

**15<sup>th</sup> June 2020**

**Re-issued and revised each Tuesday/Wednesday whilst the Government's response remains live. Issues can be fed into DEFRA Rural Impact Stakeholders Forum on Fridays.**

# ACRE Briefing – Covid-19

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## 1. Health Protection Regulations

The public restrictions to deal with CV-19 are based on the Public Health Act 2008, Coronavirus Act 2020 and the Health Protection Regulations 2020. Taken together these all provide the legislative underpinning of all the restrictions that were put in place on 26<sup>th</sup> March 2020 and are now being regularly amended.

The Regulations have recently been amended at roughly fortnightly intervals to reflect gradual easing of the lockdown. The next major changes had been anticipated for 4<sup>th</sup> July, but the ones laid before Parliament on **12<sup>th</sup> June** and come into effect over the following weekend and **Monday 15<sup>th</sup> June** are actually much more significant than the Government's press activity might suggest.

The changes coming into effect on 15<sup>th</sup> June effectively move the default position for business from '**closed unless there is an exemption**' to '**open unless specifically required to be closed**'.

In order to be consistent, an immediate, and unexpected, change has been made to the clause covering Community Centres and Village Halls. **They are now permitted to 'host indoor markets'** as well as essential services and early years childcare.

Most of the Regulations enforcing blanket closures are now focused on recreation, leisure and community activity and less on activity that is run and managed by businesses. For instance, Auction houses may open, but Village Halls may not hold charity auctions; betting shops may re-open but a what makes up essential services in Village Halls is in question.

The Regulations include lists of activities, businesses and services that are either permitted or not permitted in Schedule 2. The changes laid on 12<sup>th</sup> June remove the entire list of permitted activities that had been Part 3 of the schedule as the default is now that anything can be open.

*The removal of Part 3, permitted services and businesses, may have some unintended consequences. ACRE is urgently seeking clarification or assurance over this. See the section below.*

## 2. Roadmap of phased changes to the 'lockdown'

The Phased approach outlined on 10<sup>th</sup> May continues to be the main place in which the 'roadmap' to releasing the lockdown is described. This was included in previous briefings. However, as time goes on, and variations are made to this, based on political, economic and scientific considerations the roadmap as published on 10<sup>th</sup> May becomes less useful as a guide.

Government Departments are all still trying to work within the phases defined on 10<sup>th</sup> May. The 'centre' of Government, however, does not seem to be so constrained.

## 3. Village Halls (Community Centres)

Information for Village Halls to guide them on re-opening in line with Government guidance, policy and the above regulations was issued **by ACRE on 21<sup>st</sup> May** and has been subsequently up-dated on **2<sup>nd</sup> and 4<sup>th</sup> June** and is being further updated on **15<sup>th</sup> June** to take account of the Halls being permitted to host 'indoor markets' in line with amended regulations..

During the last few weeks, ACRE has been working with DEFRA and MHCLG both to understand and influence the approach and guidance that will be pursued in relation to Community Centres. The following is the best intelligence we have at the moment, but it is becoming increasingly clear that the Departments we are working with do not, necessarily, have any better idea what is going to happen that we do:

- MHCLG are still aiming to publish formal Guidance during the "middle" of June, probably this now means w/c 22<sup>nd</sup> June, in order to give Community Centres a little notice of the changes to restrictions placed upon them and Guidance to help them comply with these for 4<sup>th</sup> July.
- The Government's aim is to produce this Guidance in the form of 'signposting' to other Guidance specific to the activity concerned and to try to ensure there is consistency between these.
- The Guidance is being prepared in advance of the officials concerned knowing exactly how the Regulations will be amended. It is very likely, therefore, that **even if formal Guidance is released in mid-June amendments to the Regulations will require it to be re-released in the first week of July.**

The relevant amendment to Health Protection regulations from 15<sup>th</sup> June and in force until it is subsequently changed reads:

**5. (7) A person who is responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where it is used to provide**

**(a) essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency), or**

**(b) for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.**

**(c) to host an indoor market**

**"Early years childcare" is defined as in the Childcare Act 2006 and means for children from birth to five years old.**

*ACRE has focused its work with DEFRA and MHCLG on trying to ensure there is consistency between the Government's published guidance for Community Centres and our own Village Halls advice.*

*The removal of Part 3, permitted activities, now makes it much more difficult to argue that Village Halls that have been hosting any of these activities should be treated on a level*

*playing field with their provision everywhere else. The blanket closure shown above now stands alone in the Regulations as the 'last word' on Community Centres.*

#### **4. Local Authority Discretionary Grants Fund**

ACRE Network members are reporting dramatically different criteria being placed on the use of the Fund by different local authorities around the country. The main discrimination seems to be against not-for-profit organisations / charities as opposed to for-profit businesses and also discrimination against small charities with a small, but still hard to replace, usual income. We are seeking to identify a few places where good practice over these issues so that we can write to Simon Clarke MP, the joint junior Minister responsible in BEIS and MHCLG asking for better direction to be given to local government.

#### **5. Face coverings on public transport**

New Regulations were laid on Sunday 14<sup>th</sup> June that require face coverings on public transport. As some members of the ACRE Network are actively involved in the provision of transport services the relevant parts of the Regulations are reproduced here:

##### **Part 1**

(2) "Public transport service" means any service for the carriage of passengers from place to place which is available to the general public (whether or not for payment, whether or not all of the places connected by the service are in England and whether or not there are breaks in the journey) but does not include—

1. (a) a school transport service;
2. (b) a taxi or private hire vehicle service;
3. (c) any service provided by means of a cruise ship.

(3) For the purposes of paragraph (2)—

"school transport service" means any transport provided solely for the purpose of—

1. (a) facilitating a person's attendance at a school or other place at which they receive education or training, or
2. (b) otherwise than for the reason in paragraph (a), carrying a person to and from the school or other place at which they receive education or training;

"taxi or private hire vehicle service" means a service provided by means of a vehicle licensed under—

1. (a) section 37 of the Town Police Clauses Act 1847(**a**),
2. (b) section 6 of the Metropolitan Public Carriage Act 1869(**b**),
3. (c) section 48 of the Local Government (Miscellaneous Provisions) Act 1976(**c**),
4. (d) section 10 of the Civic Government (Scotland) Act 1982(**d**),
5. (e) section 7 of the Private Hire Vehicles (London) Act 1998(**e**), or
6. (f) the Plymouth City Council Act 1987(**f**) or any other similar local enactment.

##### **Part 2**

(1) No person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of paragraph (1), a person is using a public transport service at any time when—

- (a) they are boarding any vehicle by means of which a public transport service is provided, or
- (b) they are (whether or not for the purposes of travel) on board any vehicle by means of which a public transport service is provided.

(3) But the requirement in paragraph (1) does not apply—

1. (a) to a child who is under the age of 11;
2. (b) to an employee of the operator of the relevant public transport service acting in the course of their employment;
3. (c) to any other person providing services under arrangements made with the operator of the relevant public transport service who is providing those services;
4. (d) to a constable or police community support officer acting in the course of their duty;
5. (e) to an emergency responder (other than a constable) acting in their capacity as an emergency responder;
6. (f) to a relevant official acting in the course of their employment or their duties;
7. (g) where a person is allocated a cabin, berth or other similar accommodation, at any time when they are in that accommodation—
  - (i) alone, or
  - (ii) only with members of their own household or a linked household;
8. (h) where—
  - (i) a person is permitted, or ordinarily required, to board and to remain in a vehicle when using the public transport service, and
  - (ii) the vehicle is not itself used for the provision of a public transport service, the person remains in that vehicle.

## 6. Public Health

Local Outbreak Management pilots are now starting in 11 areas. Six of these are relatively rural Counties:

- Surrey
- Leicestershire
- Cheshire
- Devon, linked to Cornwall
- Norfolk
- Warwickshire

*ACRE has put the six Network members in touch with the officials in DEFRA that are leading on liaison with DHSC. We will aim to try to learn from what happens in these counties in order to help the rest of the Network to engage with these arrangements in other Counties from July.*

*There has to be a prospect, especially given the low incidence in some rural areas so far, that localised flare ups could happen over an extended period resulting in localised lockdowns and need for support for communities. Intelligence back from the Network suggests there is very wide variation in approach with some areas looking mainly at sector based localised control and not giving much consideration to geographical management in rural communities.*

*It would be very helpful to know of any areas where Local Outbreak Management is including a 'place based' planning system. The dominant approach at the moment, where it has been*

*possible to get information, is that local Directors of Public Health and the 'Outbreak Management Boards' are tending towards a sectoral planning approach that anticipates outbreaks in workplaces, Hospitals or care homes, but not in villages or towns.*

## **7. Government support for local charities**

The long-awaited announcement about Government support for the local voluntary sector came on 20<sup>th</sup> May. This is being administered through the National Lottery Communities Fund.

<https://www.tnlcommunityfund.org.uk/about/coronavirus-updates>

The Government announcement is:

<https://www.tnlcommunityfund.org.uk/news/press-releases/2020-05-20/statement-about-the-coronavirus-community-support-fund>

Applications open for this fund on 22<sup>nd</sup> May 2020

## **Economic support**

The Coronavirus Job Retention Scheme (furlough) has been extended to October and it is anticipated that some or all employers will be expected to make a contribution to the costs from August. Latest Government update on the scheme is here:

<https://www.gov.uk/government/publications/coronavirus-job-retention-scheme-step-by-step-guide-for-employers>

Local Authority Discretionary Grants Fund

<https://www.gov.uk/guidance/apply-for-the-coronavirus-local-authority-discretionary-grants-fund>

BEIS working safely during coronavirus (COVID-19) guidance can be found here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/updates>

Coronavirus outbreak HMG FAQs: what you can and can't do:

<https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do>

HMG plan to rebuild: The UK Government's COVID-19 recovery strategy:

<https://www.gov.uk/government/publications/our-plan-to-rebuild-the-uk-governments-covid-19-recovery-strategy>

Jeremy Leggett, 15<sup>th</sup> June 2020

## HPR Schedule 2 – banned activities

Some businesses and services in rural areas are being **adversely and unequally affected by the CV-19 regulations** due to their being provided in 'Community Centres' (Village Halls) that are required to be closed, albeit with limited exemptions. The equivalent businesses and services in urban areas, operating in their own premises, are not required to be closed.

The lists on the following pages are of Schedule 2 businesses/services as defined in the Health Protection (Coronavirus, Restrictions) (England) Regulations as amended on 12<sup>th</sup> June. Parts 1 & 2 continue to be prohibited. Part 3 were permitted, but this list, and all reference to it in the Regulations has now been deleted.

Where activities have been deleted from the lists these are shown struck through. Amendments/additions are in italics. The businesses / services where Village Halls are known to be widely used as venues in rural areas are identified in the list.

A final list of activities not obviously included in the three Parts is included at the end as highlighting these has formed a large part of ACRE's advocacy on behalf of rural communities and Village Halls over the last few weeks.

### Part 1 – not permitted as of 15th June

**Does not prevent sale of take-away for consumption not on the premises, (premises includes outdoor parts of the premises)**

No	Business/service	Village Halls known to be used as venue or form part of premises
1	Restaurants, including restaurants and dining rooms in hotels or members' clubs.	
2	(1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—	Yes
	(a)cafes or canteens at a hospital, care home or school;	
	(b)canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;	
	(c)services providing food or drink to the homeless.	
	(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.	
3	Bars, including bars in hotels or members' clubs.	Yes
4	Public houses.	

### Part 2 – not permitted as at 15th June 2020

**Does not prevent the use of—**

**(a)premises used for the businesses or services listed in paragraphs 5, 6, 8, 9 or 10 of that Part to broadcast a performance to people outside the premises, whether over the internet or as part of a radio or television broadcast;**

**(b)any suitable premises used for the businesses or services listed in that Schedule to host blood donation sessions.**

(c) facilities for training for elite athletes, including indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools and other indoor leisure centres.

No	Business/service	Village Halls known to be used as venue or form part of premises
5	Cinemas, <i>except drive in cinemas</i>	Yes
6	Theatres.	Yes
7	Nightclubs.	Yes
8	Bingo halls.	Yes
9	Concert halls.	Yes
10	Museums and galleries <i>but not including retail galleries, where the majority of the art on display is for sale.</i>	Yes
11	Casinos.	
12	Betting shops.	
13	Spas.	
14	Nail, beauty, hair salons and barbers.	
15	Massage parlours.	
16	Tattoo and piercing parlours.	
17	Skating rinks.	
18	Indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades or soft play areas or other indoor leisure centres or facilities, including indoor games, recreation and entertainment venues.	Yes
19	Funfairs (whether outdoors or indoors), theme parks and adventure parks and activities.	Yes
20	Playgrounds, indoor sports courts, outdoor gyms and outdoor swimming pools.	Yes
23	Auction Houses (except for livestock auctions).	Yes
23A	Social clubs.	Yes
23B	Model villages.	
23C	<i>Indoor attractions (within the meaning given in paragraph 23E(2)) at aquariums, zoos, safari parks, farms, wildlife centres and any place where animals are exhibited to the public as an attraction.</i>	
23D	Visitor attractions at farms.	
23E	(1) Indoor attractions at visitor attractions such as	
	(a) botanical or other gardens, biomes or greenhouses;	
	(b) heritage sites or film studios;	
	(c) landmarks, including observation wheels or viewing platforms.	
	(2) For the purposes of sub-paragraph (1), an "indoor attraction" means those parts of a venue, including shops and visitor centres but not including toilets for visitors,	

**Part 3 – Permitted uses as of 1 June 2020**  
**Entire Part deleted as of 15<sup>th</sup> June**

No	Business/service	Village Halls known to be used as venue or form part of premises
24	Food retailers, including food markets, supermarkets, convenience stores and corner shops.	Yes
25	Off licenses and licensed shops selling alcohol (including breweries).	

26.	Pharmacies (including non-dispensing pharmacies) and chemists.	Yes
27.	Newsagents.	Yes
28.	Homeware, building supplies and hardware stores.	
29.	Petrol stations.	
30.	Car repair and MOT services.	
31.	Bicycle shops.	
32.	Taxi or vehicle hire businesses.	
33.	The following businesses—	
	(a) banks,	Yes
	(b) building societies,	
	(c) credit unions,	Yes
	(d) short term loan providers,	
	(e) savings clubs,	Yes
	(f) cash points, and	Yes
	(g) undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.]	
34.	Post offices.	Yes
35.	Funeral directors.	
36.	Laundrettes and dry cleaners.	
37.	Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.	Yes
38.	Veterinary surgeons and pet shops.	
39.	Agricultural supplies shop.	
40.	Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.	Yes
41.	Car parks.	Yes
42.	Public toilets.	Yes
43.	Garden centres.	
44.	Outdoor sports courts or amenities, including water sports, stables, shooting and archery venues, golf courses and driving ranges.	Yes
45.	Outdoor markets.	Yes
46.	Showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats, or any vehicle which can be propelled by mechanical means.	

### Other businesses, services and activities not obviously covered by the Schedule

#### Essential services

Primary Schools (not pre-school, under fives provision) 10% of Halls (ie 235 out of 2355 respondents, could be up to 1,000 nationally), mainly for lunches (also eg plays, assemblies). This is now happening but technically not allowed under the regulations so **guidance needs** to make clear it is permissible pending change in regulations. **More schools have been asking if they could hire halls for classes so as to achieve social distancing.**

Citizens Advice Bureau outreach

Newspaper distribution

#### CV-19 related emerging uses:

## Action with Communities in Rural England

Request to hire hall to make PPE for local care home – we agreed it is an essential service but local Trustees too cautious to allow it. 20% of halls have sewing type groups which could be doing this, 50% WIs or women's groups which could be engaged in it.

Requests to hire hall by local companies for distribution purposes – packaging in social distanced space.

### **Statutory and other 'non-business' services:**

Outreach offices for statutory services, tend to be District Council functions eg bus passes, housing benefit office.

MPs surgeries

Police offices

Voluntary Care Schemes – should still be operating under “essential services” heading.

Parish Council Offices – these are the usual place of work for clerks/assistant clerks.

Library/book loan schemes – most county libraries are now volunteer run book schemes.