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**FROM: NAOMI LONG MLA
MINISTER OF JUSTICE**

DATE: 9 NOVEMBER 2020

TO: EXECUTIVE COLLEAGUES

Dear Colleagues,

Ahead of the further meeting of Executive today, I thought it might be helpful to put some of the points I raised this morning in writing for consideration.

Firstly, I think we all acknowledge the point made by the CSA today that, regardless of whether we can relax all, some or none of the recent additional restrictions, it is important that we recognise and communicate both our appreciation of the progress made to date and that we cannot afford to return to the position as it was in mid-October.

Behaviours have changed and compliance has improved: more people are wearing masks, retail measures have been enhanced and there seems broadly to be a reduction in travel, all of which are very welcome changes by the public which we need to sustain on an ongoing basis, irrespective of the decisions we reach today.

We have also seen that R has been driven down below 1 in the community and has reduced in other settings, though to a lesser degree, as would be expected given the lag period of 10 days to two weeks between a drop in community transmission and a notable decrease in hospital and ICU admissions. That downward trajectory should continue for further 2 week period before any decision we take this week starts to impact on the R values across the board (c. 27th November).

Again, this is evidence that behavior can shape the transmission of Covid 19 and of the effectiveness of the actions taken by the Executive to date: whilst it has come at significant cost to personal freedoms, family and community life and the economy, it has achieved its purpose.

However, in terms of next steps, the inability of modelling to disaggregate the impact on R of different parts of the economy/society at a more granular level remains a weakness in our ability to consider the likely impact of more nuanced restrictions and

communicate the rationale for our decisions. It would be helpful if we could see whether the return of schools a week ago is showing any signs of impacting on R, for example, ahead of discussing further relaxations. That may not be possible but is worth considering.

Turning then to a number of options which were touched upon this morning and which have been debated in the press:

1. Relaxing prohibition on close contact services

It would be important to be clear whether all close contact services to be treated the same way and whether any additional measures or precautions are likely to be required to allow this to happen. It would also be helpful to see the likely impact of that on R if adopted in isolation.

2. Relaxing prohibitions on parts of the hospitality sector

This is a complex area and one which we would need to consider carefully to ensure that the messaging is coherent, consistent and likely to be sustainable. In particular the suggestion of doing so on the basis on a “no alcohol” policy raises particular issues.

Amongst other questions to which we must be able to provide clear answers are the following:

- Is the ‘no alcohol’ policy no sale or no consumption of alcohol or is it that only unlicensed premises can open? If the latter, what about ‘bring your own’ provision?
- Will we be returning to the wet pubs only closure? If not, what is the justification for allowing people to eat in a restaurant with a soft drink and not a glass of wine? How will that be communicated? Why is the approach different from our previous position?
- What if any restrictions are we placing in numbers households/people permitted in any hospitality settings?
- What if any additional safeguards are being introduced, eg more rigorous detailing of personal details when booking, restricting the length of time of each sitting, requirements for early closure?
- What are the financial implications for restaurants of being permitted to open, but unable to sell alcohol? This may depress profits, both by reducing the numbers eating out and limiting the sale of a product with high margins. Will we still have financial support available for those who cannot afford to reopen? To those who reopen but suffer a significant loss of income? On what basis would that be provided?
- Are we differentiating between indoor and outdoor venues? Many restaurants, bars and cafes have invested in sheltered outdoor seating which may pose less

of a risk than the alternatives, will those be treated the same as or differently to indoor seating?

- What will be the approach to hotels? Will they be able to accept bookings as wedding venues? Will hotel restaurants and bars be able to reopen, and would this be to the public or residents only.

The importance of having a clearly defined and written description of what has been agreed and what it will mean in practice is crucial, as is the ability to stress-test those propositions prior to announcing them. We cannot have a further period of Ministers either being uncertain or expanding the scope of decision after they have been agreed. That clarity is of particular importance in the context of any enforcement activity which will accompany any proposals.

It is also important in light of all the above and increasing public frustration and exhaustion to strike the right tone: we need to stress that the efforts to date are working, but have come at a high price and so must not be wasted; that it is crucial we maintain the basics on an ongoing basis and that our ability to do so will dictate the degree to which we can have further relaxations. We need to motivate and encourage as part of a community effort, whilst not giving people a false sense of security.

I also firmly believe that any messaging also needs to look ahead to Christmas as a key event and influencer of behaviour. If we make clear that all these efforts are being made to provide for some greater flexibility in December, so that whilst it won't be Christmas as usual, it might at least be somewhat more normal than right now, people are more likely to be motivated to support them.

Regards,

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MINISTER OF JUSTICE