

## SCHEDULE 1

### Tier 1 restrictions

## PART 2

### Closure of businesses

#### **Requirement to close premises and businesses**

**5.—**(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 7.

(4) In this Part of this Schedule “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 6(1), or
  - (b) is carried on from, or provided at, premises of a kind specified in paragraph 6(1).
- (5) For the purposes of this Part of this Schedule, premises are in the Tier 1 area if—
- (a) any part of the premises is in the Tier 1 area, and
  - (b) no part of the premises is in the Tier 2 area or the Tier 3 area.

#### **Restricted businesses and services for purposes of this Part of this Schedule**

**6.—**(1) The following are restricted businesses and restricted services for the purposes of this Part of this Schedule—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue which—
  - (i) opens at night,
  - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—
  - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
  - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.

(3) In sub-paragraph (1)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(1)</sup>.

(4) In sub-paragraph (1)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule<sup>(2)</sup>.

### **Exceptions from paragraph 5(1)**

7.—(1) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service—

- (a) to provide essential voluntary services 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;
- (b) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
  - (i) in accordance with provision made by or under an Act, or
  - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(2) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(3) Paragraph 5(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—

- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services, in premises which are separate from the premises used for the closed business;
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post;
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(4) For the purposes of sub-paragraph (3), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—

- (a) the PCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

(1) 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

(2) Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).