

# The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

## Supplementary guidance on the sale of alcohol and exemptions for “grassroots music venues”

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### Purpose of this supplementary guidance

The new Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, hereon in referred to as the “Coronavirus Regulations”, came into force on the 2<sup>nd</sup> December 2020. On the same day, Hertfordshire was placed in ‘Tier 2’.

The Coronavirus Regulations requires the closure of businesses selling alcohol for consumption on the premises, other than with a table meal or if operating a grassroots music venue. This supplementary guidance explores these aspects further.

### Must I close my business?

If you sell alcohol for consumption on the premises, unless you are classed as a “grassroots music venue”, you can only open if this is done as an accompaniment to a table meal.

In line with Government guidance, land or buildings where the primary use is not the performance of live music (e.g. a restaurant or public house) will not be considered a live music performance venue - <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update-on-cultural-venues-and-holiday-parks--2>

‘Wet Pubs’ cannot open for the sale of alcohol for consumption on the premises.

### What is a Table Meal?

When considering what forms a table meal, you should consider the following bullet points:

- The customer must be seated at a table and the meal must be a main meal, whether breakfast, lunch or dinner.
- The meal should be plated and more than a snack. A single item on a plate, such as a sausage roll or portion of chips is unlikely to be considered a main meal. However a sausage roll served with accompaniments such as vegetables or salad could be considered a main meal.
- A sharing platter on its own is unlikely to be considered a main meal.
- The alcohol is to be served ‘as part of’ the meal, the main purpose of frequenting the premises is to have the meal, the alcohol is secondary.
- Customers who intend to drink alcohol should be served food promptly once on the premises and should not be allowed to remain on the premises, drinking alcohol, for an unreasonable amount of time after they have finished their meal.
- The table meal must be served by the premises, customers bringing their own food does not satisfy the table meal requirement.

## **What are grassroots music venues and why is this important?**

The Coronavirus Regulations allow certain premises, including concert halls to sell alcohol for consumption on the premises, subject to the criteria being met. The GOV website, in their advice on performing arts, state that, “References to concert halls include dedicated grassroots music venues. Grassroots music venues host music and other programming artists that perform in front of audiences.”

The Arts Council England used the [Music Venue Trusts](#) definition of ‘grassroots music venue’ when determining whether a business is eligible to access its ‘Emergency Grassroots Music Venue Fund’.

Please note, if you are a pub, restaurant, café or similar, the grassroots music venue exemption will not apply to your business, you will need to serve alcohol as an accompaniment to a table meal.

## **What is the exemption for grassroots music venues?**

Grassroots music venues, can serve alcohol without a table meal if all of the following criteria are met:

1. The alcohol is ordered by a customer who has a ticket for the live music performance.
2. The alcohol is served to the customer to consume in the area where the audience is seated at the venue to watch the live music performance.

## **How do I demonstrate my business is a grassroots music venue?**

Each business will be different, so we recommend discussing the matter with the Council’s Environmental Health team before you start selling alcohol without a table meal to ensure you comply with the Coronavirus Regulations.

When considering your business under this exemption, we will look at whether:

- a. Your business falls within the definition of a grassroots music venue as defined by the Music Venue Trust.
- b. Your business is recognised within the local community as a venue that supports and showcases new and local talent and this forms the substantive part of your business. A band playing live music in the background at the weekend would not count.
- c. You have a dedicated stage for live performances with suitable arrangements for seating customers so that they can all view the live music performance.
- d. Performers are booked in advance of the night and you are not relying on people turning up on the night to perform. Karaoke and pre-recorded music would not be included in the exemption to grassroots music venues.

## **Considerations for those operating as a grassroots music venue**

If your business is classed as a grassroots music venue, you must still ensure you are operating a COVID-secure businesses and take all reasonable steps to protect the health of your staff, performers and customers. You must ensure your business complies with all of the relevant COVID-secure measures set out in statute or guidance published on the GOV

website, including the performing arts guidance (<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>).

Other considerations:

- I. Your COVID-specific risk assessments must be up to date and identified controls in place at all times.
- II. The exemption only applies while there is a live music performance. Venues should only serve alcohol without a table meal to ticketed customers for 30 minutes before the live music performance (subject to your 'Premises Licence' conditions). You cannot open at midday and serve alcohol without a table meal if the live music performance doesn't start until 8pm.
- III. If for any reasons the performers are unable to perform, the venue would not be able to make use of the exemption and would need to provide a table meal with the alcohol.
- IV. You must take all reasonable steps to control the spread of Coronavirus. This includes ensuring the live music is not too loud, requiring the customers to shout to communicate with each other. Where the volume of the music cannot be reduced, measures must be taken to prevent customers attempting to converse with each other during the performance by shouting over loud music or moving closure together. Measures would include advising customers not to converse during the performance and ensuring the layout of seating does not position people face to face.
- V. All customers must be seated during the performance and when consuming alcohol. You must actively stop customers from dancing and unnecessarily moving around or mingling with other groups.
- VI. The provisions relating to COVID-secure measures and statutory noise nuisance are mutually exclusive; you must therefore ensure you comply with both.
- VII. You will also need to check with the Council's Planning Department that you have the use permission that allows you to be a primarily music venue.

## **What support can I get from my local council and Hertfordshire County Council?**

Hertfordshire local councils have business grants, templates, checklists and guides on risk assessments and re-opening/trading safely: <https://www.hertfordshirelep.com/what-wedo/priorities/business-support/better-business-for-all/covid-19-advice-and-support/> Our Officers are available to help you with any particular concerns or questions you may have, for example around health & safety, including social distancing and hygiene in the work place; diversifying your business, including amending consumer contracts or terms & conditions and manufacturing new products; which businesses must remain closed, including advice on providing delivery/takeaway/click & collect services.

For further guidance and advice on any of the above you can contact your local Environmental Health Service (number available on your district/borough council website) or Hertfordshire Trading Standards Business Advice Line: 01707 281401 open Monday to Friday 9am-5pm, email: [trading.standards@hertfordshire.gov.uk](mailto:trading.standards@hertfordshire.gov.uk)

# GRASSROOTS MUSIC VENUES (GMVs) – DEFINITION

We define the cultural and social importance of a grassroots music venue (GMV) by testing its reputation, role and activity against six criteria:

**1. The elephant test**

Musicians and audiences in the town/borough/city think that is the grassroots music venue.

**2. Focus on cultural activity as its main purpose and its outcomes**

The venue's raison d'être is the music it programmes.

**3. It is a music business, run by music experts**

An organisational focus on music. Other ancillary services (alcohol, food, merchandise) subsidiary or dependent upon music activity.

**4. It takes risks with its cultural programme, and that risk taking is the ignition system of the engine that is the UK music industry**

Programmes artists that deserve audiences with no expectation of direct financial reward; as a result of this loss-making activity, significant economic returns become available to the UK music industry.

**5. A Beacon of Music and key generator of night-time economic activity**

The presence of a grassroots music venue (or venues) provides a central beacon of music activity that inspires towns/ boroughs/cities to be musical, and the absence of one causes a dearth of music activity. By programming and reputation, GMVs attract audiences who add significant value to other aspects of the night-time economy (restaurants, pubs, bars, clubs, transport).

**6. Plays nicely with others**

Occupies an important role within its local community and is open to further networking.

A Grassroots Music Venue displays some or all of these characteristics, dependent upon factors such as location, economic climate, or seasonal variations.

Source – Music Venue Trust

<http://musicvenuetrust.com/wp-content/uploads/2016/09/Defining-Grassroots-Music-Venues.pdf>