



## FACTSHEET AND FAQs

### THE TIER SYSTEM

### ENGLAND

**16 October 2020**

#### **Version 1.6**

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 legislation and 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 currently 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. Please note not all of the information is currently available. This will be kept updated as new information emerges. This note does not constitute legal advice.

#### **The Tier System**

On Monday 12 October the PM confirmed a new three tier restriction system in England. Levels will be set at:

- Tier 1 - Medium ( [www.legislation.gov.uk/uksi/2020/1103/contents/made](http://www.legislation.gov.uk/uksi/2020/1103/contents/made) )
- Tier 2 - High ( [www.legislation.gov.uk/uksi/2020/1104/made](http://www.legislation.gov.uk/uksi/2020/1104/made) )
- Tier 3 - Very high ( [www.legislation.gov.uk/uksi/2020/1105/made](http://www.legislation.gov.uk/uksi/2020/1105/made) )

There is no 'low level'. Non-essential retail, schools and universities will remain open in all levels. A postcode checker [here](#) showing alert level in each area, and the NHS COVID-19 app has been updated and directs people to this information. These measures came into force on Wednesday 14 October. The three relevant pieces of legislation can be found above.

The local areas under each Tier are listed by Government here:

<https://www.gov.uk/guidance/full-list-of-local-covid-alert-levels-by-area>

### **Local COVID Alert Level – Medium/Tier 1**

This is for areas where current national restrictions continue to be in place. All businesses and venues can continue to trade under COVID-19 Secure guidance and regulations, other than those that remain closed in law, such as nightclubs.

- Certain businesses selling food or drink on their premises are required to close between 10pm and 5am. 'Table service' order and service for seated customers, if serving alcohol.
- Takeaway can continue after 10pm through delivery service (phone/internet) or drive-thru.
- Schools, universities and places of worship remain open
- Weddings and funerals can go ahead with restrictions on the number of attendees (15 and 30 respectively), as can receptions and wakes subject to restrictions
- Rule of 6 continues – mixed group of 6 allowed indoors or outdoors, subject to exemptions

### **Local COVID Alert Level – High/Tier 2**

This is introduced for areas identified as having high levels of infections. Please see here for the current [list](#).

- Indoors - no meeting with anyone outside households or support bubble in indoor settings. This includes hospitality settings ( and for bookings, tables etc.) inside venues.
- Outdoors – mixed group of 6 allowed, including in a beer garden or other space.
- Other restrictions on hospitality (and other) businesses remain as in Medium Alert Level
- Weddings and funerals can go ahead with restrictions on the number of attendees (15 and 30 respectively), as can receptions and wakes subject to restrictions

### **Local COVID Alert Level - Very High/Tier 3**

For areas with a very high level of infections. Please see here for the current [list](#).

Government sets the baseline of restrictions (outlined below), with local authorities being consulted if additional measures are required. Baseline measures are:

- Pubs and bars must close, and can only remain open where they operate as if they serve table meals, and may only serve alcohol as part of such a meal (5am – 10pm)
- A table meal is defined in the legislation as a 'meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.... a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.'
- Wedding receptions are not allowed, wakes are allowed
- Gyms and casinos will be closed.

- No meeting with anybody outside households or support bubble in any indoor or outdoor setting, including private, pub, restaurant gardens and outside areas. The 'rule of 6' remains in very open public spaces like public parks, beaches, commons etc.
- Government recommendation – 'people should try to avoid travelling outside the Very High area they are in, or entering a Very High area, other than for things like work, education, accessing youth services, to meet caring responsibilities or if they are in transit.'
- Government recommendation – 'people should avoid staying overnight in another part of the UK if they are resident in a 'Very High' area, or avoid staying overnight in a 'Very High' area if they are resident elsewhere.

**Quick reference grid for hospitality:**

	<b>MEDIUM ALERT TIER 1</b>	<b>HIGH ALERT TIER 2</b>	<b>VERY HIGH ALERT TIER 3</b>
<b>Summary</b>	<b>National restrictions apply</b>	<b>Further restriction on social contact indoors, otherwise national restrictions apply</b>	<b>Even further restrictions on social contact, closure of wet led pubs, advice not to travel/stay overnight.</b>
<b>Social contact</b>	<b>Rule of 6 indoors and outdoors</b>	<b>1 household/bubble indoors. Rule of 6 outdoors</b>	<b>1 household/bubble indoors and outdoors, including pub gardens and the like. EXCEPT public parks, beaches etc. where rule of 6 remains</b>
<b>Hospitality</b>	<b>Open with the national restrictions (10pm curfew, table service etc.) Nightclubs remain closed</b>	<b>Open with the national restrictions and 1 household indoors (10pm curfew, table service etc.) Nightclubs remain closed</b>	<b>Pubs and bars must require customers to consume a meal with consumption of alcohol, otherwise must close. Nightclubs, casinos, indoors gyms closed. Other hospitality remains open with the national restrictions and 1 household indoors and outside.</b>
<b>Weddings and funerals</b>	<b>Up to 15 for wedding ceremonies and receptions. Up to 30 for funerals and 15 for wakes.</b>	<b>Up to 15 for wedding ceremonies and receptions. Up to 30 for funerals and 15 for wakes.</b>	<b>Up to 15 for wedding ceremonies but no receptions allowed. Up to 30 for funerals and 15 for wakes.</b>
<b>Accommodation /overnight stays</b>	<b>Open</b>	<b>Open</b>	<b>Government advises against travel in or out of affected area, those in area advised against overnight stays in rest of UK, those outside area advised against overnight stays in the area.</b>
<b>Business meetings</b>	<b>Up to 30</b>	<b>Up to 30</b>	<b>Up to 30</b>

# FAQS

PLEASE NOTE THESE WILL BE KEPT UPDATED AS MORE INFO BECOMES AVAILABLE

## How is a 'table meal' defined in Very High alert level, for the purposes of pubs and bars?

The law states that:

*'A meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal... a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.'*

In our view this would preclude bar snacks as a meal. In essence it means that the main purpose of frequenting the establishment should be to have a main table meal. Having a main table meal will include being seated (as the legislation requires) and includes a plated meal of a type usually consumed at a lunch or dinnertime setting.

The legislation does not prevent (for example) an outside caterer providing pre-prepared main table meals as long as these are provided to customers via the premises itself. In our view it does preclude customers bringing their own food into the premises (or ordering food directly from a delivery company) and ordering alcohol alongside this.

There is nothing in the legislation or Government guidance that sets requirements or expectations as to the point at which alcohol can be served with a meal (e.g. before ordering the meal) or at which point the service of alcohol should stop (e.g. once the bill has been paid for the meal). Venues should consider what would be deemed reasonable in these circumstances.

We would recommend that venues have a clear policy for staff to follow and, if necessary, for enforcement officials to review.

## Who must close between 10pm and 5am?

**MEDIUM AND HIGH ALERT:** 10pm closure is confirmed as applying not just to premises selling food and drink but also social clubs, casinos, bowling alleys, amusement arcades, indoor leisure, bingo, theme parks and adventure parks. There is a ban on all such activity between 10pm and 5am, including walk-up takeaways (but delivery is permitted via phone/online/drive through). Workplace canteens/cafes are exempted if in a hospital, care home, school, prison, military facility or where there is no practical alternative for staff at a workplace to obtain food.

**VERY HIGH ALERT:** As a baseline, pubs and bars not serving table meals with alcohol must close (takeaway is allowed). For pubs serving food and other hospitality venues, 10pm – 5am curfew applies. Casinos, indoor gyms, leisure centres and bookmakers must close.

## Do hotel restaurants and bars have to stop serving at 10pm?

**ALL ALERT LEVELS:** Yes. The 10pm closure applies to hotel restaurants, bars and dining areas. Therefore guests and residents will not be able to continue using these areas which must be closed between 10pm and 5am. Hospitality services within hotels, such as hotel dining rooms and bars will need to follow the new requirement to close to the public between 10pm - 5am. We are seeking clarification regarding lounge/lobby areas.

## Is room service after 10pm counted as delivery and allowed?

ALL ALERT LEVELS: Yes. Hotels will still be able to provide food and drink through room service as long as it is ordered by phone or online. This is the case in all three tier levels.

## Which businesses do the table service requirements apply to?

ALL ALERT LEVELS: The regulations state that:

If your business is serving alcohol: food and drink can only be provided to the customer if they order it, and are served it, whilst they are seated. You must take all reasonable steps to ensure customers remain seated whilst consuming food and drink on the premises. This includes outdoor and adjacent areas. In Tier 3 (Very high alert) pubs and bars may only serve alcohol with a table meal, otherwise they must close.

If your business is not serving alcohol: the customer does not have to be seated to order, and be served, food and drink. However, if the customer stays on the premises to consume food and drink you must take all reasonable steps to ensure they remain seated.

From Thursday 24 September, a business that sells alcohol for consumption on the premises must only provide table service. This means all food and drink (whether or not alcoholic) must be ordered from, served at and consumed by seated customers. A business that does not sell alcohol, but sells food and drink for consumption on or near the premises, does not need to provide table service. However, food and drink must be consumed by customers while they are seated.

For example, a kiosk or breakfast buffet counter that does not sell/offer alcohol can sell/offer food or drink over the counter, as long as they take reasonable steps to ensure customers will only consume the food or drink once seated.

In some cases, both types of business or service may be offered separately within a single venue; for example, a hotel that has a bar selling alcohol and a counter that does not. In those circumstances, a counter which does not sell or supply alcoholic drinks will be able to sell food and soft drinks over the counter, provided it is wholly separate and distant from any place at which alcoholic drinks are sold or supplied or the sale of alcoholic drinks is made unavailable at that time (ie, breakfast period). This includes offering the services from separate locations, using stewards and signs to ensure customers know the different rules, and ensuring the services are placed sufficiently far apart to enable staff to implement the rules and to avoid a breakdown of social distancing.

We understand the above can allow for the same area within venues to operate as serving alcohol and not serving alcohol at different times of the day (i.e. no table service permitted at breakfast where alcohol is not sold, but table service in the same room for dinner when alcohol is sold)

We believe that this allows for carvery service where:

- The customer orders a carvery meal option whilst seated
- Can select elements of the already ordered meal from the deck (face covering, socially distanced etc.)
- The customer returns to their seat, and is served their meal by staff to their table.

### Can I take payment at the bar/counter even if I am serving alcohol?

ALL ALERT LEVELS: Yes, if payment at table is not practical. Latest Government guidelines state that payment should be taken at the table wherever possible, but may be taken at a bar or counter if safety measures are in place.

### Can meetings of up to 30 people still be held?

ALL ALERT LEVELS: Yes. When hosting a business meeting, the venue should be satisfied that the purpose of the gathering is for business purposes rather than for socialising. A business meeting should be either pre-booked, or notified to staff as such on arrival at the venue. Basic refreshments of food and drink can be served as part of the meeting (but not a stand-alone lunch or dinner for example), attendees are subject to the overarching rules around being seated, order and service at table etc.

### Do customers need to wear face coverings while going to the toilet or entering/walking through the venue, and what are the staff requirements?

ALL ALERT LEVELS: Yes, face covering regulations mandate the wearing of a covering in hospitality venues for customers and front of house staff. A covering should be worn when moving around venues, including while being taken to be seated and going to the toilet. Face coverings should follow the Government guidance [here](#). You must remind customers to wear a face covering whilst moving around the venue.

UPDATE - If businesses have taken steps to create a physical barrier or screen between workers and members of the public, then staff behind the barrier or screen will not be required to wear a face covering.

DCMS has also shared some further advice on face coverings:

**Face masks vs visors:** For sectors that the new regulations apply to, the baseline is face covering. People can then choose to wear a visor on top of that but a visor cannot replace a face covering (i.e. something which securely covers the nose and mouth). For customers with difficulty understanding speech, there is an exemption if you are speaking to or providing assistance to someone who relies on lip reading, clear sound or facial expressions to communicate.

**Housekeeping staff:** DCMS view is staff would not have to wear a mask if they are deep cleaning an \*unoccupied\* room. If they were cleaning a room when the customer is there or is likely to come back in at any point, they would need to wear a mask. This relates to the point about 'coming into contact with a member of the public'.

### In a Tier 2 (one household inside, rule of 6 outside) – if a restaurant garden or pub garden is only accessible by walking through the venue, can a mixed group of six walk through the venue to be seated outside?

Yes. Face coverings must be worn and social distancing is observed when walking through the venue to the outside area.

## Background music

ALL ALERT LEVELS:– the regulations stipulate no recorded music can be played above 85 decibels (as measured from source). This does not apply to live music.

## Can gaming machines and other games (e.g. pool/snooker) be used if wearing a mask?

MEDIUM AND HIGH ALERT: Yes, if wearing face coverings and subject to social distancing, and risk assessed cleaning regimes etc. are in place.

VERY HIGH ALERT: Any players should not be consuming alcohol because alcohol should only be served to accompany a table meal.

## Are takeaway deliveries and drive-thru subject to the same curfew rules as other hospitality venues?

ALL ALERT LEVELS: No. Takeaway deliveries and drive-thrus are not subject to the same curfew restrictions as other hospitality venues. These types of business can remain open beyond 10pm. Venues operating at motorway service stations are exempt from the curfew regulations and can remain open 10.00 – 5.00. The relevant table service provisions apply depending if alcohol is sold or not.

## Can I offer a breakfast buffet?

ALL ALERT LEVELS: Businesses offering breakfast/lunch buffets are allowed to have people order and be served by a member of staff at the food station as long as no alcohol is being served at the sitting restaurant at the time.

## Have the new regulations changed the number of people permitted to visit a venue?

Yes. Please see table above for permitted group sizes per alert zone.

# QR CODES

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

To summarise legal requirements re Test and Trace from 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 and that tables do not mingle
- 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 the whole group uses the official NHS app and QR code there is no further requirement for data collection. If customers choose to use the NHS QR code to

check-in, the guidance is that staff should check the customer's phone screen to ensure that the check-in has been successful.

- 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. If the whole group choose to check-in using the NHS 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 NHS 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>

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. 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.

## HOUSEHOLD RULES

### Local COVID Alert Level - Medium

- Rule of 6 continues – no groups larger than 6, indoors or outdoors, subject to exemptions

### Local COVID Alert Level - High

- Indoors - no meeting with anyone outside households or support bubble in indoor settings (home, businesses, public place)
- Outdoors - no meetings in groups of more than 6, including in a garden or other space.

## **Local COVID Alert Level - Very High**

- No meeting with anybody outside households or support bubble in any indoor or outdoor setting. The 'rule of 6' does apply in open public spaces like parks and beaches.
- Government recommendation – 'people should try to avoid travelling outside the Very High area they are in, or entering a Very High area, other than for things like work, education, accessing youth services, to meet caring responsibilities or if they are in transit.'
- Government recommendation – 'people should avoid staying overnight in another part of the UK if they are resident in a 'Very High' area, or avoid staying overnight in a 'Very High' area if they are resident elsewhere.

## **Are wakes exempted from the household protocols?**

ALL ALERT LEVELS: Yes. Wakes are now permitted of up to 15 people, in a COVID-19 Secure venue. However, wedding receptions cannot be held in Very High alert areas.

## **Will conference centres and stadia be permitted to reopen - as per previous government announcements?**

The Government has announced that future reopening of these has been put on hold.

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

ALL ALERT LEVELS: Business should make customers aware of the rules in the respective tier (for example asking if they are from one household when making a booking in tiers 2 and 3). If customers give false information after the business has made them aware of the local rules, it is not up to the business to make detailed checks and it is the customer's responsibility.

## **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.

## 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.

### Quick reference grid for hospitality:

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