

LA COVID-19 Enforcement Checklist

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020

'The tier 1 area regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
Business /closure: Schedule 1, Part 2, Para 9.	Applies to: Nightclubs, Dance halls, Discotheques and other venues which open at night and has a dance floor and provides music for dancing. Sexual entertainment venues and hostess bars.	These businesses must remain closed. Exemption - A business or service does not fall within this section if it ceases to provide music and dancing.	Prohibition notice Fixed Penalty Notice <i>£1000 for first offence £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i> Prosecution	Are the premises open, if yes then further action required.
Restriction on opening hours: Schedule 1, Part 3, Paragraph 12.	The following businesses must close to the public between 22:00 and 05:00: <ol style="list-style-type: none"> 1. Restaurants. 2. Takeaway to be consumed off the premises. 3. Cafes. 4. Bars, including bars in hotels or members' clubs. 5. Public houses. 6. Social clubs. 7. Casinos. 8. Bowling alleys. 9. Cinemas. 10. Theatres. 11. Amusement arcades or other indoor leisure centres or facilities. 12. Funfairs (indoors or outdoors), theme parks and adventure parks and activities. 13. Bingo halls. 14. Concert halls. 	Exemptions: Does not prevent food and drink being delivered or collected in response to orders received through a website or any on-line communication, phone, text message. A person can collect pre-ordered takeaway from the premises as long as that person/purchaser does not enter the premises. Or delivered to a vehicle including drive-thru service of takeaway food or drink. Motorway services. Supermarkets; convenience stores, corner shops and newsagents; pharmacists and chemists; petrol stations. Cinemas, Theatres, Concert Halls can remain open past 22:00 if the performance starts before 22:00. Does not apply to: Cafes or canteens at a hospital, care home or school. Services providing food or drink to the homeless. Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.	Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i> Prosecution	Are the premises open to the public after 22:00? if yes then further action required. Employees can remain on site after this time.

<p>Restrictions on service of food and drink for consumption on the premises:</p> <p>Business that serves alcohol for consumption on the premises (both indoor and outdoor)</p> <p>Schedule 1, Part 3, Para 14 (1)</p> <p>Business that don't serve alcohol for consumption on the premises (both indoor and outdoor)</p> <p>Schedule 1, Part 3, Para 14 (2)</p>	<p>Food and drink may be sold for consumption on the premises only if:</p> <p>-The food and drink is ordered by and served to a customer who is seated on the premises; AND</p> <p>- The business must take all reasonable steps to ensure that the customer remains seated while consuming the food or drink on the premises.</p> <p>-The business must take all reasonable steps to ensure that the customer remains seated while consuming the food or drink on the premises.</p> <p>(This includes for licensed premises that have discontinued the sale of alcohol in order to avoid being subject to these requirements).</p>	<p>Table service must be in place to order and customers must be seat when consuming food and drink.</p> <p>Customers can order at a bar or counter but must return to a seat to consume food and non-alcoholic drink.</p>	<p>Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second,£4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p> <p>Prohibition Notice Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second,£4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>If alcohol is being served is there table service? if not then further action required.</p> <p>Are customers seated whilst consuming food and drink? If not, then further action required.</p>
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A fixed penalty notice for an offence of contravening, without reasonable excuse, may only be issued to a person responsible for carrying on a business or providing a service and a person responsible for carrying on a business is defined in the Regulations as including the owner, proprietor or manager of the business. A fixed penalty notice for such an offence could not be issued to an employee of a business who does not have control over decision making in determining whether the business should operate, and how it should carry on.

The Health Protection (Coronavirus, Restrictions) (Obligations on Undertakings) (England) (Amendment) Regulations 2020

'The coronavirus obligation regulations'

A fixed penalty notice for an offence of contravening regulation 1A, 2 2A or 2B may only be issued to a person on whom the obligation is imposed such as a person who operates or occupies relevant premises (regulation 1A);- a person responsible for carrying on the business (regulation 2); or- a responsible person (defined as a person responsible for carrying on a business in a relevant area) (regulation 2A and 2B). A fixed penalty notice for such an offence could not be issued to an employee of a business who does not have control over decision making in determining whether the business should operate.

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Rule of 6 and Social Distancing:</p> <p>Requirement in relation to bookings, admission and mingling.</p> <p>Regulation 1A</p>	<p>The person who occupies or operates a restaurant, cafe, pub or other relevant premises i.e. a business that provides food or drink for consumption on its premises or in seating made available adjacent to the premises must take all reasonable measures to ensure that:</p> <p>-no bookings are accepted for a group of more than six persons; AND - no persons are admitted to the premises in a group of more than six; AND -there is no mingling between groups.</p> <p>Relevant premises also include: -Leisure and tourism services, hotels and other guest accommodation, museums, heritage locations, art fairs, cinemas, gyms & other indoor sport and leisure centres, sports clubs (team sporting activities), sports stadia, outdoor pools, betting and bingo halls, casinos, amusement arcades, libraries and music</p>	<p>other than where permitted by the Coronavirus Restrictions Regulations. (Regulation 5)</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>Check booking records, table and premises layout. Is there any evidence that rule of 6 is not being adhered to?</p>

<p>Requirement in relation to table distances.</p> <p>Regulation 2(1)(d)</p>	<p>studios open for hire, etc.</p> <p>-Close physical contact services, including hairdressers, barbers, beauticians (including wellness treatments), tailors, nail bars, piercing services, tattooists, etc.</p> <p>- Services provided for social cultural and recreational purposes at community centres, youth and community centres, and village halls.</p> <p>The person who occupies or operates a restaurant, cafe, pub or other relevant premises i.e. a business that provides food or drink for consumption on its premises or in seating made available adjacent to the premises must take all reasonable measures to ensure that:</p> <p>-an appropriate distance is maintained between tables occupied by persons who are not in the same qualifying group.</p>	<p>Appropriate distance means tables should be at least two metres, or at least one metre, if there are additional measures taken such as:</p> <p>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 suitable measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables.</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>How are tables laid out, check distances? What measures are in place. Are they sufficient?</p>
<p>Other Social Distancing, Singing, dancing and</p>	<p>The person responsible who occupies or operates a public house, café,</p>			

<p>music</p> <p>The person responsible is required to take all reasonable measures.</p> <p>Regulation 2 (1A)</p>	<p>restaurant or bar (including a bar in a hotel or members' club) is required to:</p> <ul style="list-style-type: none"> -take all reasonable measures to stop singing on the premises by customers in groups of more than six persons. - take all reasonable measures to stop dancing on the premises by customers. - ensure that no music (other than live music) is played on the premises which exceeds 85db(A) when measured at the source. 	<p>unless in groups permitted under regulation 5 of the Coronavirus Restrictions Regulations.</p> <p>other than newlyweds celebrating their wedding or civil partnership at their reception.</p>	<p>Fixed Penalty Notice <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Prosecution</p>	<p>Is there any entertainment? How is it controlled/managed?</p>
<p>Face Coverings</p> <p>For the purposes of the Obligations of Undertaking Regulations The person responsible for carrying on the business in a relevant area:</p> <p>Regulation 2A</p> <p><i>Relevant area being defined within the Face Covering Regulations.</i></p>	<p>-Must display a notice in a conspicuous location in the area in which face coverings must be worn advising of the requirements of the Face Coverings Regulations, or take other measures to inform a person entering a relevant area without a face covering of those requirements; And -Must not prevent or seek to prevent any relevant person (defined as a person required to wear a face covering by regulation 3(1) of the Face Coverings Regulations) from wearing a face covering while present in a relevant area.</p>	<p>The Face Coverings Regulations do not impose obligations on businesses but on individuals. This includes obligations on employees to wear face coverings in certain settings. The obligations under the Face Covering Regulations are not enforced by local authorities but the Police.</p>	<p>Fixed Penalty Notice</p>	<p>Are there relevant signs on display?</p>

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

'Collection of Contact Details Regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Collection of Customer Details</p> <p>Requirement for:</p> <p>Restaurants, cafes (including workplace canteens), bars (including bars in hotels and members clubs) and other businesses that provide food or drink for consumption on the premises.</p> <p>Leisure and tourism services, including hotels, museums, leisure centres, gyms and amusement arcades etc.</p> <p>Close physical contact services, including hairdressers, barbers, beauticians, nail bars, piercing services etc.</p>	<p>-Display a QR code (regulation 6).</p> <p>- Request specified details from individuals entering the premises (other than where that person has scanned the QR code provided or where there is an exemption) (regulation 7).</p> <p>- Request specified details from at least one member of a group entering the premises (other than where that person has scanned the QR code provided). One person can provide details for up to 6 people in a group (regulation 8).</p> <p>- In certain circumstances, for example, if the individual entering the premises is likely to come into contact with only one member of staff, record the details of the member of staff who has come into contact with a person entering the premises (regulation 11).</p> <p>- Retain the details provided for 21 days and then destroy them (unless there is a lawful basis for retaining them) (regulation 13).</p> <p>- Take reasonable steps to prevent</p>	<p>There is an exemption for services provided to an individual who is homeless.</p>	<p>Fixed Penalty Notices <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p>	<p>Is the QR code on display?</p> <p>How is track and trace managed at the premises?</p> <p>Are records available to view?</p>

Services provided for social cultural and recreational purposes at youth and community centres and village halls.	entry into certain premises listed in part 1 of the Schedule (in particular where food/drink is provided for consumption on the premises) by an individual or member of a group who has not provided the specified details or scanned the QR Code (regulation 16).			
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The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

'Self-isolation Regulations'

Subject	Legal Requirement	Comments	Powers/Actions	? Compliant
<p>Self-Isolation</p> <p>Requirement on: businesses and other employers, the requirements apply to employers, providers of agency workers, and workers - in all sectors to ensure that:</p> <p>(Part 2)</p>	<p>-The employer of a self-isolating worker (or self-isolating agency worker): where the employer is aware of the requirement to self-isolate they must not, during the isolation period, knowingly allow the worker to attend any place other than the place where they are self-isolating for a purpose related to the worker's employment (regulation 7).</p> <p>- Employers, agents and principals in respect of agency workers: when notified of the agency worker's requirement to self-isolate, they must notify the other parties to the employment (regulation 9).</p>	<p>To support business in meeting these requirements the regulations require a self-isolating worker or agency worker to notify their employer (or, in the case of an agency worker, the agent, the principal or the employer) as soon as reasonably practicable that:</p> <p>-they are required to self-isolate -the start and end dates of the isolation period.</p> <p>The notification must be made before the worker is next due to start work within the isolation period.</p>	<p>Local authorities are responsible for enforcing these requirements on businesses and other employers.</p> <p>Fixed Penalty Notices <i>£1000 for first offence, £2000 for the second, £4,000 for the third and £10,000 for fourth and subsequent.</i></p> <p>Local authorities are not expected to take enforcement action in relation to individual employees.</p>	<p>How does the business record and manage staff who have informed them they need to isolate? Is there an adequate procedure in place?</p>