



# 2021 LOCKDOWN – ENGLAND

## FROM 6 JANUARY 2021

## GUIDANCE & FAQs

### Version 3

#### Introduction

From **Wednesday 6 January 2021**, legislation came into effect putting England into a third national lockdown. The legislation puts the whole of England into an enhanced national tier 4 ('stay at home').

This document is an interpretation of the rules as they pertain to hospitality, as we currently understand them.

The industry guidance below is based on the published legislation. This FAQ is the shared view of UKHospitality, BBPA and BII on how aspects of the latest lockdown could be applied to different practical situations. This will be kept updated as new information emerges. This note does not constitute legal advice.

Additional Government guidance has been published here, which contains the current full guidance for respective sectors:

- [Hotels and other guest accommodation - Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/hotels-and-other-guest-accommodation-working-safely-during-coronavirus-covid-19)
- [Restaurants, pubs, bars and takeaway services - Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/restaurants-pubs-bars-and-takeaway-services-working-safely-during-coronavirus-covid-19)
- [The visitor economy - Working safely during coronavirus \(COVID-19\) - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/the-visitor-economy-working-safely-during-coronavirus-covid-19)

The relevant legislation can be found here:

[https://www.legislation.gov.uk/ukxi/2021/8/pdfs/ukxi\\_20210008\\_en.pdf](https://www.legislation.gov.uk/ukxi/2021/8/pdfs/ukxi_20210008_en.pdf)

This advice is for England only. For current restrictions in Scotland, Wales or Northern Ireland please consult the relevant national guidance.

### Which hospitality and leisure business must be closed?

- Hospitality venues such as cafes, restaurants, pubs, bars and social clubs; except for providing food and non-alcoholic drinks for takeaway (until 11pm), click-and-collect and drive-through. All food and drink (including alcohol) can continue to be provided by delivery.
- Accommodation such as hotels, hostels, guest houses and campsites, except for specific circumstances (please see full list of exemptions later in this FAQ).
- Leisure and sports facilities such as leisure centres and gyms, swimming pools, sports courts, fitness and dance studios, riding arenas at riding centres, climbing walls, and golf courses.
- Entertainment venues such as theatres, concert halls, cinemas, museums and galleries, casinos, amusement arcades, bingo halls, bowling alleys, skating rinks, go-karting venues, indoor play and soft play centres and areas (including inflatable parks and trampolining centres), escape rooms, circuses, fairgrounds, funfairs, water parks and theme parks.
- Indoor attractions at venues such as botanical gardens, heritage homes and landmarks must also close, though outdoor grounds of these premises can stay open for outdoor exercise.
- Personal care facilities such as hair, beauty, spas, massage parlours, body and skin piercing services must close.

### What are the takeaway rules for selling food and drink from hospitality businesses?

5am – 11pm: You are permitted to sell food and non-alcoholic drink for takeaway, click and collect and drive-thru between 5am and 11pm without conditions. Customers can enter the premises to order takeaway food and non-alcoholic drink (as under the previous tier system).

5am – 11pm: You are permitted to sell alcohol for delivery only (ordered via online, telephone or postal means).

11pm – 5am: Food and drink order and collection cannot take place inside the premises after 11pm.

Between 11pm and 5am food and drink sales are permitted only through **delivery (Includes alcohol)** provided that it is ordered through a website or online communication, by telephone, including text or by post or **drive-thru (excludes alcohol)** where the customer does not leave the vehicle.

### Can customers consume takeaway food and drink directly outside the premises?

No. Businesses are reminded that the closure of their business **includes adjacent areas. Customers should be strongly advised on collection and takeaway of food and non-alcoholic drink that this cannot be consumed in the area of the premises.**

Hospitality venues cannot now sell alcoholic drinks for takeaway, drive-thru or click and collect – alcohol sales are delivery only.

### Accommodation must close apart from exemptions. What are the exemptions for accommodation stays?

Stays for accommodation are permitted in certain circumstances, including for the purposes of work, as set out below. Accommodation can be provided if a person:

- is unable to return to their main residence;
- uses that accommodation as their main residence;
- needs accommodation for the purposes of a house move;
- needs accommodation to attend a funeral or following a bereavement of a close family member or friend;
- needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
- needs accommodation to attend a medical appointment, or to receive treatment;
- is a carer of a vulnerable person or a person who has a disability and needs respite;
- is isolating themselves from others as required by law;
- is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent;
- to provide accommodation for any person who needs accommodation for the purposes of their work or to provide voluntary or charitable services,
- to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 4(4) or, where that person is a child, their parent,
- to provide accommodation for the purposes of a women's refuge or a vulnerable person's refuge,
- to provide accommodation or support services for the homeless,
- to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force or (if later) immediately before the time when the area in which the accommodation is located became part of the Tier 3 area,
- to provide accommodation for any person who is staying in that accommodation in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
- to host blood donation sessions or food banks,
- any purpose requested by the Secretary of State or a local authority.

People cannot leave their home or the place where they are living for holidays or overnight stays unless they have a reasonable excuse for doing so. This means that holidays in the UK and abroad are not allowed.

If you are already on holiday, you should return to your home as soon as practical.

### **Can I offer room service in lockdown?**

Room service is allowed (including alcohol) for guests on the above list, as long as it is ordered by phone or online to the room. It is in effect treated as a delivery.

### **What evidence do I need to prove that the stay is ‘needed’ for the purposes of work?**

We would recommend developing a policy within the business so that you can be sure that the work is necessary – this would be loosely based on the business activities that are still permitted and that would reasonably need overnight accommodation. Evidence of the work nature of a trip, such as payment by a work credit card or a central booking system would be useful, but other means are also acceptable. Ultimately, if the guest has informed you that the stay is for work purposes the liability is with the guest.

### **Can business meetings be held in hotels and other Covid-19 Secure venues in Tier 4 (‘lockdown’)?**

Yes, business meetings for work, education purposes or training events can still take place in Tier 4 but only where the event cannot be delayed, where it is not possible to carry out the activity from home, if social distancing can be maintained and the venue can demonstrate it has followed COVID-19 guidance.

Event spaces, including in conference centres and exhibition halls, can be used for permitted reasons including for business events where reasonably necessary, for education and training purposes where reasonably necessary, or to provide socially beneficial public services. Conference centres and exhibition halls should remain closed for conferences, exhibitions, trade shows, private dining or banqueting events.

Meeting or training event attendees should not mix with other hotel guests (for example) but can interact with staff where it is necessary for the provision of service - this should be kept to a minimum and in keeping with social distancing

### **Can food be served at a meeting/training activity?**

Yes. For meetings/training events DCMS advise that ancillary food and drink should be served in the room where the meeting takes place. Food and drink should be consumed by attendees while they are seated, and attendees should maintain social distancing. Table service is only required if alcohol is served, socially distanced counter service is permitted where alcohol is not served. Food and drink must be ancillary to the meeting/training event, and cannot be a social function.

### **Can a brewery still make sales from its on-site shop?**

Yes. Sales of alcohol are only restricted for hospitality venues, so a brewery can continue to make sales from its own shop, whether that is takeaway, pre-ordered collection, drive-through or delivery.

### **Can a brewery make sales from its taproom?**

No. The definition used for “hospitality venues” includes bars and therefore the policy intent would suggest that taprooms (as bar/pub areas) cannot sell alcohol other than for delivery.

### **Can pre-ordered alcohol sales be collected from a pub if they have been ordered via a separate provider?**

Yes. For example, whilst hospitality venues are unable to make pre-ordered sales for collection, a brewery could take orders for its products (via online, telephone etc) and arrange for these to be collected by the customer from a local pub. However, customers would not be allowed to enter the pub to collect their purchase so a suitable process for collection should be implemented.

## What are the rules around weddings and funerals?

Weddings, civil partnership ceremonies and funerals are allowed with strict limits on attendance, and must only take place in COVID-19 secure venues or in public outdoor spaces unless in exceptional circumstances with the below limits:

- Funerals can be attended by a maximum of 30 people. Linked religious, belief-based or commemorative events, such as stone settings and ash scatterings can also continue with up to 6 people in attendance. Anyone working is not counted in these limits. Social distancing should be maintained between people who do not live together or share a support bubble.
- Weddings and civil partnership ceremonies must only take place with up to 6 people. Anyone working is not included. These should only take place in exceptional circumstances, for example, an urgent marriage where one of those getting married is seriously ill and not expected to recover, or is to undergo debilitating treatment or life-changing surgery. This is allowed in a few cases

This is difficult when it comes to the way forward on this. Checking each area is important, and should be looked at the way forward that this looks at going forward on this level by each check and from

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