

The implications on event organisers of a rising ‘r’ rate, local lockdowns and the powers held by the Director of Public Health – a briefing note for stakeholders

What has changed in the regulations since the last briefing note?

Since our last briefing note the national and local picture has further changed, following a rapid increase in the number of daily positive cases. The Government, Chief Medical Officer and Chief Scientific Advisor all agreed that urgent action was necessary to stop the virus spreading and continue to protect the NHS. This guidance note tries to capture those changes so event organisers can be well informed running up to the end of summer and into autumn.

Following the most recent Prime Minister’s announcement about new restrictions on groups of people getting together, this may have caused confusion when it comes to events. The changes relates only to gatherings of groups within an event, not to the numbers allowed to attend an event. This continues to be set by individual risk assessments as stated in the sector guidance produced by EIF/DCMS. This guidance is constantly updated so make sure you have the most recent copy.

Under the new regulations, **groups from more than one household are limited to six** and event organisers need to take this into account in their risk assessment to make sure that as far as is reasonably practicable, these groups remain separate and socially distanced when attending events. There appears to be an exemption for a single household or support bubble larger than six people. This change came into effect on Monday 14th September within The Health Protection (Coronavirus, Restrictions) (No.2) (England) (Amendment) (No. 4) Regulations 2020.

For unorganised events Police will now be able to disperse gatherings and fine individuals involved £100, doubling up to a maximum of £3,200. Organisers and facilitators of larger gatherings of more than 30 people – such as unlicensed music events – can be subject to fines of up to £10,000. These have been issued now across the country.

Another change to be aware of is that **track and trace became a legal requirement** from Friday 18th September for hospitality premises. Although events aren’t specifically mentioned we would advise that it is continued to be implemented at all events along now with NHS QR codes. A new NHS QR code scheme is available, we have been piloting this in

Newham, and we would encourage all event organisers to implement this. More information can be found on the NHS or Gov.UK website:

<https://covid19.nhs.uk/venue-check-in-businesses.html>

[https://www.gov.uk/create-coronavirus-qr-poster?utm_source=bing&utm_medium=cpc&utm_campaign=00608518_CO\(B\)_Covid19%20Business%20NHS%20Test%20%26%20Trace_BMM&utm_term=%2Bcovid-19%20%2Bqr%20%2Bcode&utm_content=Covid-19](https://www.gov.uk/create-coronavirus-qr-poster?utm_source=bing&utm_medium=cpc&utm_campaign=00608518_CO(B)_Covid19%20Business%20NHS%20Test%20%26%20Trace_BMM&utm_term=%2Bcovid-19%20%2Bqr%20%2Bcode&utm_content=Covid-19)

A QR code can be generated to display at the event and visitors can scan the QR code when they arrive using the NHS Covid-19 app which they should be encouraged to download in any comms information sent out prior to the event. The government site states that it should be used by “an event which is taking place in a physical location”.

What is happening to the ‘r’ rate in Newham, and how could any local restrictions affect events?

The licensing and events team works closely with our public health colleagues in the Council. Unfortunately this week there has been a rapid rise in cases in the Borough. This will have an implication on events being planned in the Borough and event organisers should feed this information into their risk assessment. It may mean that certain events cannot go ahead.

Newham Council has a Covid Dashboard available at the following link <https://www.newham.gov.uk/coronavirus-covid-19/covid-dashboard/1> which summarises the number of cases and tests for the previous week (Wednesday – Wednesday). It is updated weekly by the public health team, including a commentary on the numbers by the Director of Public Health to explain what the numbers actually mean.

We have been informed that the numbers have jumped significantly into the 25-50 / 100,000 zone. This may even creep higher into the next zone. The table below is used by the Council to decide what actions need to be taken locally. Currently we are in the amber zone potentially moving into the red zone. This may mean that the Council decides to use local lockdown powers to prohibit certain events and organised gatherings in the Borough so it is worth being aware that currently we are in a period of transition which may affect event organisers moving forwards into late summer and autumn.

Businesses & regulatory services: actions for EVENTS

Level (7-day case rate)	Who	Actions	Goal	Powers
Level 1A (<20/100,000)	<ul style="list-style-type: none"> SAG process and Licensing events team lead on events Environmental health officers, commercial (food safety, health & safety) Licensing officers Trading standards officers 	<ul style="list-style-type: none"> Communication with event organisers and stakeholders Advice and support SAG process where threshold met Review event management plan and Covid risk assessment Site visits 	<ul style="list-style-type: none"> Ensure events are Covid secure, follow Gov sector guidance and have a full event management plan and risk assessment to comply with Covid Regs and Health and Safety at Work Act Ensure compliance with track and trace and advise to implement Newham's QA code scheme Ensure risk of transmission is controlled Avoid unmanaged/poorly controlled events Avoid all events in red zone and take on case by case basis in green and amber zone taking into account organisers expertise, past history, context etc. 	<ul style="list-style-type: none"> Health & Safety at Work Act 1974 and relevant regulations – qualified EHOs only e.g. improvement and prohibition notices Licensing Act 2003 powers Other relevant Trading Standards legislation and food safety legislation Specific Covid Regs powers (constantly changing)
Level 1B (20-25/100,000)		<ul style="list-style-type: none"> Communication with event organisers and stakeholders Advice and support SAG process where threshold met Review event management plan and Covid risk assessment Site visits Discourage/prevent community events with lack of organiser expertise, intelligence of non-compliance or events too complex to operate in amber zone e.g. public processions, large crowds etc. Consult with PH in complex cases 		
Level 2 (25-50/100,000)		<ul style="list-style-type: none"> Communication with event organisers and stakeholders cancelling all events Formal action if necessary to prevent events using Health & Safety, Covid Regs or Licensing powers Liaise with PH and police 		
Level 3 (>50/100,000)				

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The role of Local Authorities and the Director of Public Health

Many event organisers may be unaware that the local authority and the Director of Public Health hold local powers which enable them to close down events, sometimes with limited warning. There are local discrepancies with the use of this power. A good example of its recent use is at The Southampton Boat Show, where the evening before the show opening, the local Director of Public Health prevented the event going ahead. Prior to this the organisers had been working closely with the local authority who had been supporting the event.

It is worth noting that in this example the area concerned has two tiers of local government being county councils and either district, borough or city councils. The decision to pull the event would have been taken by the county council as this is where the Director of Public Health sits and the SAG and city council (Southampton) would have been separately supporting the event. It looks like the reason the event was cancelled last minute would be down to lack of communication and procedures between the two tiers of local government.

In Newham, we work closely with public health who now currently sit on the SAG and we have joint procedures meaning that any decisions made by the Director of Public Health wouldn't be last minute or come as a surprise to the event organiser as they are involved in the SAG process from the beginning. However, event organisers should be aware of the powers held by the Director of Public Health in local authorities along with increasing local lockdowns and restrictions and issues with insurance. Our simple advice to all event organisers wherever they are operating is as follows:

If you are currently planning an event, we would strongly recommend that you consult with the local Director of Public Health in addition to the Safety Advisory Group and other officials at an early stage in order to reduce the risk of a last minute shut down.

Final thoughts on events at this point of time

We are seeing events again being scaled back and moved into 2021, with an upwards trend in the 'r' rate. Although currently the national picture allows events to proceed if they are Covid secure, locally we are at a time where local restrictions may need to be introduced. Therefore event organisers should think about their plans, and the current context, to take into account if what they are planning is suitable at this current time.

As we mentioned in our last briefing note, the person responsible for organising the event must carry out a risk assessment and take all reasonable measures to limit the risk of transmission of the coronavirus. Capacity calculations should be based on social distancing requirements, available space and any other limiting factors for example pinch points, available facilities etc.

The Regulations place a clear emphasis on complying with the relevant Health and Safety Legislation, being the Health and Safety at Work Act 1974 and associated Regulations – specifically the Management of Health and Safety at Work Regulations 1999, Regulation 3. This is common practice for the events industry and safety professionals, but we would strongly recommend reviewing this area of the Regulations and ensure that the relevant risk assessments are carried out by a competent and experienced person and arguably a multi-disciplinary team taking into account the current context and the need for a stronger public health steer.

The events sector guidance is the key reference material to understand and implement in full. This is backed up with Government guidance for the performing arts. The Regulations clearly state that in determining whether all reasonable measures have been taken to limit the risk of transmission of the coronavirus, any guidance issued by the government relevant to the gathering in question must be taken into account. It is imperative to follow this sector guidance in full.

We hope this briefing note is useful to all those working in the event industry, we strongly advise that everyone remains up to date with the changing local and national picture, and the evolving Regulations and Guidance. Please feel free to contact us if you have any questions regarding events in Newham and we will do our best to assist – this is particularly important at present due to the sudden increase in the 'r' rate in and around the Borough. Further changes may happen locally over the coming weeks.