



Switching to your needs

Additional enforcement powers introduced to maintain COVID-secure environments

The government has provided local authorities in England with new powers to take decisive action against premises that do not comply with COVID-secure rules under the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020.

Where a local authority officer is of the opinion that a person is contravening one or more of the COVID-secure business obligations and the requirements of the notice are necessary and proportionate to ensure that the contravention is, or contraventions are, ended or remedied, the local authority officer may issue one of the following:

- A Coronavirus Improvement Notice (CIN) - This can be issued when a business is failing to fulfil a provision set out in the relevant coronavirus regulations. It will be applied for a minimum of 48 hours, but the actual duration will be at the discretion of the local authority enforcement officer.
- A Coronavirus Restriction Notice - This will be issued where the terms of a CIN have not been complied with and this non-compliance creates a risk of exposure to coronavirus.
- A Coronavirus Immediate Restriction Notice - The Notice will be issued where rapid action is needed, requiring the closure of the premises, or part of the premises, and/or that the person to whom the notice is issued ends or remedies the contravention. The Notice has effect for a period of 48 hours initially and will be subject to review.

Enforcement notices have been issued for many years now under the Health and Safety at Work etc. Act 1974 and these new notices are based in part on this existing health and safety regime. Proportionality should be applied and local authorities will be expected to engage with businesses before issuing a notice. This level of engagement however, is likely to vary across local authorities. As with any enforcement notice, early engagement and cooperation with the regulator will be key to avoid enforcement action.

A helping hand

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These notices will enforce the relevant obligations on businesses, such as:

- take reasonable steps not to accept bookings, admit groups or allow persons to interact, in contravention to the relevant gathering rules in the local restriction tiers
- keep appropriate distance between tables in hospitality premises
- display notices (in relevant areas) to remind individuals of the mandatory face covering rules
- not accepting orders for food and drink for consumption on the premises after 10pm and closing the premises (except for delivery, click and collect and drive-through services) between 11pm and 5am in Tier 1 and Tier 2
- where responsible for a business that serves alcohol for consumption on the premises, only serving food and drink for consumption on the premises in Tier 1 and Tier 2, where that food and drink is ordered by, and served to, a customer who is seated on the premises
- display an NHS QR code in relevant premises to collect contact details and collect certain details from an individual for contact tracing purposes
- retain such information securely for 21 days and disclose if requested to do so by a public health officer
- not knowingly allow a worker who must self-isolate to attend work other than at the designated place of isolation, during the period of isolation

We are here to assist as the UK moves through the UK Government's COVID-19 recovery strategy.

For more information, please contact:



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