



WINTER LOCKDOWN – ENGLAND

GUIDANCE & FAQs

Version 1.3

Introduction

On Saturday 31st October the Prime Minister announced a second lockdown in England. This will last for four weeks from Thursday 5th November (ending on the 2nd December). The Government position remains that England will revert back to the previous Tier system from the 3rd December though there is some uncertainty about whether this will be the case. New [Guidance](#) and [Regulations](#) have been produced to explain these changes. Below is an interpretation of the rules as they pertain to hospitality.

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.

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

What businesses must close?

- Non-essential retail
- Hospitality venues including cafes, restaurants, pubs, bars and social clubs (with the exception of takeaway, delivery and click-and-collect – see below)
- Accommodation businesses, (except for specific circumstances – see below)
- Leisure and sports facilities such as leisure centres, gyms, swimming pools, golf courses, etc
- Entertainment venues such as theatres, cinemas, amusement arcades, casinos, bowling alleys, soft play centres, etc.
- Personal care facilities – such as hair, beauty, etc, salons, and also covering spas

- Community centres and halls with some exemptions
- Places of worship except for independent prayer, service broadcasting and funerals

There are some exemptions within these venues, such as when used for education and training, blood donation and food banks.

Are takeaway sales permitted from hospitality businesses?

Hospitality business are identified in the regulations as “restricted businesses”. They are permitted to sell food and drink for takeaway between 5am and 10pm without conditions. Between 10pm and 5am food and drink (including alcohol if this is permitted by your premises licence) sales are permitted through **delivery, collection** provided that it is ordered through a website or online communication, by telephone, including text or by post or **drive-thru** where the customer does not leave the vehicle.

Food and drink collection cannot take place inside the premises after 10pm.

What are the rules for selling alcohol for takeaway from hospitality businesses?

Alcohol can be **delivered, collected** (provided that it is ordered through a website or online communication, by telephone, including text/phone messaging service, or by post) or by **drive-thru** (where the customer does not leave the vehicle).

Collection is not permitted where there is a face-to-face order. Takeaway alcohol Sales are limited to your normal licensing hours, which includes post-10pm if this is permitted by your premises licence.

Collection cannot take place inside hospitality business premises.

Businesses are reminded that the closure of their business **includes adjacent areas. Customers should be strongly advised on collection of the product that this cannot be consumed in that area.** Customers should be reminded of this when they collect their product, to prevent gatherings in those areas adjacent to the business. It is also the customers’ responsibility not to gather in groups as per the national legislation.

As always, it is useful to have a written policy of how you are operating if you are carrying out takeaway sales (including preventing gatherings and consumption adjacent to the premises, consideration of closed containers etc.)

What are the exceptions for accommodation stays?

Stays for accommodation are permitted in certain circumstances, including for the purposes of work, as set out below:

- a) to provide accommodation for any person, who—
 - i. is unable to return to their main residence
 - ii. uses that accommodation as their main residence
 - iii. needs accommodation while moving house
 - iv. needs accommodation to attend a funeral

- v. is isolating themselves from others as required by law
 - vi. is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is a child), the parent of an elite athlete, and needs accommodation for the purposes of training or competition,
- b) to provide accommodation for any person who needs accommodation for the purposes of their work
 - c) to provide accommodation for any child who requires accommodation for the purposes of education
 - d) to provide accommodation for the purposes of a women's refuge or a vulnerable person's refuge
 - e) to provide accommodation or support services for the homeless
 - f) to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force
 - g) to host blood donation sessions
 - h) for any purpose requested by the Secretary of State, or a local authority.

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.

What about guests that are currently staying in the hotel?

The regulations allow people to complete their stay in the hotel. This could be for a period of up to a week, we understand. If guests are at the hotel for one of the exempt rules above then you are able to accommodate them.

What are the rules on gatherings of people?

People can exercise or visit outdoor public places with the people they live with, their support bubble or, when on their own, one person from another household (children under 5 are excluded from this, as are disabled people dependent on round-the-clock care).

Can hotels serve food and drink to residents?

From Thursday 5th November hotels can only serve food to guests as room service or for collection. This cannot take place in a restaurant or bar. Please see the takeaway service question.

Can a hotel do room service?

Yes, and will be able to serve alcohol to rooms after 10pm.

Can hotel lounges and lobbies stay open?

Communal spaces such as lounges or lobbies may remain open to guests but no food or drink should be served in these spaces, people should be encouraged not to gather and social distancing should be observed.

Do workplace canteens have to display QR codes?

DEFRA has outlined that the regulations state that canteens can remain open where there is no practical alternatives for workers as outlined in regulations. DHSC clarified that workplace canteens will not need to display QR codes if not open to public. The policy will be amended but no changes have come into force yet – businesses should continue to adhere to the regulations as they stand until then.

Can I sell from a brewery shop?

Yes, this is considered as an off-licence, which are permitted to open.

Can I repurpose my business?

A hospitality business can provide other services (such as a shop or an off-licence) but this must take place in accordance with any necessary planning or licensing requirements. We recommend legal advice is sought if you are considering this.

What are the rules in airports and transport hubs?

Food and drink premises in transport hubs are also required to close seated areas. Areas adjacent to such hospitality venues are permitted to stay open for customers to consume their food/drink, whether they are part of the venue, or are commonly used for food consumption. This is the case in a motorway service area, an airport or maritime port, or an international rail terminal area.

Are weddings, civil partnerships and wakes permitted?

We are awaiting more guidance on weddings and civil partnerships, but it is likely they will only be permitted where there is a legal or moral necessity, such as a terminal illness. Businesses cannot host receptions or wakes. Funeral attendees can be hosted.

Are business meetings for up to 30 people still permitted?

Business meetings and events are advised against, but may take place with up to a total of 30 people if reasonably necessary - for example for the purposes of work that cannot be done at home - if social distancing can be maintained and the venue can demonstrate it has followed the COVID-19

guidance. Event spaces can be used for reasons permitted by law, including for education and training purposes where reasonably necessary.

Catering and light refreshments can be provided where reasonably required at business meetings (for up to 30 people) and at education, work and training events. Food and drink should be served in the room where the meeting takes place and consumed by attendees while they are seated. The purpose of the meeting should not be the meal itself and private dining/banqueting should still not be happening.

Can an elite sports team (who are allowed to travel) eat together in a COVID-19 Secure hotel (for example)?

Restaurants and bars within guest accommodation should remain closed; there are no exemptions to this in the regulations. As per business meetings above, the team could hold a meeting in a private meeting room (for up to 30), and be served food as part of a meeting/training event. In essence this should be treated as room service to the meeting room, with staff and customer contact minimised.