

Item 1: Three week review of Health Protection (Coronavirus Restrictions) Regulations

- 1.1 The First Minister informed Cabinet that the focus of the meeting would be the latest 21 day review of the Health Protection (Coronavirus Restrictions) Regulations and other lockdown measures. The draft MA and associated documents had been circulated to help inform the discussion.
- 1.2 In accordance with the Regulations the imposition or continuation of a requirement or restriction had to satisfy three conditions. The Regulations must be for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence, spread of infection or contamination. There must be a threat to public health and the restrictions had to be proportionate in what they were intending to achieve.
- 1.3 There was a need to consider, from the information available, whether there was any headroom to relax any restrictions of the lockdown. The data revealed that in week commencing 27th April there had been 201 deaths and 896 new cases of the virus in Wales. There were 99 patients in critical care hospital beds and 94 people in care homes had died from COVID-19 related symptoms.
- 1.4 By contrast, in week commencing 18th May there had been 67 deaths and 719 new cases of the virus in Wales. There were 58 patients in critical care hospital beds and 50 people in care homes had died from COVID-19 related symptoms.
- 1.5 Advice from SAGE and the TAC estimated that the rate of transmission in Wales was around 0.87. This had not substantially changed since the last review but there had been decreases in admissions, which suggested that the rate was falling. This meant that substantive easements could not be considered until suitable measures, such as test, trace and protect were in place.
- 1.6 Compliance and support for lockdown measures remained relatively high, albeit there had been some increased movement of people, which could be consistent with increased economic activity rather than reduced compliance. Introducing some easement, where the risks were low, could help ensure continued compliance, particularly if those were in areas that mattered to people.
- 1.7 Capacity in the NHS and the availability of PPE continued to improve and did not, at present, represent a major constraint on some form of limited easement.
- 1.8 The purposes of the restrictions for public health and containing the virus, therefore, suggested only minor amendments should be considered during this review period, in particular thought should be given to whether existing restrictions

were considered to be disproportionate. Scientific consensus was that the risk of transmission was much lower outside thereby opening up the possibility of activity outdoors, subject to continued distancing. Not to do so, might be considered a disproportionate response.

- 1.9 It was proposed that the Regulations should be amended to change the 'stay at home' provisions to 'stay local' to allow for outdoor activity within an area local to where the person lives. In addition to enabling people to sit in a park, it would also address a number of queries around other recreation, such as exercise and more sedentary pastimes, as all outdoor activity would be allowed, providing social distancing rules were maintained.
- 1.10 Given the significance of the proposed change there would be a need for clear public messaging and guidance on what was meant by local, while reinforcing the need for the two metre physical distancing rule to be maintained. A distance of five miles was proposed for the guidance, but with a recognition that this would vary in more rural areas, where people were already travelling greater distances for provisions.
- 1.11 Cabinet welcomed the proposal to allow all outdoor activity within a certain area, and noted that setting a five mile rule, would provide a sense of what was reasonable, given that allowing people to travel greater distances would increase the risk of spreading the virus to other communities. *However, there was the question of whether there could be an exemption to allow people to visit families that were outside the five mile limit. It was agreed that there was a need for further legal advice on this and some thought should be given to the proposals being introduced by the Scottish Government.*
- 1.12 *There was some discussion on whether this was the right time to lift any restrictions and Ministers agreed that there was a need to take into account the impact of the length of the lockdown on the emotional wellbeing of the public and recognised that there was a risk of losing the goodwill that had been established if no changes were made at this stage.*
- 1.13 Cabinet concluded that all outdoor activity should be allowed, *once the questions around visiting families had been resolved.* There would be a need to develop clear guidance and messaging on how this should be applied, while highlighting that the social distancing and other public safety measures remained in place.
- 1.14 The second proposal related to changing the Regulations to allow two households to meet outside, again within the five mile limit, subject to physical distancing being maintained. The two households would not need to be the same each time, which would allow for a mix of family and friends to meet at different times in public spaces.
- 1.15 Related to this proposal was the option to allow people to meet in private public spaces, such as gardens, balconies and walkways, again with the requirement to physically distance. There was an increased risk, which would need to be mitigated through clear guidance and messaging to ensure that any time passing