

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

The Government has passed legislation to require businesses selling food and drink for consumption on the premises to cease and other businesses where the public socialise to close with immediate effect.

I am sure you are aware of the significance of these measures in the overall plan to reduce the spread of COVID 19.

On the Island we anticipate that many businesses will understand why these restrictions have been brought into place and will follow the requirements.

Local authorities have therefore been designated as enforcers of these regulations with Police support if necessary. We are currently working with Government Agencies to support their effective implementation – to ensure you have the information and guidance that you need.

Further guidance and support can be found on the governments [business support](#) webpages.

Businesses That Must Close

A person who is responsible for carrying on a business which is listed below during this relevant period must close, however online retail is still open and encouraged and postal and delivery.

Business, premises or place	Exceptions
Food and drink	
Restaurants and public houses, wine bars or other drinking establishments, or other food and drink establishments including within hotels and members' clubs.	Food delivery and takeaway can remain operational and can be a new activity supported by the new permitted development right. This covers the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises.
Cafés and canteens	Food delivery and takeaway can remain operational (and as above). Cafés and canteens at hospitals, police and fire service places of work, care homes or schools; prison and military canteens; services providing food or drink to the homeless. Where there are no practical alternatives, other workplace canteens can remain open to provide food for their staff and/or provide a space for breaks. However, where possible, staff should be encouraged to bring their own food, and distributors should move to takeaway. Measures should be taken to minimise the number of people in the canteen / break space at any one given time, for example by using a rota.
Retail	
Hairdressers, barbers, beauty and nail salons, including piercing and tattoo parlours	
All retail with notable exceptions	<ul style="list-style-type: none">• Supermarkets and other food shops• Medical services (such as dental surgeries, opticians and audiology clinics, physiotherapy clinics, chiropody and podiatry clinics, and other professional vocational medical services)• Pharmacies and chemists, including non-dispensing pharmacies• Petrol stations• Bicycle shops• Hardware shops and equipment, plant and tool hire

	<ul style="list-style-type: none"> • Veterinary surgeries and pet shops • Corner shops and newsagents • Off-licences and licenced shops selling alcohol, including those within breweries • Laundrettes and dry cleaners • Post Offices • Vehicle rental services • Car garages and repair shops • Car parks • High street banks, building societies, short-term loan providers, credit unions and cash points • Storage and distribution facilities, including delivery drop off points • Public toilets • Shopping centres should stay open if they contain units which are not required to close
Outdoor and indoor markets	Market stalls which offer essential retail, such as grocery and food.
Auction houses	
Hotels	
Hotels, hostels, B&Bs, campsites and boarding houses for commercial use	<p>Where people live in these as interim abodes whilst their primary residence is unavailable, or they live in them permanently they may continue to do so.</p> <p>Key workers and non-UK residents who are unable to travel to their country of residence during this period can continue to stay in hotels or similar where required.</p> <p>People who are unable to move into a new home due to the current restrictions can also stay at hotels.</p> <p>Where hotels, hostels and B&Bs are providing rooms to support homeless and other vulnerable people such as those who cannot safely stay in their home, through arrangements with local authorities and other public bodies, they may remain open.</p> <p>Those attending a funeral will be able to use hotels when returning home would be impractical.</p> <p>Hotels are allowed to host blood donation sessions.</p>
Caravan parks/sites for commercial uses	Where people live permanently in caravan parks or are staying in caravan parks as interim abodes where their primary residence is not available, they may continue to do so.
Non-residential institutions	
Libraries	Digital library services and no-contact Home Library Services should continue.
Community centres, youth centres and similar	<p>For the purpose of hosting essential voluntary or public services, such as food banks, homeless services, and blood donation sessions.</p> <p>Public venues that host blood donation sessions can continue to open temporarily for these services only.</p>
Places of worship	Funerals in places of worship and crematorium, where the congregation is immediate family (with provision for a carer, if required) or a friend – in the case that no

	<p>family members are attending. A distance of two metres is to be maintained between every household group, as per Public Health England guidelines.</p> <p>A minister of religion, to go to their place of worship may broadcast an act of worship, whether over the internet or otherwise.</p> <p>For the purpose of hosting essential voluntary or public service, such as food banks, homeless services, and blood donation sessions.</p>
Assembly and leisure	
Museums and galleries	
Nightclubs	
Cinemas, theatres and concert halls	Small group performances for the purposes of live streaming could be permissible where Public Health England guidelines are observed and no audience attend the venue.
Bingo halls, casinos and betting shops	
Spas and massage parlours	
Skating rinks	
Fitness studios, gyms, swimming pools or other indoor leisure centres	Leisure centres may stay open for blood donation sessions.
Arcades, bowling alleys, soft play centres and similar	
Funfairs	
Outdoor recreation	
Playgrounds, sports courts and pitches, and outdoor gyms or similar.	

Please note:

Premises includes outside areas such as beer gardens or a café that has a street furniture permit that allows tables and chairs to be placed on the pavement outside, or any area adjacent to the premises of where seating is made available for customers to be treated as a part of that premises, all must now be removed.

Hotel and other accommodation as a part of a room service is not to be treated as being sold for consumption on its premises.

There is a separate guidance for takeaway food businesses on our [website](#).

It is imperative that you consider the wider implications of infection control and the government guidance on social distancing if you intend to continue to operate on a takeaway basis and ensure that this is considered in your risk assessments and standard operating procedures for the move to takeaway/deliver trading. This includes:

- Ensure a distance of two meters between customers and shop assistants; and
- Let people enter the shops in small groups, to ensure spaces are not crowded.
- Queue control is required outside of shops and other essential premises that remain open.
- People must not consume food or drinks on site at restaurants, cafes or pubs whilst waiting for takeaway food.

Definitions

A responsible person for carrying on a business includes the owner, proprietor and manager of that business.

Business and venues in this guidance must not open after close of trade on 23rd March 2020.

The government will review these measures in three weeks.

Enforcement

A person who, without reasonable excuse fails to comply with these legal requirements shall be guilty of committing an offence.

A person who obstructs, without reasonable excuse, any person carrying out a function under the Regulations commits an offence.

If there is evidence of a failure to comply then action will be taken in line with the guidance of the serve of a Statutory Notice to close the premises and remove the imminent risk and/or a Fixed Penalty Notice. If Prohibition Notices are not followed, or fixed penalty notices not paid, you may also be taken to court with Magistrates able to impose potentially unlimited fines.

The Government have been clear on the reason for the introduction of these laws currently, as a measure to limit/delay the spread of coronavirus. On the Island we anticipate that many businesses will understand why these restrictions have been brought into place and will follow the requirements.

The Isle of Wight Council will be actively enforcing these regulations, and this will include dealing with any complaints, this may include undertaking monitoring and observations of businesses to ensure compliance.

In line with a graduated approach to enforcement the responsible person will be contacted initially to discuss the allegations/evidence and informed of the actions required to comply. However, if businesses continue to fail to comply there will be no hesitation in considering further enforcement action in accordance with the Regulatory and Community Safety Enforcement Policy.

Other Guidance – Water Systems (Legionella)

When pools are closed managers/owners should not forget the need to manage the risks from Legionella growth within water distribution systems feeding showers, changing rooms, kitchens and spas etc.

The Health and Safety Executive Approved Code of Practice L8 (paragraph 32 requires “that risk assessments are reviewed if there is reason to suspect the assessment is no longer valid” this would include when there is reduced usage resulting in low flow/water stagnation as a result of full or partial closure etc.

Reviewing the Risk Assessment and the Scheme of Control is particularly important when systems are re-commissioned after a shut down. Seek advice from competent persons. Guidance can be found at <https://www.pwtag.org/guidance-on-temporary-pool-closure/>

Contact

We would encourage business and the public to contact Isle of Wight Council to discuss any queries or concerns that they have with regards to these closure provisions.

Licensing Department: licensing@iow.gov.uk

Environmental Health Department: eh@iow.gov.uk

For further guidance on financial support please visit

A copy of the regulations can be found at <http://www.legislation.gov.uk/ukxi/2020/350/contents/made>

In addition to the above, we would also like to signpost you to the following Government page which includes a range of advice for employers and businesses that may also be helpful: <https://www.gov.uk/coronavirus>

The situation, legislation and guidance have been evolving quickly this week, the Government business guidance pages are being updated regularly so I would advise you continue to check them.