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MEMORANDUM E (21) 104 (C)

FROM: FIRST MINISTER
DEPUTY FIRST MINISTER

DATE: 13 May 2021

TO: EXECUTIVE COLLEAGUES

FINAL EXECUTIVE PAPER: Pathway out of Restrictions - Gatherings, Face Coverings, Learning Event, Hospitality, Stay Local

Introduction

1. The purpose of this paper is to outline the proposals for relaxations and give an overview of the linkages and consistency of position and message.
2. The Executive wanted to ensure maximum consistency across the various decisions. Absolute consistency of numbers for various settings would mean either opening up more widely or reducing some of the existing conditions. For example, 15 people from 3 households can already meet in private gardens, whereas 6 from 2 may dine outdoors. If the Executive is content to have a range of numbers, then it will be important that we can explain the rationale clearly and in a way which encourages adherence. Some changes are proposed following the discussion at the Executive last week.

Background

3. The proposal are detailed in the Annexes but cover the following areas:
 - a. **Removal of the Stay Local message** - with the reopening of the tourism sector on the **24 May**, this messaging is no longer fit for purpose. It is recommended that EIS are tasked with developing and employing more appropriate alternatives, which is likely to focus on individuals' behaviours rather than the distance travelled.
 - b. **Indoor gatherings** (not including post wedding, civil partnership and funeral events) - **From 24 May, subject to review on 20 May**, allow no more than 50 people (or capped as per risk assessment for venue if lower) across all sectors), including spectators at sports events (exclusive of sports participants). Over 15 people must be an organised gathering and would require a risk assessment.

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- c. **Outdoor Gatherings - From 24 May, subject to review on 20 May**, allow up to 500 people (or capped as per risk assessment for venue if lower) across all sectors including spectators at sports event (exclusive of sports participants). Over 30 people must be an organised gathering and would require a risk assessment.
- d. **Learning Event** – permit an event with 1,000 spectators to enable logistical and operational learning. With a greater focus on post event learning on logistics, to separate from the decision on outdoor gatherings, and to increase the value of the learning by allowing 1,000 spectators to attend.
- e. **24 May reopening restrictions** (including post wedding, civil partnership and funeral events) – agree the conditions listed at Annex F.
- f. **Outdoor Hospitality – From 24 May** allow 6 people from an unrestricted number of households per table at outdoor hospitality venues. This will be a step forward for outdoor hospitality at the same time as indoor hospitality returns, subject to review on 20 May.
- g. **Indoor Hospitality – From 24 May** there are options for the Executive to consider:
 - i. Lower Risk option – maximum of 6 people from 2 households permitted per table from 24 May, with the position being reviewed again at the 10 June review.
 - ii. ~~Higher~~Medium Risk option – maximum of 6 people from an unrestricted number of households per table at indoor hospitality venues.
 - iii. Agree the conditions listed in Annex G
- h. **Face coverings**
 - I. Agree to the face covering regulations being amended to require mandatory wearing of face coverings in all indoor areas accessible by the public unless exempt; and
 - II. Agree that guidance will be updated to provide examples of venues where face coverings must be worn and to take account of circumstances for individuals with varying communication requirements (lip reading etc.).

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CMO/CSA and Behavioural Science Advice

4. Ministers are aware of the previous advice provided by CMO, CSA and behavioural Science team on these issues.

Narrative and communications

5. Depending on the decisions reached, a strong narrative will be needed to explain any differences in numbers per setting. An outline is suggested below:

Our Pathway out of Restrictions sets out a number of phases for different activities. This is because different factors need to be taken into account for each type of setting, the activity, and how we engage with each other in different scenarios. Generally speaking, outdoors is safer than indoors, regulated settings tend to have more control than more informal settings, it remains desirable to limit social contact where possible, and the public health advice must continue to be followed. The Executive's decisions today represent further steps through our Pathway, each being relevant to the setting and activity, and with further steps to come. The Executive's next reviews are on 13 May and 10 June.

Recommendation

6. **It is recommended that the Executive agree:**

Stay Local Messaging

- a) to cease using the Stay Local messaging,
- b) that EIS are tasked with developing and employing more appropriate alternatives. This is likely to focus more on individuals' behaviours rather than distance travelled.

Indoor Gatherings

- c) that from 24 May (subject to review on 20 May), indoor gatherings may take place of no more than 50 people or capped as per risk assessment for venue if lower.
- d) that post marriage, civil partnership and funeral events would be exempt from this cap and their numbers will be subject to risk assessments for the venue only.
- e) the cap of 50, and risk assessment cap if lower, will apply to spectators at sports events but is exclusive of sports participants therefore removing the ban on spectators at sporting events.

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- f) over 15 people indoors must be an organised gathering requiring a risk assessment
- g) to commission Behavioural Science input in relation to guidance on risk assessments and messaging for people attending indoor events.

Outdoor gatherings

- h) that from 24 May (subject to review on 20 May), outdoor gatherings may take place of no more than 500 people or capped as per risk assessment for venue if lower.
- i) the cap of 500, and risk assessment cap if lower, will apply to spectators at sports events but is exclusive of sports participants, therefore removing the ban on spectators at sporting events.
- j) over 30 people outdoors must be an organised gathering requiring a risk assessment.
- k) to advise organisers to consider the use of Lateral Flow Tests for larger events
- l) to commission Behavioural Science input in relation to guidance on risk assessments and messaging for people attending outdoor events

Learning event

- m) to the Irish Cup Final on 21 May being used as an event for logistical and operational learning permitting 1,000 spectators, subject to further scoping work being carried out with the event organisers to ensure its viability

24 May detail

- n) the detail for decisions relating to tourist accommodation, including wedding arrangements, indoor domestic settings, indoor visitor attractions and indoor group exercise as outlined in the tables in Annex E.

Face coverings

- o) to the face covering regulations being amended to require mandatory wearing of face coverings in all indoor areas accessible by the public unless exempt;
- p) that guidance will be updated to provide examples of venues where face coverings must be worn and to take account of circumstances for individuals experiencing communication difficulties.

Outdoor hospitality

- q) from 24 May allow 6 people from an unrestricted number of households per table at outdoor hospitality venues.

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Indoor hospitality

- r) the detail for decisions relating to indoor hospitality as outlined in the tables in Annex G.

It is recommended that the Executive decide to reopen indoor hospitality with either:

- s) Lower Risk option – maximum of 6 people from 2 households permitted per table from 24 May (this would align with the proposed indoor domestic setting restrictions), with the position being reviewed at the 10 June review with the intention of then moving to 6 people from an unrestricted number of households, or
- t) ~~Higher~~Medium Risk option – maximum of 6 people from an unrestricted number of households per table at indoor hospitality venues from 24 May. (This would create an inconsistency with indoor domestic settings, however this can be explained through the differences in behaviours in formal and informal settings).

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STAY LOCAL MESSAGE

The Executive has agreed to reopen the rest of the tourism sector on the 24 May, subject to a review on the 20 May.

This will require the removal of the prohibition on staying overnight at a place other than where a person normally lives. Given that people will be permitted to stay overnight elsewhere or visit various tourist attractions, the Stay Local message no longer remains relevant to the policy position.

Recommendation

1. It is recommended that the Executive agree:
 - to cease using the Stay Local messaging, and
 - that EIS are tasked with developing and employing more appropriate alternatives. This is likely to focus more on individuals' behaviours rather than distance travelled.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

INDOOR GATHERINGS

The current restrictions on indoor gatherings are negatively impacting a number of businesses and community groups, for example private tutoring, mother and toddler groups and community groups for older people.

The current restriction only permits an indoor gathering of 6 people from 2 households in a non-domestic setting. This proposal will permit an indoor gathering of up to 50 people with conditions applied. There would be no restriction on the number of households present.

Currently exempted places will remain, including: funerals, marriages, civil partnerships, educational activities, workplaces, blood donation or vaccine centres and childcare. For these, a risk assessment process will be followed.

Added to the exemptions will be post marriage, civil partnership and funeral events. Please see Annexes for further information.

The proposal is to include spectators, therefore removing the current ban in place on all spectators. This will apply when indoor competitive sport returns.

Any indoor gathering of more than 15 people must be an organised gathering and would require a risk assessment. The Behavioural Science team have advised they would be able to develop guidance on risk assessments and messaging for people attending events.

Recommendation

1. It is recommended that the Executive agree:
 - that from 24 May (subject to review on 20 May), indoor gatherings may take place of no more than 50 people or capped as per risk assessment for venue if lower.
 - that post marriage, civil partnership and funeral events would be exempt from this cap and their numbers will be subject to risk assessments for the venue only.
 - the cap of 50, and risk assessment cap if lower, will apply to spectators at sports events but is exclusive of sports participants therefore removing the ban on spectators at sporting events.
 - over 15 people must be an organised gathering requiring a risk assessment.
 - to commission Behavioural Science input in relation to guidance on risk assessments and messaging for people attending events.

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RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

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OUTDOOR GATHERINGS

The current restrictions on outdoor gatherings permit ten people from two households to meet in a non-domestic setting. This proposal will permit an outdoor gathering of up to 500 people with conditions applied. There would be no restriction on the number of households present.

Currently exempted places will remain, including: funerals, marriages, civil partnerships, educational activities, workplaces, blood donation or vaccine centres and childcare.

The proposal is to include spectators, therefore removing the current ban in place on all spectators.

Any outdoor gathering of more than 30 people must be an organised gathering and would require a risk assessment.

CMO and CSA recommend that the Executive advise organisers to consider the use of Lateral Flow Test for larger events.

The Behavioural Science team advised that they would be able to develop guidance on risk assessments and messaging for people attending events.

Recommendation

2. It is recommended that the Executive agree:
 - that from 24 May (subject to review on 20 May), outdoor gatherings may take place of no more than 500 people or capped as per risk assessment for venue if lower.
 - the cap of 500, and risk assessment cap if lower, will apply to spectators at sports events but is exclusive of sports participants, therefore removing the ban on spectators at sporting events.
 - over 30 people must be an organised gathering requiring a risk assessment.
 - to advise organisers to consider the use of Lateral Flow Tests for larger events
 - to commission Behavioural Science input in relation to guidance on risk assessments and messaging for people attending events

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

LEARNING EVENT

Objectives

The objectives of running an event for logistical and operational learning are to:

- provide information in relation to the effectiveness of testing and transmission of the virus for consideration in conjunction with the totality of the evidence from the events being run elsewhere;
- provide learning from the logistics of testing building on the learning emerging from the Events Research Programme;
- increase community confidence in attending such events;
- demonstrate the willingness of the Executive to get larger events up and running again;
- glean learning on the wider aspects of running larger scale events to inform best practice; and
- provide Governing Bodies and clubs with an opportunity to demonstrate that they can deliver larger scale events with reduced social distancing safely to inform plans that would see financially viable numbers being accommodated.

Requirements

In order to deliver against the above objectives, it is desirable that a number of requirements are met:

- The venue is capable of hosting up to 1,000 spectators in a Covid-aware manner;
- The event is already scheduled with established arrangements in place for advertising, ticket allocation, etc.
- The event takes place in time to inform best practice as other venues prepare for large gatherings of a similar size;
- There is controlled access to the event;
- The event is focused on an outdoor activity for families and the community in line with Executive priorities;
- The event organisers agree to cooperate with officials in terms of preparing for the event and the requirements in relation to testing and collating contact

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details for spectators and those required for the successful running of the event;

- Attendees (both spectators and those required to run the event) agree to take a Covid test prior to and after the event and consent to the information being used for the purposes of evaluating this learning event;
- Evidence of a negative Covid test result will be required to allow entry to the event.

Options

Consideration was given to scheduled events that would meet the requirements set out above. Timing is a primary consideration and on discussion scheduled spectator events that meet the criteria above are limited. Ulster Rugby does not have a scheduled fixture in the coming weeks and the Ulster Championship does not commence until the end of June. The first significant fixture that will be run by a Governing Body is the Irish Cup Final on 21 May. The Irish Cup provides an opportunity to work with a Governing Body and to use their knowledge, expertise and capacity for organising a significant fixture. The event will be all-ticket and that will help with the logistics of the testing element. It is played to a finish on the day and will provide for an intense setting to test the behaviours of those present.

Proposal

The Irish Cup Final on 21 May at Mourneview Park Football Stadium in Lurgan satisfies the requirements set out above. It is therefore proposed that this event is used as the learning event. Plans are already in place to host the Final with or without spectators. If agreed, arrangements can quickly be made to accommodate up to 1,000 spectators with social distancing set at 1 metre. The Irish Football Association (IFA) will be building on experience gained when limited numbers of spectators were permitted before the latest lockdown. Those fixtures were organised using established protocols for a return of spectators and included a risk assessment.

Pre and post event testing arrangements for spectators and individuals working at the event as well as environmental testing of the venue are being developed. People wishing to attend the event will be asked to confirm they agree to comply with the requirements of the learning event and to provide proof of a negative lateral flow test on arrival. Further details will be provided.

Consideration is also being given to using the event to assess spectator experience using an established questionnaire, observing behaviours, reduced social distancing and testing advanced messaging and the use of technology.

DfC colleagues will be closely involved in the learning event and will ensure that the event is designed, run, and analysed in a way which provides learning for all

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sporting codes which can benefit from this experience, as well as organisers of other large events.

Recommendation

It is recommended that the Executive agree:

- to the Irish Cup Final on 21 May being used as an event for logistical and operational learning permitting 1,000 spectators, subject to further scoping work can be carried out with the event organisers to ensure its viability.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

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ANNEX E

24 MAY REOPENINGS – (Excluding Indoor Hospitality- dealt with separately)

The Executive expressed concerns about consistency across a number of areas, including post marriage and civil partnership event numbers. The indoor gathering cap will not apply to those events, or to post funeral events. Previously these events were treated differently and sector representatives have requested that this remains the case, with an unlimited top table, tables of ten with no household restrictions, and the total numbers being subject the risk assessment and exempt from the indoor gathering limit.

Sector representatives have confirmed that their expectation is that the restrictions on dancing and music already in place in hospitality will apply, with exemptions to permit one dance for the couple at the marriage and civil partnership events and music during ceremonies.

It is proposed that the allowance for number of households permitted to co-habit per accommodation type (room, holiday let etc.) reflects that permitted for overnight stays in a domestic setting. If the proposal to permit indoor domestic setting gatherings of 6 people from two households is agreed, then we propose that it is also agreed to permit the booking tourist accommodation on the same basis.

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Reopen the remainder of Tourist Accommodation

**Licenced areas will be covered as per Executive decision on indoor hospitality covered elsewhere in this paper
All contact details must be taken and retained
Rooms/accommodation area booking in line with the permission re indoor domestic settings
Shared facilities reopen
Meetings rooms etc. - Capacity to risk assessment maximum or indoor gathering restrictions, whichever is lower.
Post wedding and civil partnership events <ul style="list-style-type: none">• Risk assessment for capacity• No restriction on top table• Other tables maximum of ten (no household restriction)• Children under 12 excluded from table numbers• Only one dance for couple• Music same as for licenced venues• Otherwise same as all licenced premises
Other hospitality events e.g. gala dinners, functions, ticketed or not <ul style="list-style-type: none">• Capacity to risk assessment maximum or gathering numbers, whichever is lower.• Subject to other indoor hospitality requirements e.g. table seating as to be agreed, contact details, music etc.(gathering numbers dependent – please see separate proposal on these)
Conference facilities in tourism sector – remove closure from Regulations to allow use for other purposes (not for conferences as yet) to risk assessment capacity or gathering numbers cap
Removal of overnight stay prohibition

Allow visits indoors in Domestic Settings

6 people from no more than 2 households
Does not include children under 12
Can be more if household has more than 6, but not more than 10
Overnight stays permitted

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Reopen indoor visitor attractions (includes amusement arcades, bingo halls, museums, galleries and cinemas.)

Social distancing
Risk assessment to maximum capacity – indoor gathering cap would apply
All contact details must be taken and retained

Resume indoor group exercise and training in numbers limited to suit the venue. (Includes soft play areas, leisure centres, gyms, swimming pools, equestrian centres, venues relating to motor sport and activity centres

Social distancing
Risk assessment to maximum capacity – (indoor gathering cap would apply to group use)
All contact details must be taken and retained

Note - Face coverings paper will result in their use being made mandatory across a number of these settings.

Recommendation

1. It is recommended that the Executive agree:
 - the detail for decisions relating to tourist accommodation, Indoor domestic settings, indoor visitor attractions and indoor group exercise as outlined in the tables in Annex E.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

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OUTDOOR HOSPITALITY

Sector representatives have requested that the Executive consider a move from the 6 people from two households at a table restriction to a limit of 6 people, with no limit on the number of households.

Recommendation

2. It is recommended that the Executive agree:

- **Outdoor Hospitality** – From 24 May allow 6 people from an unrestricted number of households per table at outdoor hospitality venues.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

INDOOR HOSPITALITY

The Executive expressed concerns about consistency and concerns from sector representatives about numbers permitted at tables at indoor hospitality. Note post marriage, civil partnership and funeral events are not impacted by the proposals below.

Following cross-departmental discussion, options considered appropriate at this point are to reopen indoor hospitality on the 24 May (subject to review on 20 May) with table seating arrangements of either:

- u) Lower Risk option – maximum of 6 people from 2 households permitted per table from 24 May (this would align with the proposed indoor domestic setting restrictions), with the position being reviewed at the 10 June review with the intention of then moving to 6 people from an unrestricted number of households, or
- v) ~~Medium-Higher~~ Risk option – maximum of 6 people from an unrestricted number of households per table at indoor hospitality venues from 24 May. (This would create an inconsistency with indoor domestic settings, however this can be explained through the differences in behaviours in formal and informal settings).

It is proposed that either option would have the further conditions below applied:

Children under 12 not included in the 6 maximum
More permitted if all from one household, maximum of 10
Table service only
All contact details must be taken and retained
Social distancing required – minimum of 1m.
Must stay at table – no gaming machines, pool tables, etc
Face coverings must be worn once no longer seated for any reason, e.g. to go to the toilet
No meal required
No dancing
No music for dancing, live or recorded

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No live music
Music must be at ambient level and permit normal conversation
Risk assessment as per current regulations for outdoors

Recommendation

8. It is recommended that the Executive decide to reopen indoor hospitality with either:
 - a) Lower Risk option – maximum of 6 people from 2 households permitted per table from 24 May (this would align with the proposed indoor domestic setting restrictions), with the position being reviewed at the 10 June review with the intention of then moving to 6 people from an unrestricted number of households, or
 - b) Medium-Higher Risk option – maximum of 6 people from an unrestricted number of households per table at indoor hospitality venues from 24 May. (This would create an inconsistency with indoor domestic settings, however this can be explained through the differences in behaviours in formal and informal settings).
9. It is recommended that the Executive agree the detail for decisions relating to indoor hospitality as outlined in the tables in Annex G.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

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ANNEX H

WEARING OF FACE COVERINGS

Consideration has been given to extending the mandatory wearing of face coverings to indoor areas accessible by the public of additional venues by legislation.

It is proposed that the mandatory wearing of face coverings, unless exempt, is extended to provide an additional mitigation for indoor settings which may be permitted to open on 24 May.

It is currently not mandatory to wear a face covering in a range of indoor areas accessible to the public, including indoor visitor attractions and leisure facilities or in businesses able to maintain social distancing by using a system of ticketing or appointments. Neither is it necessary to wear a face covering whilst seated in a restaurant, pub or café but it must be put on once no longer seated for any reason.

Exemptions

It is recognised that some circumstances make it difficult for some people to wear face coverings. In these circumstances people may have a 'reasonable excuse' not to wear a face covering. It is also recognised that some people find it hard to hear or understand people wearing a face covering because they cannot see their mouth or facial expression e.g. People who rely on lip reading or who use sign language. Allowances could be made in guidance making it clear that they can ask others to remove their face coverings whilst having a conversation.

Fines

The fixed penalty for not wearing face coverings when required is £200 or, if paid within a period of 14 days, £100.

ANNEX H1 lists where face coverings are mandatory in other jurisdictions.

In summary, Scotland and England regulations list indoor venues where face coverings are required to be worn whereas Wales regulations provide a couple of examples and state that they must be worn anywhere that is open to members of the public. The Republic of Ireland regulations require face coverings to be worn in cinemas and cinema complexes; theatres; concert halls; bingo halls and museums.

Proposal

The face covering regulations will be amended to reflect that face coverings must be worn in all areas accessible by the public unless exempt. A proposed list of venues in which face coverings will be required will be set out in guidance as examples: museums, galleries, cinemas, cultural and heritage sites, libraries, aquariums, indoor

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zoos and visitor farms, bingo halls, amusement arcades, indoor sports stadiums, funfairs, theme parks, bowling alleys, indoor play areas including soft-play areas when not involved in an aerobic activity, snooker and pool halls, auction houses, estate agents, theatres, concert halls, conference facilities and comedy clubs and other leisure facilities.

Eating areas within indoor settings would be covered by the same requirements as currently exist within enclosed shopping centres – a face covering will not be required when visiting, and seated within, the eating area.

The existing face covering exemption for shops or businesses that can restrict access by means of sale of tickets or by appointment will need to be amended. Even where there is an appointment or ticketing system in place, it is proposed that face coverings will be required and this will require an amendment to the face covering regulations.

It is proposed that the guidance is updated to enable people who find it hard to hear or understand people wearing a face covering to ask others to temporarily remove their covering to facilitate effective communication.

Recommendations

It is recommended that the Executive agrees:

- to the face covering regulations being amended to require mandatory wearing of face coverings in all indoor areas accessible by the public unless exempt; and
- that guidance will be updated to provide examples of venues where face coverings must be worn and to take account of circumstances for individuals experiencing communication difficulties.

RT. HON ARLENE FOSTER MLA
First Minister

MICHELLE O'NEILL MLA
deputy First Minister

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Position re Mandatory Face Coverings at Indoor Attractions in Other Jurisdictions

England	Scotland	Wales	Republic of Ireland
<p>Indoor attractions defined as:</p> <p>Visitor attractions and entertainment venues (museums, galleries, cinemas, theatres, concert halls, cultural and heritage sites, aquariums, indoor zoos and visitor farms, bingo halls, amusement arcades, adventure activity centres, indoor sports stadiums, funfairs, theme parks, casinos, skating rinks, bowling alleys, indoor play areas including soft-play areas).</p>	<p>Face masks legally required in the following locations:</p> <p>Visitor attractions, indoor tourist, heritage or cultural sites such as museums and galleries, aquariums, indoor zoos or visitor farms.</p> <p>Entertainment venues such as cinemas, indoor theatres, comedy clubs, concert halls, soft play centres, bingo halls, bowling alleys, amusement arcades, snooker and pool halls, and other leisure facilities, indoor funfairs and indoor skating rinks.</p>	<p>The legal requirement is face coverings must be worn in all indoor public places.</p> <p>This includes a very wide range of locations, such as shops and shopping centres, places of worship, hairdressers and salons, cinemas and museums, gyms and leisure centres, and anywhere that is open to members of the public.</p>	<p>It is mandatory to wear face masks in the following entertainment / visitor attraction locations:</p> <p>Cinemas and cinema complexes; theatres; concert halls; bingo halls and museums.</p>