

CDL – FM Call, 5 October 2020 (15:45 – 16:15)

Ministerial Attendance

The Rt. Hon Michael Gove MP, Chancellor of the Duchy of Lancaster
The Rt. Hon Nicola Sturgeon MSP, First Minister, Scotland
John Swinney, Deputy First Minister MSP, Scotland.
The Rt. Hon Prof Mark Drakeford MS, First Minister, Wales
The Rt. Hon Arlene Foster MLA, First Minister, Northern Ireland
Michelle O'Neill MLA, deputy First Minister, Northern Ireland
Declan Kearney, Junior Minister, Executive Office
The Rt. Hon Brandon Lewis MP, Secretary of State for Northern Ireland
The Rt. Hon Alister Jack MP, Secretary of State for Scotland
The Rt. Hon Simon Hart MP, Secretary of State for Wales

Actions

- The UK Government to share their proposals on tiering prior to an announcement, and if possible by the morning of Wednesday 7 October. *[NB: The PM has now decided to hold off on announcing the tiering system until next week, meaning this may change].*
- The Chancellor of the Duchy of Lancaster to share the UK Government's thinking on compliance and enforcement with the devolved administrations.
- The Joint Biosecurity Centre, in conjunction with the Department for Health and Social Care, and the Covid-19 Taskforce to review how any local travel restrictions policy might align with wider UK Government decision-making structures on local intervention measures.

Minutes

The Chancellor of the Duchy of Lancaster welcomed attendees and thanked them for joining the call. He noted that the prevalence of infection across the UK remained concerning, with significant spikes in all areas He outlined the UKG desire to understand the steps taken in each administration to support coordination. He confirmed that the UK was intending to operate a three Tier system.

He explained that Tier 1 would be the current, England-wide restrictions; that Tier 2 would be similar to the tighter measures that were in place in the North West and North East; and that Tier 3 would be an even tighter set of restrictions, closer to but not identical to the national lockdown seen earlier in the year. He committed that, while the details of each of the three tiers were still being refined, he would ensure the UK Government shared them with the devolved administrations, but noted that they would be broadly familiar in substance. He noted that all administrations shared the aim of prioritising education and employment, referencing household mixing and hospitality as the areas where tighter control was required.

He set out his desire for these meetings to have a regular rhythm and structure, while recognising that ad hoc meetings were at times necessary. He set out that all administrations

should be able to raise particular issues. He noted that as part of the IGR review there would be an independent and shared secretariat to make sure meetings discuss the items that were collectively viewed as appropriate.

He further noted that the UK Government was responsible for most, but not all, economic interventions, and that a shared understanding of what interventions would be beneficial in supporting certain restrictions would be helpful. He noted that further restrictions in England would also raise the question of what support local authorities might receive, and UKG would want to see equity across the UK to make sure it was supporting employment and the vulnerable in areas that are hardest hit by restrictions. He concluded by noting that in future he wanted to make sure that the Chief Secretary to the Treasury or the Chancellor of the Exchequer was present to discuss support.

The First Minister of Scotland confirmed that she would be happy to consider IGR proposals relating to this forum. She set out that the Scottish Government was also working on a tiered approach and that it would be helpful to try and align those approaches. She asserted that the earlier the UK Government was able to provide sight of their approach to tiering, the more able the Scottish Government would be to see if they could achieve alignment. She noted that the Scottish Government would introduce their tiered approach in the coming days, with a Scottish Government Cabinet discussion the following day. She noted that the Scottish Government was considering whether it needs to put in place further 'Tier 3 like' restrictions, which could include implications for hospitality. She confirmed that the Scottish Government could take decisions on this over the subsequent 24 hours and would keep the other administrations informed.

She highlighted the discussions on economic support from the previous week, and noted that CDL would receive a proposal on this shortly. She asserted that, even with a shared framework on levels of restrictions, it was likely that the different areas of the UK would be at different levels in that framework at different times, and that economic support for a Tier 3 decision in Northern Ireland, Scotland or Wales should not be dependent on a similar Tier 3 decision being taken in England first. She concluded that further financial provisions for all administrations would enable them to take decisions where they think a tier 3 intervention is required and noted that the Scottish Government had now nearly committed all the previous consequentials provided to date.

The Chancellor of the Duchy of Lancaster noted that alignment in the tiers across the UK would be beneficial. On economic support, he noted that the Treasury was considering proposals. He confirmed that the UK Government planned to publish the details of their tiering strategy on Thursday 8 October, with a debate to follow in the House on Monday 12 October, and that proposals would take legal effect from Wednesday 14 October. He concluded that the UK Government would endeavour to share the proposals in advance of the announcement on the following Thursday, and that if the devolved administrations had not yet received these by Wednesday morning they should get in touch.

Action: The UK Government to share their proposals on tiering prior to an announcement, and where possible by the morning of Wednesday 7 October.

The First Minister of Wales noted that he was encouraged by what CDL said about the IGR and was keen to see it come to a conclusion. On the three tier structure, he noted that the sharing of data and the detail was very important. On financial support for Tier 3 actions, he noted that this must allow for independent action and agreed that any administration should not be tied to decisions made elsewhere if action was necessary.

He stressed that travel restrictions should be part of both Tier 2 and Tier 3 situations, noting that currently people in Wales in areas of high prevalence were unable to travel to low prevalence areas, but people from high-prevalence areas outside of Wales could. He set out the challenge of explaining this to people in Wales and the community tension created. He further noted that there should be a collective effort to reinforce messaging around social distancing and other measures in workplaces to avoid flare ups in particularly vulnerable industries. He noted the importance of collectively thinking about exit strategies while considering these restrictions - noting the real challenge was reinstating restriction. He said that any three tier structure should build in the pathway out of restrictions from the day they were imposed, noting that this would be important in maintaining public compliance.

The First Minister of Northern Ireland noted that compliance was low in Northern Ireland compared to the experience in March and April, and confirmed they were considering further penalties and offences. On a potential shared framework of measures, she noted that any financial support made available for Tier 3 must take account of the different structures across the UK, noting that funding would go directly to the Northern Ireland Executive in NI rather than local government.

The deputy First Minister of Northern Ireland noted that cases in Northern Ireland were exponentially rising, and that she supported the comments made around additional powers on economic support so that the NIE could take action when required, without being constrained by limited fiscal powers. She set out that, in Ireland there were 26 counties where public health advice would suggest they should move to the equivalent of Tier 3, which the NIE Cabinet were discussing. She noted that the virus did not stop at the border with Ireland and that, in her opinion, there should be a two islands approach with each respective island moving together in instances such as a 'circuit breaker'.

The Chancellor of the Duchy of Lancaster noted the differences in governmental structures when taking a Tier 3 decision into account, and confirmed that HM Treasury officials would share thinking.

The Secretary of State for Northern Ireland noted the importance of the Northern Ireland Executive having advanced knowledge of financial support. He noted that he was talking to the Irish Government and that while it was important that the island of Ireland took a joined up approach that was logical, it was equally important that we continued to maintain NI-GB connectivity to support the economy.

The Secretary of State for Wales noted his interest in the greater detail of enforcement in Wales, and how it could be taken forward in a way that it commanded public understanding and respect.

The Secretary of State for Scotland supported the importance of showing people how restrictions would be lifted exit to restrictions as they were enforced, and noted that unreasonable restrictions would lead to lower compliance. He asked whether the Scottish Government would consider using a three tier system on a regional basis rather than a national one.

The Chancellor of the Duchy of Lancaster noted that he would come back to the First Minister of Scotland, but that he would be interested in further discussing the travel restrictions raised by the First Minister of Wales, and agreed that it was important to respect the decisions devolved administrations had taken.

The First Minister of Scotland emphasised that she had yet to see the three tier system, and once she had the Scottish Government's position could be more definitive. She set out her expectation that the Scottish Government would apply a level of a restriction on a national or regional basis depending on circumstance. She confirmed that she agreed with the First Minister of Wales in principle on travel restrictions. She noted that if any one administration thought travel restrictions were necessary, all others should respect that. She highlighted that where there had been an outbreak in NW England, the Scottish Government had advised people not to travel there. She concluded it was important for each administration to respect the others on activity such as this.

The Chancellor of the Duchy of Lancaster noted that was well understood. He noted that each administration should try and make the decisions taken in Wales on respect of travel restrictions clear to their geographic areas of responsibility. He set out the flexibility of the tiering system which could be applied UK-wide.

The First Minister of Scotland noted that a Tier 3 restriction across the whole country could also be possible, depending on circumstance.

The Chancellor of the Duchy of Lancaster said that the UK Government would likely set out what its principles are for moving from one tier to the next, but that this would be indicative rather than a rule. He referenced the approaches being taken in other countries in Europe, including a regional traffic light system in France. He noted that the UK Government discussed compliance and enforcement in England last Friday, citing potential improvements that could be made in reference to the London Underground and confirmed they would share that thinking.

Action - The Chancellor of the Duchy of Lancaster to share the UK Government's thinking on compliance and enforcement with the devolved administrations.

He went on to raise the Hands Face Space Campaign and highlighted the FACTS Campaign in Scotland. He noted his hope that officials had shared data and information with Scottish Government officials which demonstrated that the HFS Campaign was able to complement the FACTS Campaign in Scotland.

The First Minister of Scotland said that while she believed the FACTS Campaign was more easily understood, she did not oppose the introduction of the Hands, Face, Space advertising campaign.

The deputy First Minister of Northern Ireland asked when the devolved administrations would hear more detail in relation to financial support.

The Chancellor of the Duchy of Lancaster noted that he had spoken to the Economic Secretary to the Treasury, and suggested that if announcements were made on Thursday setting out the tiering system, people would logically infer that Tier 3 might require more support. This would then be debated next Monday, and so could be communicated at some point between Thursday and Monday. He further highlighted his desire for a Treasury minister to speak to the devolved administrations on this in the next week.

The First Minister of Northern Ireland set out her view that it would be helpful if there was an objective threshold, such as going over X cases per 100,000 triggered a Tier 3 intervention. She suggested that this could then trigger the economic support and could usefully be discussed together.

The Chancellor of the Duchy of Lancaster noted that there could be a fair comparison made with the Bellwin system and that consistency across the UK might be sensible, but he reiterated that he did not want to preempt the decision of the Chancellor of the Exchequer.

The First Minister of Wales further highlighted his concerns in relation to travel, noting the rationale behind Welsh Government restrictions on travel from an area of high prevalence to low. He noted its effectiveness, and the confidence the Welsh Government had that the prevalence in SW and NW Wales was low because they took that early intervention. He noted that it was consistent with wider policy on health measures at the border. He further highlighted that any enforcement issues were very solvable and noted the 95% compliance rate for the policy between Caerphilly and Cardiff, which he ascribed to a proper rational explanation.

The Chancellor of the Duchy of Lancaster recognised the work of the police in Wales, and noted that this was an indicator of clearly communicating measures. He concluded that, with the permission of the devolved administrations, he would remit work to the Joint Biosecurity Centre to establish how the enforcement of travel restrictions from areas of high prevalence to low prevalence might align with wider UK Government decision-making structures.

Action - The Joint Biosecurity Centre, in conjunction with the Department for Health and Social Care, and the Covid-19 Taskforce to review how any local travel restrictions policy might align with wider UK Government decision-making structures on local intervention measures.

The Chancellor of the Duchy of Lancaster thanked attendees for their time and ended the call.