

Covid Pass for England – a simple guide for businesses

The Government has now activated the additional control measures referred to as Plan B. The final part of the proposals was the **Covid Pass** for certain venues and this came into force on the **15th December 2021**.

This guide has been developed to help assist businesses understand if the Covid Pass applies to your business, and if so, what the law says you need to do.

Q. Does the Covid Pass requirement apply to my business?

A. If you operate as a nightclub or similar venue where the expectation is people will go there to dance rather than just to drink or eat, then it will apply to you regardless of how many customers you have.

If you do not consider your business is a nightclub, then does all of the following apply to you?

- **You remain open after 1am**
- **You serve alcohol after 1am**
- **You have a dance floor area or have a space where people dance**
- **You provide any kind of music for dancing**

If **all 4** of the above points apply to your venue, then the Covid Pass applies.

Other venues and event

The Covid Pass also applies to a number of other venues and events:-

- **Indoor events with at least 500 people that will be mainly standing**
- **Outdoor events with at least 4000 people that will mainly be standing**
- **Very large events with at least 10,000 people indoors or outdoors sitting or standing**

There are some very limited exceptions, but you will need to refer to the regulations and guidance for more information

You will find the guidance here [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)

Q. Can I make changes to my business so it doesn't apply to me?

A. Yes, if you decide to change the way you operate so you no longer fall into the categories above, then you would no longer have to apply the Covid Pass requirement.

For instance:-

- If you are a nightclub and close your dance floor or stop providing music
- For other venues, you may choose to close the dance floor, close the business before 1am, stop serving alcohol after 1am or stop providing music for dancing
- For larger events, you can limit the number of people to below the limits set.

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Q. If it applies to me, do I have to check every customer's Covid Pass?

A. For the vast majority of venues where the Covid Pass applies, you will be required to check **every** customer entering your venue. The easiest way to do this is as they enter your venue. There are some exceptions for very large events or venues where a reduced number of checks might be acceptable but this would have to be agreed with the Local Authority at least 10 working days before the event. This would only really apply to larger events where most attendees will arrive around the same time.

You will need to refer to the regulations and detailed guidance to determine if this exception will apply to your venue or event.

Q. What do I look for when checking a Covid Pass?

A. All attendees will have to provide either evidence of double vaccination or a negative Covid test completed within 48 hours. At this time, customers do not have to show they have received the booster vaccination.

It is anticipated most people will use the NHS Covid App to demonstrate they have a valid Covid Pass.

The recommended way to verify a Covid Pass is to use the NHS Covid Pass verifier App. This will verify if the Covid Pass shown to you on a SMART phone is in date and valid.

If you do not use the NHS verifier App you can make a visual check but you will need to make sure this isn't a screen shot, or a copy and is in date.

You should visit the NHS Covid pass web pages for further information on how to verify a Covid Pass.

Q. What if the customer has a negative Covid test rather than vaccination evidence or a Covid Pass?

A. You can accept evidence of a negative Covid test instead of the NHS Covid Pass but you need to ensure the following:-

- The evidence of the test must be through the NHS Test and Trace service. You cannot accept any other evidence. The customer will have received an e-mail from the Test and Trace service so ask them for this
- Check that this shows the test was negative and done within the last 48 hours

Q. What records do I need to keep of the checks I make?

A. You must prepare a statement that explains what you will do to ensure you meet your obligations under the Covid Pass requirements. You must also keep this up to date to reflect any changes you might make as you get used to the new procedures. You should also include how you will let your customers know what you are doing.

For each night you operate, or event you run, you must record the number of people that attended. You should also record if there were any problems that forced you to change the way you carry out your usual Covid Pass checks, why this was and what you did instead.

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You must keep these records for 3 months from the date of the event or day the records refer to and keep your general policy statement for as long as the Covid Pass requirement is in force and for 3 months after the requirement ceases.

Your records for each day/event must not record personal information of your customers.

Q. What else do I need to do to comply with the law?

A. In addition to ensuring you apply the Covid Pass requirements whenever they apply to your business you must also:-

- Keep your Covid Pass policy/statement up to date so that it reflects how you are operating and how you are making the required checks
- Update your risk assessments to ensure you are taking necessary steps protect the health, safety and welfare of your staff

Q. Who will check if I'm doing what I should be doing?

A. Your Local Authority have enforcement powers to check that you are following the rules and taking the necessary steps to comply with the law. Powers are also available to the Local Authority including service of Covid Improvement notices, fixed penalty notices, or prosecution.

Q. Where can I find out more information and advice?

A. This guide is only intended to provide a general overview of the Covid Pass requirement as it applies to most businesses. Government has issued details guidance along with further explanation on the operation of the Covid Pass. The link to the general guidance has been included earlier in this guidance, but for further information on the Covid Pass please use this link

<https://www.nhs.uk/conditions/coronavirus-covid-19/covid-pass>

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