. These two regulations set restrictions on the opening hours of certain businesses and services and makes mandatory the wearing of face coverings in indoor settings including shops, restaurants, bars, cafes and pubs (except when seated to eat and drink).

### Face Coverings:

A face covering is defined in the regulation as '*a covering of any type which covers a person's nose and mouth*'. It has not been defined as PPE (personal protective equipment). Visors, face shields and face screens may therefore not fall under the legal definition of face coverings. The Government has not provided a list of the exact type of face coverings permitted but it stands to reason that any covering that sufficiently covers the nose and mouth such as reusable or single use face covering, cloth covering, bandana or scarf etc. would fall into this definition.

There are some places where you must wear a face covering. In England, you must wear a face covering in the following indoor settings which include but are not limited to:

- shops and supermarkets;
- premises providing hospitality (bars, pubs, restaurants, cafes), except when seated at a table to eat or drink; and
- public areas in hotels and hostels.

Face coverings must be worn in these places before entering and must be kept on until you leave unless there is a reasonable excuse for removing it or you are exempt.

Coverings can be removed when a person is eating or drinking. Customers can also be asked to remove the covering to facilitate an identification check. There are other exemptions so please contact us for more information.

From 24 September 2020, the requirement to wear a face covering extends to employees in the retail, leisure and hospitality industry. Where these employees are operating in areas that are open to the public and where they come or are likely to come within close contact of a member of the public, they must wear a face covering. This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

### **Penalties:**

Premises where face coverings are required should take reasonable steps to promote compliance with the law. They can direct that a person wears a face covering when on their premises and deny entry if that person is non-compliant.

Failure to follow the requirements under the new regulation is an offence.

An offence committed under this regulation, is punishable by a fine.

Where a person over the age of 18 is found to have committed an offence under the regulation, a constable, police community support officer or person designated by the local authority or Secretary of State may issue a Fixed Penalty Notice (FPN). The FPN will be £100 for a first offence (reduced to £50 if paid within 14 days), doubling upon further offences up to a maximum of £4,000.

### **Closure of Premises:**

From 24 September 2020, all indoor and outdoor businesses selling food or drink must close between 10pm and 5am.

The new curfew rule will apply to all hospitality venues (including cafes, bars, pubs and restaurants).

This new restriction does not extend to deliveries or drive-thrus. Businesses are still permitted to sell food and drink for consumption off the premises between 10pm and 5am by making deliveries and customers are allowed to collect their food and drinks in a vehicle through a drive thru service during these times.

There are also some businesses which are exempt from this curfew and can still

provide food or drink prepared on the premises for immediate consumption off the premises after 10pm. They include, but are not limited to:

- supermarkets;
- convenience stores, corner shops and newsagents;
- petrol stations;
- cafes or canteens in hospitals or schools.

The restrictions do not apply to motorway service station areas.

### **Penalties:**

Businesses that fail to follow the requirements under this regulation may be subject to a fine.

Where an FPN is given for an offence any FPN given will be £1000 for a first offence doubling upon further offences up to a maximum of £10,000.

### **Wales:**

From 24 September 2020, there can be no sale or "supply" of alcohol between 10pm and 6am. This applies to both on and off licensed premises.

The restriction applies to all hospitality businesses in Wales such as pubs, cafes and restaurants but also applies to off-licences including convenience stores and supermarkets. The intention seems to be to prohibit the delivery of alcohol between 10pm and 6am although there is no specific mention of "delivery." There is insufficient space in this Briefing for an analysis on the meaning of "sale" and "supply".

All premises which are licensed to sell alcohol for consumption on the premises will also need to close by 10.20pm and cannot open until 6am. This means that in Wales there is effectively a 20 minute drinking up time in on licensed premises. This does not apply in England.

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



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