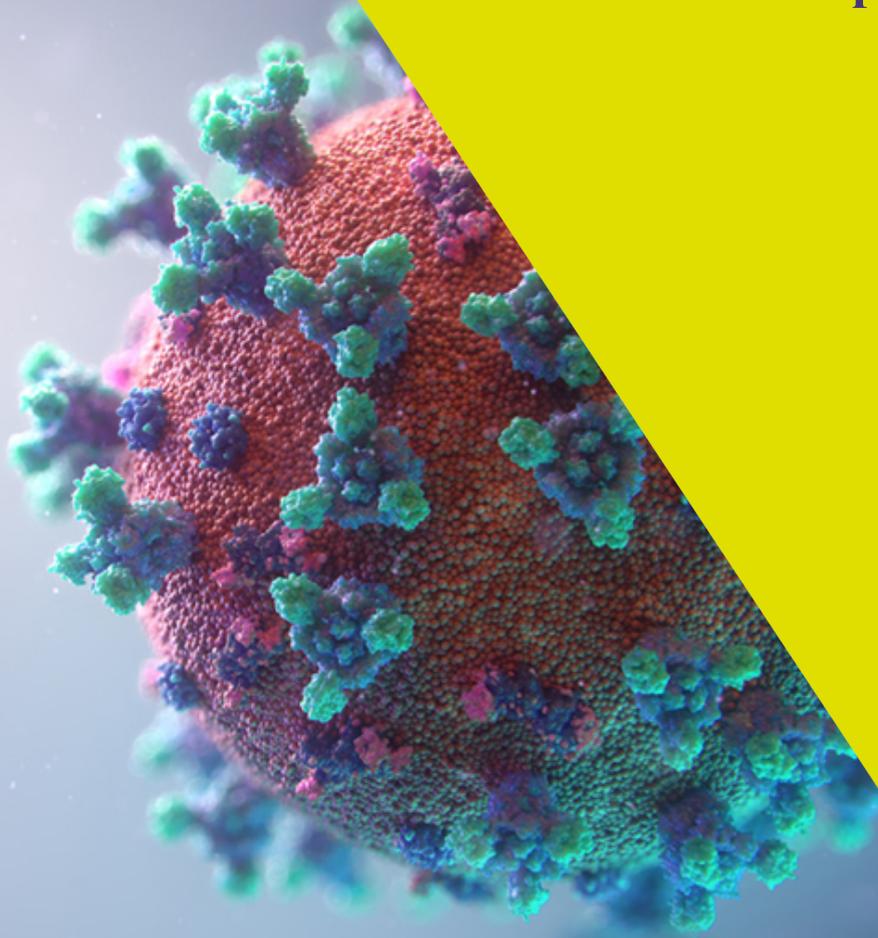


COVID-19 GUIDANCE NOTE:

A guide to restrictions on travel and operation of hotels, restaurants, pubs, cafes and retail premises in Scotland



Executive Summary

With effect from 20 November residents of an area which is in Level 3 or Level 4 of the Scottish Covid-19 protection levels cannot travel out with the local authority area in which they live.

There are also restrictions on people living in Scotland travelling to England, Wales, Northern Ireland and the Republic of Ireland.

However, travel with a reasonable excuse is permitted.

While this has been guidance for a number of weeks now, unless you have a reasonable excuse for doing so, breaching the restrictions in the regulations on travel is now a criminal offence.

Level 4

Eleven local authority areas in Scotland (East Ayrshire, South Ayrshire, Stirling, East Renfrewshire, Renfrewshire, West Dunbartonshire, East Dunbartonshire, Glasgow City, South Lanarkshire, North Lanarkshire and West Lothian) have moved in to Level 4.

These restrictions are similar to the national lock down which is currently in place in England. All pubs, bars, cafes, restaurants, hotels, non-essential shops, hairdressers and other similar contact services, and gyms have to close.

The restrictions for Level 4 authorities mean closure of:

- Pubs, bars, restaurants and cafes except for takeaway for consumption off the premises.
- Non essential shops.
- Holiday accommodation to tourists.
- Gyms, Snooker/pool halls, indoor bowling, casinos, bingo halls.

- Hairdressing and barber services.

Hotels are permitted to remain open but only for essential customers with details of what is essential set out in the guidance issued by the Scottish Government today such as essential workers.

Level 3

A number of local authority areas are now operating in Level 3. These are Angus, City of Edinburgh, Inverclyde, Clackmannanshire, Dundee City, Falkirk, Fife, North Ayrshire, Perth and Kinross.

The rules in Level 3 authorities include:

- Table service and face coverings (unless exempt or at the table) are mandatory in pubs / restaurants and cafes. Track and trace details should be taken.
- Takeaways can still operate as normal, provided food and drink is sold for consumption off the premises.
- Hotels and other accommodation providers can still serve food but not alcohol to guests staying in their premises up to 22:00. Room service, including alcohol.
- All holiday accommodation can stay open.
- All retail can stay open.
- All close contact services can operate except for mobile services ie those going into homes which must close other than hairdressing/barbers which are exempt.
- Sports facilities can stay open.
- All leisure and entertainment premises must close.

Level 2

Those in Midlothian and East Lothian will benefit from some relaxation of current restrictions as they are moved down to Level 2 with effect from 6am on 24th November.

They will be joining Aberdeen City, Aberdeenshire, Argyll and Bute, Dumfries and Galloway, and Scottish Borders in Level 2.

The rules in Level 2 include:

- Restaurants, cafes, pubs and bars can open indoors for the consumption of food and non alcoholic drinks. Alcoholic drinks can only be served with the purchase of a main meal. Last entry is 19:00 and all venues must be closed and all customers off the premises by 20:00.
- Restaurants, cafes, pubs and bars can open outdoors for the consumption of food and alcoholic drinks. All venues must be closed and all customers off the premises by 22:30.
- Hotels and other accommodation providers can still serve food to guests staying in their premises up to 22:00 and provide alcohol by way of room service.
- All holiday accommodation can stay open.
- All retail can stay open.
- Some leisure and entertainment businesses must be stay closed: soft play, funfairs, indoor bowling, theatres, snooker/pool halls, concert halls, comedy clubs, casinos, nightclubs, and adult entertainment.
- Cinemas and bingo halls can stay open.

Level 1

A number of areas in the north and islands of Scotland will remain in Level 1.

The rules in Level 1 include:

- Restaurants, cafes, pubs and bars can open indoors and outdoors for the consumption of food and alcoholic drinks in line with licensing rules. All venues must be closed and all customers off the premises by 22:30.
- All leisure and entertainment premises can open except nightclubs and adult entertainment venues.
- Outdoor gatherings to take place with a maximum of 8 people from 3 households.

HOW LONG WILL THESE LAST?

The decision to place areas in Level 4 will last until 11th December when the Scottish Government will reassess the situation. Areas in Levels 3, 2 and 1 will still be assessed on a weekly basis.

Scotland Travel Restrictions

One of the more significant changes is that the Scottish Government have elevated the existing guidance on travel to formal law.

WHEN CAN I TRAVEL OUT OF MY LOCAL AUTHORITY?

Where you have a reasonable excuse such as for work, to carry out essential shopping, education, moving home and for health reasons.

In Levels 4 and 3 a reasonable excuse includes work (where you cannot do so from home – the guidance allows construction and manufacturing to continue), moving home or activities in connection with the sale, letting or rental of residential property.

WHEN CAN AN INDIVIDUAL TRAVEL OUTSIDE OF SCOTLAND OR IN TO SCOTLAND FROM ENGLAND, WALES, REPUBLIC OF IRELAND AND NORTHERN IRELAND?

Only if they have a reasonable excuse which are similar to those in Level 3. You may need to plan how you can continue to operate your business as a result.

WILL I BE STOPPED IF I DO TRAVEL OUTSIDE MY LOCAL AUTHORITY?

The police do have the power to stop and check where you are travelling to and from. They can issue a fine up to £10,000 for anyone in breach of travel restrictions without reasonable excuse.

CAN I STILL BOOK A HOTEL IN ANOTHER LOCAL AUTHORITY AREA?

In light of the travel restrictions in place the Scottish Government would not expect people to be planning new or additional trips during this period unless they have a reasonable excuse for doing so.

I AM A HOTEL OPERATOR AND A GUEST, WHO LIVES IN ANOTHER LOCAL AUTHORITY AREA, WANTS TO BOOK A ROOM?

You should make the guest aware of the regulations and then have them confirm that their stay is for a reason which they consider to be a reasonable excuse to allow them to travel out with their local authority as set out in the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020.

WHAT IS A HOTEL OWNER / OPERATOR OUTSIDE OF LEVEL 4 PREVENTED FROM DOING?

The owner / operator must remain vigilant and abide by the restrictions affecting their local authority.

WHAT ARE THE CONSEQUENCES FOR A HOTEL OWNER/OPERATOR FOR ALLOWING CUSTOMERS FROM OTHER LOCAL AUTHORITIES TO STAY IN THEIR HOTEL?

There is nothing in the regulations that allow for a hotel to be punished in this situation. The breach of the law, if there is no reasonable excuse, will be by the guest who has travelled between local authority areas.

Environmental Health Officers will continue to do spot checks to ensure compliance with the regulations.

If a hotel owner or operator is in any doubt seeking a discussion with your local Environmental Health office should assist your business.

WHAT SHOULD A PUB / RESTAURANT / CAFE OWNER / OPERATOR OUTSIDE OF LEVEL 4 DO?

Continue to obtain the name and contact details of their customers for test and protect purposes.

WHAT ARE THE CONSEQUENCES FOR A PUB / RESTAURANT / CAFE OWNER / OPERATOR IF THEY ALLOW CUSTOMERS FROM OTHER LOCAL AUTHORITIES TO USE THEIR PREMISES?

There is nothing in the regulations that allow for a pub / restaurant / cafe owner / operator to be punished in this situation. The breach of the law, if there is no reasonable excuse, will be by the customer who has travelled between local authority areas.

Environmental Health Officers will continue to do spot checks to ensure compliance with the regulations.

If a hotel owner or operator is in any doubt seeking a discussion with your local Environmental Health office should assist your business.

WHERE CAN I FIND GUIDANCE FOR MY BUSINESS?

The Scottish Government have published Sector Guidance which can be found on the Covid-19 page of their website.

This note is provided for your assistance in these unprecedented and fast moving times.

It does not constitute legal advice and it is provided on the basis that it does not create any duty of care or liability on our part.

If you require specific advice, please contact us and one of our experts will support you.



Colin Brown

DIRECTOR

e Colin.Brown@burnesspaull.com

t +44 (0)131 473 6320

m +44 (0)7786 815081

Aberdeen

2 Marischal Square
Broad Street
Aberdeen
AB10 1DQ
T +44 (0)1224 621621

Edinburgh

50 Lothian Road
Festival Square
Edinburgh
EH3 9WJ
T +44 (0)131 473 6000

Glasgow

2 Atlantic Square
31 York Street
Glasgow
G2 8AS
T +44 (0)141 248 4933