
Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020, and The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020

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This pack covers the **Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020** and the **Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020** **Health Protections (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020**. These Regulations will expire 364 days from the date they came into force. They must be reviewed by the Secretary of State within six months.

Briefings are available on the [Covid-19 Hub](#) on the Coronavirus Act and all other Health Protection Regulations. It also houses useful information from a variety of policing sources to assist you.

Policing approach: These Regulations place requirements and obligations on businesses:

- to take all reasonable measures to ensure their customers follow rules on social distancing, wearing of face covering and other obligations related to singing, dancing and playing of music
- to collect, retain and disclose contact details of customers who access their premises

Local Authorities (Environmental Health Officers and Trading Standards Officers) will monitor compliance with these Regulations and will enforce them as necessary. The police should only be required as a last resort and to support partner agencies as required.

It may be pertinent to discuss persistent offenders and local issues with Local Authorities (Environmental Health Officers and Trading Standards Officers), to agree a joint course of action and the police role.

Restriction to all relevant premises, the rule of six

These Regulations require the person who operates or occupies a relevant premises to take reasonable measures to ensure their customers follow rules.

The person who operates or occupies a relevant premises should take all **reasonable measures** to ensure that:

- no bookings are accepted for groups of more than six persons (exemptions apply)
- no persons are admitted to the premises in a group of more than six (exemptions apply)
- no person joins another group or acts in a way that contravenes the Regulations

Applicable exemptions are those given in the principle regulations for the rule of six, see **slide 4**

Relevant premises, see **slide 4**

Note: if the premises falls within the protected area for the purpose of the Health Protections (Coronavirus, Restrictions) (North East and North West of England) Regulations, alternative restrictions apply. See **slide 6**

Qualifying groups. A qualifying group is the same as in the 'rule of six' Regulations:

- a) consists of no more than six people
- b) consists of members of the same household (this can be more than six people)
- c) two linked households (this can be more than six people)

A person may only participate in a gathering as a member of a 'qualifying group' if they do not:

- become a member of any other group participating in the gathering
- join another group which is not a part of their 'qualifying group'

Relevant premises

For the purpose of both these Regulations, a relevant premises include:

- services for purposes of consuming food and drink, for example, restaurants, cafes, bars (including hotels)
- leisure and tourism services, for example, amusement arcades, casinos, swimming pools, libraries, museums
- close contact services, for example, hairdressers, beauticians, tattooists
- social, cultural and recreational services, for example, community centres, village halls

Examples are not exhaustive see Parts 1 and 2 of the Schedule

Exemptions to ‘the rule of six’

There are a number of exemptions in the regulations on ‘the rule of six’ and these include:

A gathering at premises other than a private dwelling, of more than six people may be permitted if*:

- it is a marriage, civil partnership or conversion of a civil partnership on premises approved for these purposes, consisting of no more than 15 people
- the gathering is a funeral, conditions apply, consisting of no more than 30 people
- the gathering is a wedding reception, reception following a civil partnership or conversion of a civil partnership to a marriage, conditions apply, consisting of no more than 15 people

Undertakings specific to the hospitality sector

These Regulations outline additional reasonable measures specific to hospitality premises and include rules on social distancing and the 'rule of six', obligations related to customers singing and dancing and the playing of music in, public houses, cafes, restaurants or any other 'relevant business' i.e. one that provides food or drink for consumption on its premises

Reasonable measure:

The person responsible for carrying out the business should:

1. Ensure that an appropriate distance is maintained between tables occupied by persons who are not in the same **qualifying group**

Appropriate distance means at least 2m or at least 1m if:

- there are barriers or screens between the tables or
- the tables are arranged with back to back seating so those at one table are not facing those at another less than 2m apart or
- other measures are taken to limit the risk of transmission

2. For pubs, cafes, restaurants and bars only, take all reasonable measures to:

- stop singing on the premises by customers in groups of more than six
- stop customers dancing on the premises (with the exception of the couple involved in a wedding/wedding receptions or civil partnership ceremony or following reception)

They must also ensure that no music is played (with the exception of live music) above 85db (A) when measured at the source of the music.

Note: if the premises falls within the protected area for the purpose of the Health Protections (Coronavirus, Restrictions) (North East and North West of England) Regulations – alternative restrictions apply. **See slide 6**

Requirements and undertaking relating to the 'rule of six' in relevant premises located within the protected areas listed in the Health Protections (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020.

The person who operates or occupies a relevant premises should take all reasonable measures to ensure:

1. no bookings are accepted, and
2. no persons are admitted to the premises in groups of
 - two or more people if located indoors
 - more than six people if located outdoors
3. they stop singing on the premises by customers in groups of
 - two or more people if located indoors
 - more than six people if located outdoors

Exemptions apply

Indoors: exemptions on slide [3](#) and [5](#)

Outdoors: exceptions in [Regulation 5 of the principal regulations](#)

Requirements relating to signage and information on the wearing of face coverings, all relevant premises

These Regulations place obligations for businesses to display and inform customers of the requirement to wear face coverings under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020

The person responsible for carrying out the business must:

- display a notice detailing the requirement of any person to wear a face covering in the relevant area (unless an exemption applies to the person or the person has a reasonable excuse not to wear a face covering), and
- ensure such signs are displayed in a conspicuous location, or
- take other measures to ensure that any person entering the premises without a face covering is given information about the above requirements and exemptions or with reasonable excuses

Note: these Regulations also provide that the person responsible for carrying out the business must not prevent or seek to prevent, a person from wearing a face covering whilst in the relevant area

Undertakings relating to contact details of customers who access their premises

These Regulations require the relevant person responsible for operating or occupying all or part of relevant premises to collect, retain and disclose customer contact details.

The relevant person responsible for operating or occupying must:

- in an appropriate place, display and make available a QR code to allow individuals to scan it when they access the premises
- require certain details from individuals accessing their premises, where they are unable or have failed to scan the QR code (exemptions apply)
- request certain details of those in a group seeking access to their premises (exemptions apply)
- retain and disclose the details obtained as required by the Regulations
- do all they can to refuse/prevent entry where required details have not been provided (note this does not apply to those businesses in Part 2 of the schedule)

Police and local authority enforcement action

Enforcement action in relation to breaches by **businesses** will be led by Local Authorities (Environmental Health Officers and Trading Standards Officers). Police will continue to lead enforcement in relation to breaches of requirements placed on **individuals**.

Government (OPSS) has issued guidance summarising Covid-19 related business obligations and related local authority enforcement tools. Local Authorities (Environmental Health Officers and Trading Standards Officers) are instructed to 'take proportionate, yet firm, action when breaches are found'.

They have outlined their view of the police response to businesses who do not comply. This approach has been agreed by Op Talla and the NPCC. In the case where an officer identifies or has been called on to respond to a situation in which there is clear evidence of a breach of obligations by a business, it is suggested they enable enforcement by informing the Local Authorities (Environmental Health Officers and Trading Standards Officers) as soon as possible and where they are not able to respond within a reasonable time:

- informing the business that they have committed a breach and should cease the activity
- gathering appropriate evidence including, for example, picture or video evidence
- passing details of the intervention, including the evidence, to the relevant local authority so that they can take action

On rare occasions, a police officer may directly issue a fixed penalty notice under the relevant provisions, and should share that information with the Local Authorities (Environmental Health Officers and Trading Standards Officers).

Forces may have varying local arrangements in place and we advise making sure there is an understanding of the actions to be taken in your area.

Offences

A relevant person (operators and occupiers of relevant premises) commits an offence if they contravene, without reasonable excuse a requirement imposed on them by these Regulations. This includes:

- failing to request details of a person entering relevant premises
- failing to request details of members of a group entering relevant premises
- failing to request the information listed in **Regulation 10(1)** of the Regulations, which includes things like the name of the individual; their telephone number and email address; the date and time they entered the premises (see Regulations for the full list)
- failing to record the name of staff member/volunteer/other person in contact with the person entering relevant premises
- failing to securely retain details provided/recorded under these Regulations
- failing to destroy details provided/recorded under these Regulations
- failing to disclose details retained when requested to do so
- failing to appropriately display and make available a QR Code in relevant premises – from 24 Sept 2020.

Exemptions apply under certain Regulations for those who are unable to provide their details owing to a physical or mental disability or other reason related to their health, or are under the age of 16.

Fixed penalty notice

Where relevant person is reasonably believed to have committed an offence under these Regulations and is 18 or over, you may issue them with an FPN for £1,000 payable within 28 days, but this is reduced to £500 if paid within 14 days. Court proceedings may be brought in cases of non-payment. The fine amounts increases to £2,000 for a second offence, £4,000 for a third and £10,000 for a fourth and any subsequent offences. This must take into account FPNs issued under the following Regulations:

- The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations 2020 – Regulations 4A and 4B only
- The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) Regulations 2020
- The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020

The usual FPN process via ACRO applies.

Powers of arrest

The necessity test under Section 24 PACE has been temporarily amended by these Protection Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection. Officers may also wish to determine if breach of the peace powers apply.

The police response will be to follow the **four-step approach**:

- 1 **Engage**
- 2 **Explain**
- 3 **Encourage**
- 4 **Enforce**

We **police by consent**. The initial police response should be to encourage voluntary compliance.

This could be through asking **individuals, groups or businesses** whether they have heard about the new guidance, and how quickly they can comply with it. This should be done by stressing the risks to public health and the NHS.

There is no power to '**stop and account**'.

The police will apply the law in a system that is **flexible, discretionary and pragmatic**. This will enable officers to make sensible decisions and employ their judgement. Enforcement should be a last resort.