



As you will be aware the Government recently announced the implementation of the COVID-19 Autumn and Winter Plan 2021, known as **Plan B**, in response to the risk posed by the Omicron variant. The Government's Plan B includes the re-introduction of mandatory face coverings in most indoor settings and the introduction of COVID-19 status checks in certain settings, including some licensed premises.

We understand that this is challenging for businesses and we would like to offer our advice and support to ensure you are aware of the new measures and how to implement them with as little disruption to your business as possible.

Requirement to wear a face covering

From Friday 10 December, the government **extended the legal requirement to wear a face covering** to include most public indoor venues open to members of the public, including theatres and cinemas. There are exemptions for some venues, including, bars, restaurants, cafés and gyms where it is not practical to wear one when you are eating, drinking or exercising.

Further details, including the full list of premises where face coverings are required, can be seen at the following links:

Guidance:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>.

Legislation:

<https://www.legislation.gov.uk/uksi/2021/1400/regulation/2/made>

COVID-19 Status Checks - NHS COVID Pass

From 15th December, certain organisations (event organisers, venues, businesses) are required to use **COVID-19 status checks** as a condition of entry. A venue or event's 'responsible person' must ensure compliance with the requirements and that the organisation meets its legal responsibilities.

In addition to carrying out COVID-19 status checks, **the other key responsibilities** are:

- The requirement to produce, and keep up to date, a **statement** setting out the measures the responsible person/organisation intends to take to ensure

compliance, how those measures are to be implemented, and how they will be drawn to the attention of every person attending the venue, or the event.

- The requirement to **retain records** containing the specified information.

Full details can be seen in the guidance and legislation (please see links below).

Venues and Events that must carry out COVID-19 Status Checks and comply with the other associated Requirements

Venues and events where the NHS COVID Pass, or alternative proofs of COVID-19 status, must be used as a condition of entry are:

- nightclubs, dancehalls and discotheques
- other late night dance venues, where all of the following apply:
 - the venue is open between 1am and 5am
 - it serves alcohol after 1am
 - it has a dancefloor (or space for dancing)
 - it provides music, whether live or recorded, for dancing
- indoor, or partly indoor, events with 500 or more attendees, where those attendees are likely to stand or move around for all or part of the event, such as music venues with standing audiences or large receptions
- outdoor, or partly outdoor, events with 4,000 or more attendees, where those here those attendees are likely to stand or move around for all or part of the event, such as outdoor festivals
- events with 10,000 or more attendees, whether indoor or outdoor, such as large sports and music events

Where a venue does not meet all the criteria, they would not be required to implement certification. Please note, that venues operating before and after 1am will have to decide whether to check the COVID status of (i) everyone who enters the premises before and after 1am, or (ii) of everyone still in the premises at 1am and those who arrive after 1am.

Exemptions to these rules apply, including communal worship, wedding ceremonies, funerals and other commemorative events. Examples of events and a full list of exemptions can be seen in the guidance and legislation (please see links below).

COVID-19 Status Checks

From 15 December, to enter certain venues and events in England, any person aged 18 or over must have proof of **valid COVID-19 status**, which means that they:

- have been vaccinated with two doses of an approved vaccine (or one of the single-dose Janssen vaccine) – *this will be kept under review as boosters are rolled out*, or
- have taken a PCR or rapid lateral flow test within the last 48 hours, or
- are exempt on the basis of an approved medical exemption or clinical trial participation

Accepted proof of valid COVID-19 status (including a medical exemption) can be one of the following:

- the NHS COVID Pass
- an approved international equivalent
- a valid text or email confirmation of a recent test result

How you can carry out NHS COVID Pass checks at your venue or event

Recommended

- The most secure verification of an NHS COVID Pass is through use of the free **NHS COVID Pass Verifier App** – please see full details on [how to use the NHS COVID Pass Verifier App](#) on the NHS website.
- Visual checks of the NHS COVID Pass (incl. checking the expiry date and shimmer animation); or visual checks of the online NHS COVID Pass or the wallet (which does not have a shimmer animation).
- Visual checks of text or email proofs of a recent test result issued by NHS Test and Trace

Please see the guidance at the link below for the advantages of using the free **NHS COVID Pass Verifier App** and the details that must be checked if visual checks are carried out.

Please note that if you are checking passes using the **NHS COVID Pass Verifier App**, as recommended, you will be processing personal data and therefore you will have obligations as a data controller under data protection legislation. Please see the 'Data protection' section in the guidance.

International attendees

Where attendees to your venue or event are international residents, you should accept certain vaccination proofs from other countries. If the vaccination proof is accepted at the UK border, you should accept it at your venue or event. For more information, read the <https://www.gov.uk/guidance/countries-with-approved-covid-19-vaccination-programmes-and-proof-of-vaccination>

Circumstances where spots checks are allowed

Nightclubs, dance halls and discotheques and other late night dance venues must carry out checks on every person before they can enter. Other venues must take reasonable measures to carry out checks, which should usually consist of COVID-19 status checks on all attendees before allowing entry.

In certain limited circumstances spot checks may be used (in venues other than nightclubs, dance halls and discos) if it's not reasonably possible to check proof of COVID-

19 status for all attendees at these events. **Please see the guidance for details of the events and circumstances where this may apply.**

In these circumstances, if it is not practical to check the NHS COVID Pass of all attendees, you must carry out a risk assessment and determine the percentage of checks that can safely be carried out. The responsible person must submit this risk assessment to the relevant local authority (LA) at least 10 working days in advance of the event. The LA will either approve the measure, ask for alterations or reject the proposal thereby requiring the venue to conduct 100% checks. If the LA replies less than five working days before your event then the spot check application will be treated as approved.

For events held between the 15 and 31 December, event operators that meet the criteria and want to apply spot checks must submit an assessment of risk to their local authority. If the criteria are met and the submission made reasonable requests, spot checks can be used without LA assessment.

Cases of injury or risk of harm

You may allow people to enter to avoid injury or escape a risk of harm (for example, to address a medical emergency) without checking their COVID-19 status. This applies to all venues and events of all sizes.

Guidance:

[Carrying out mandatory COVID-19 status checks at your venue or event - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/carrying-out-mandatory-covid-19-status-checks-at-your-venue-or-event)

Legislation:

[The Health Protection \(Coronavirus, Restrictions\) \(Entry to Venues and Events\) \(England\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2021/1000/contents/part-1)

Separate Guidance for workers, including employees, other staff and volunteers, and people providing services to the event or venue can be found here:

<https://www.gov.uk/guidance/working-safely-during-covid-19>

We would strongly recommend that you carefully consider what measures would be most suitable and effective for your business, to ensure you can operate safely. As with previous requirements it is the Council's intention to work with and support, as much as possible, all our local businesses affected by the new restrictions. It must be noted, however, that there are penalties for non-compliance, with penalties ranging from £1,000 for a first offence, up to £10,000 for a fourth or subsequent offence.

If you require any clarification on the guidance or have any specific issue you would like us to consider, please contact us and an officer will provide advice and clarification where possible.

Contact: Regulatoryservices@cheshirewestandchester.gov.uk

Play your part

