



FAQ/Factsheet re recent changes to test and trace/groups ENGLAND

18 September 2020

NOTE – for those businesses operating in England, you **must** follow the specific UK Government legislation and guidance relating to England. Please refer to the Scotland and/or Wales guidance if you are operating in these nations, as there are differences in business responsibilities across the different parts of the UK.

The guidance below is either taken directly from current (18 September 2020) published Government legislation and/or advice, or the shared view of UKHospitality, BBPA and BII on how aspects of the guidance could be applied to different practical situations. This will be kept updated as new information emerges. This note does not constitute legal advice.

Hospitality and leisure venues in England are from today (18 September) legally required to enforce the rule of 6 or face a fine of up to £4,000, and to collect and record customer details or refuse entry to any customer that declines. Each set of regulations can be found here:

<https://www.legislation.gov.uk/uksi/2020/1005/contents/made>

<https://www.legislation.gov.uk/uksi/2020/1008/contents/made>

In England, designated businesses and organisations, including hospitality, close contact services and leisure venues, are now legally required to log details of customers, visitors and staff for NHS Test and Trace - and from Thursday 24 September they will be required to display official NHS QR code posters under law ahead of the NHS COVID-19 app being rolled out nationally next week.

To summarise new legal requirements as of 18 September (these are compulsory):

- from 18 September, pubs, bars, cafes, restaurants and other leisure venues in England will now need to advise customers of their obligation to take bookings of no more than 6 people (subject to exemptions, please see Q&A), ensure people are not meeting in groups of more than 6 people on their premises (see below exemptions in Q&A) and ensure there is sufficient social distancing space between tables
- it will be also mandatory for businesses and organisations, including hospitality, close contact services and leisure venues to collect customer, visitor and staff contact detail logs from Friday 18 September. If you observe the customer using the official NHS app and QR code (once launched) there is no further requirement for data collection
- Businesses should refuse entry to customers that do not provide their details or provide details that are believed to be inaccurate
- from Thursday 24 September, these businesses will also need to display the official NHS QR code posters to make it easier for people to check-in at different premises once the app is

rolled out nationally. If individuals choose to check-in using the QR code poster they do not need to log in via any other route

- The aim of the law is to enable an individual (over the age of 16) who seeks to enter the relevant premises and has a smartphone in their possession to scan the QR code with that smartphone as, or immediately after, they enter the premises

To generate and download the official NHS QR Code for an individual site visit <https://covid19.nhs.uk/venue-check-in-businesses.html>

FAQs

There is a FAQ regarding the new QR codes and app available for England on the NHS website here <https://faq.covid19.nhs.uk/category/?id=CAT-01043&parentid=CAT-01027>

However please note that **the requirements for test and trace and rule of 6 are different in England than in Wales or Scotland. If you are operating in these areas, please consult the respective national guidance. Please read the FAQ above in full, some key points are outlined below:**

Which venues in England should display the official NHS QR code poster?

If your business or venue falls into one of the sectors or categories that should provide a customer log, then you must display an NHS QR code poster at your venue when the app launches nationally. This applies if you provide:

- hospitality services, including pubs, bars, restaurants and cafés
- tourism and leisure services, including hotels, museums, cinemas, zoos and theme parks
- close contact services, including hairdressers, barbershops and tailors
- facilities provided by Local Authorities, including town halls and civic centres for events, community centres, libraries and children's centres
- places of worship, including use for events and other community activities.

If I create an official NHS QR code poster for my venue in England, does this remove my responsibility to collect contact details by other routes?

If your business or venue falls into one of the sectors or categories that must provide a customer log, and a visitor chooses to check-in using the official NHS QR code, they will not need to provide their contact details by any other route. However, you will still need to have an option for recording visitors' contact details for people who do not have a smartphone or do not want to use the NHS COVID-19 app.

I am currently using my own QR code check-in system at my venue in England. Can I continue to use this instead of the official NHS QR code posters, or integrate the two?

The NHS COVID-19 app is only able to scan official NHS QR code posters. This is for security reasons and because the NHS QR technology means that venue check-in history remains on the user's device.

In England, even if you're currently using your own QR code or other system to collect records of your staff, visitors or customers, you must have a NHS QR poster on site from 24 September.

If you use any other QR code system at your venue, you must ensure that it does not show any NHS or NHS Test and Trace logos. You should also explain to your customers that you are using more than one QR code system in your venue. Unofficial QR codes will not work with the NHS COVID-19 app.

What information must I collect?

It is now the law that venues must request this information from at least one member of the party. These records must be retained for 21 days. Please see section above for recent developments regarding the national test and trace app.

The new law states you must collect:

- the name of the individual
- a telephone number on which the individual may be contacted;
- an e-mail address if the individual is unable to provide a telephone number;
- a postal address if the individual is unable to provide an email address;
- the date and time that the individual entered the relevant premises;
- where the individual is a member of a group seeking permission to enter premises together, the number of people in that group (including any member of the group that has scanned a QR Code when seeking to enter the premises).

If a customer uses the NHS QR Code and app, this discharges the obligation for the venue to collect their details.

Do I have to refuse service to those who do not provide details?

Yes. The new law states that where a business is aware that a customer has not provided details, or has reason to believe that the details provided are inaccurate, they must take all reasonable steps to prevent entry by an individual to the relevant premises that they occupy or operate.

'Rule of six'

From September 14th, what is the maximum number of people allowed in a single group in a venue?

From September 14th, the maximum number of people permitted to be in a single group in a venue is six. There are some exceptions to this, listed in the answer to the next question. Overall, the total capacity of a venue is still dependent on a risk assessment and adherence to all COVID-19 guidelines.

There are some exceptions to the rule of 6, what are these?

The Government has introduced this rule change to make a significant restriction on what people are able to do in England. There are some exceptions, listed below, but it should be noted that these exceptions are by design very limited. If your event is not explicitly listed on the below, it is unlikely to be permitted.

- where everyone lives together or is in the same support bubble, or to continue existing arrangements where children do not live in the same household as both their parents
- for work, and voluntary or charitable services.
- for education, training, or registered childcare (including wraparound care)
- fulfilling legal obligations such as attending court or jury service
- providing emergency assistance, or providing support to a vulnerable person
- for you or someone else to avoid illness, injury or harm
- participate in children's playgroups
- wedding and civil partnership ceremonies and receptions, or for other religious life-cycle ceremonies - where up to 30 people will be able to attend
- funerals - where up to 30 people will be able to attend
- organised indoor and outdoor sports, physical activity and exercise classes (see the list of recreational team sports, outdoor sport and exercise allowed under the gyms and leisure centre guidance
- youth groups or activities
- elite sporting competition or training

Are wakes exempted from the group of 6 protocols?

No, unless they are for a specific religious purpose as part of a funeral ceremony. Weddings and civil partnerships are the only 'life events' where a reception is allowed of up to 30 people.

Will conference centres and stadia still be permitted to reopen from the 1st of October- as per previous government announcements?

The Government has committed to reviewing whether the plans that were in place for much of the sector to reopen from October 1st are still viable. More information is expected on this imminently. UKHospitality is looking to expedite the process of reopening these venues.

What happens if groups are found to be socialising in groups of more than 6 in a venue?

The government has made it clear that it is illegal not to follow these guidelines. Venues will be fined and/or be subject to other enforcement action if they are found to have knowingly broken these rules. Initial fines will be £1,000, to be paid within 28 days. The second fine rises to £2,000, the third and subsequent fines are £4,000 each.

What will happen to customers if they are caught socialising in groups greater than 6?

The police will have the powers to enforce these legal limits, including to issue fines (fixed penalty notice) of £100, doubling for further breaches up to a maximum of £3,200.

Are parties exempted from the 'group of six' rule (in the same way as wedding receptions)?

No. It is our read on the guidance that there is only a very specific set of exemptions from the rule, listed above.

Are there any restrictions on where people can visit?

Provided that people do not exceed a group of 6 people (exemptions above) or bubble, there are no restrictions on the distances that people are able to travel (local lockdown restrictions permitting – check the specific rules for your area if a local lockdown is in force).

Is it our job as a business to police how many households are part of a gathering?

The new rule of 6 has replaced previous rules relating to household number. Businesses must ensure that the rule of 6 is followed within their establishment.

Two parties of 6 come to a venue, with two separate table bookings. If staff know that the two groups are essentially one party, can they allow them in? If so, if the parties start to swap places between tables, how is it supposed to be policed and who is responsible for the breach of the rule of 6 – the individuals or the venue?

In this instance, staff must ensure that there is no mixing/socialising between the two groups. This should be made clear to parties when entering a venue. Venues will be held liable if 'group of six' regulations are not being followed within their establishment and separate groups are allowed to mix.

Can I still host business meetings of up to 30 people?

Yes, with the requisite COVID-19 Secure procedures in place.

Are coach trips and parties still permitted?

Coaches can operate to their Covid-19 Secure capacity provided that each individual party on the coach complies with the Rule of Six and social distancing remains between each party.

Can I accept a booking from a coach trip in my accommodation, even if it is of more than 6 people?

Yes, this is permitted, however COVID-19 guidelines should be followed. Once off the bus, each individual party must stay socially distanced and enter any attraction/accommodation or otherwise as

an individual party complying with the Rule of Six. A tour guide can take up to 30 people from the coach on a walking tour around an attraction – once again the people must stay in their individual groups that comply with the Rule of Six with social distancing between them.

Am I still permitted to book weddings under the new rules?

Wedding ceremonies are still permitted to take place of up to 30 people. People that are not from the same household or support bubble should continue to socially distance from one another. The venue should record visitors' details, in case they need to be traced.

Can wedding receptions of up to 30 people still able to take place?

Yes. Wedding receptions can take place but for a limited number of people (30). This does not include staff who will be serving. All venues must be COVID secure.

Can sit-down meals for more than 30 people take place?

Large bookings of this kind are not currently permitted under government guidance.

My company operates across the UK, are the differences in regulation between Scotland, Wales and England?

Yes. If you are operating in different UK nations, you must read and implement the respective guidance for each as there are differences.

North East England

From Friday 18 September 2020, Newcastle along with Durham, Gateshead, North Tyneside, Northumberland, South Tyneside and Sunderland became an area of national intervention, with new restrictions being put in place on businesses operating in these regions. These restrictions will change how hospitality businesses are able to operate within the affected regions. The new regulations will be monitored and reviewed weekly. By law they must be reviewed every 14 days by the Secretary of State, with the first review having to take place by October 2nd, 2020.

Government guidance/FAQs can be found here: <https://www.gov.uk/guidance/north-east-of-england-local-restrictions>

The central planks of new restrictions are listed below:

- Hospitality businesses can only serve customers by table service. This includes outside seating areas that are considered part of the business.
- *Customers may order at the bar/counter and have their food and drink delivered to their table (to confirm)*
- Restrictions or 'curfews' have been introduced for all hospitality, leisure and entertainment businesses. Venues are required to close between 10pm and 5am. The only businesses that are exempt from this rule are those that are carrying out deliveries of food to be consumed off site.

ENGLAND v1.0

- Our understanding is that closure means that customers must be off-site by the specified time, rather than this being the last service

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