

**MINUTES OF EXECUTIVE MEETING: 9 NOVEMBER 2020
(RECONVENED ON 10, 11 & 12 NOVEMBER 2020)**

MEETING CONDUCTED VIA ZOOM

Present: First Minister (Chair)
deputy First Minister (Chair)
Minister of Agriculture, Environment and Rural Affairs
Minister for Communities
Minister for the Economy
Minister of Education
Minister of Finance
Minister of Health
Minister for Infrastructure
Minister of Justice

In attendance: Junior Minister, TEO (Mr. Lyons)
Junior Minister, TEO (Mr. Kearney)
Head of Executive and Central Advisory Division, TEO

Dr Michael McBride, Chief Medical Officer
Prof Ian Young, Chief Scientific Adviser

INTRODUCTION

The deputy First Minister chaired agenda item 1.

AGENDA ITEM 1

**E (20) 259 (C) Modelling the course of the COVID epidemic and the impact
of different interventions and recommendations (DOH)**

1. The deputy First Minister advised that the meeting had been convened to continue consideration of the paper provided by the Minister of Health, which had been discussed by the Executive at its meeting of 5 November.

2. The Minister of Health introduced, and the Executive discussed, this paper, which proposed extending the current restrictions for a further two week period, with appropriate financial support packages to be put in place.
3. In relation to a query from the Minister for Communities, the Chief Medical Officer advised that it would be for NISRA to take forward a survey in relation to levels of self-isolation compliance here, as an aid to establishing likely costs of self-isolation payments. The Minister of Health advised that officials in his Department and the Department for Communities may engage on the matter.
4. At the request of the Minister of Justice, the deputy First Minister advised that the Executive Office would write to Speaker in relation to the possibility of providing remote access to the Chamber for members who may be required to self-isolate.
5. **The meeting was adjourned at 11.20 a.m.**
6. **The meeting was reconvened at 5.15 p.m.**
7. The deputy First Minister advised of her and the First Minister's wish to achieve Executive consensus on the way forward. All Ministers gave their views on the paper provided by the Minister of Health; and on proposed approaches to COVID related measures to ensure protection for the health service while recognising the importance of facilitating economic activity.
8. Ministers discussed a range of proposals regarding amendments to the restrictions currently in place, and the partial reopening of some sectors of the economy, and the potential risks associated with each position, including of no decision being taken on extending the regulations.

9. **The meeting was adjourned at 6.45 p.m.to enable the Minister for the Economy to attend an Assembly debate, and to facilitate drafting of a paper on a proposed way forward.**
- 10.**The meeting reconvened on Tuesday 10 November at 5.40 p.m.**
11. The Minister of Finance proposed that the Executive make a decision in relation to the paper circulated by the Minister of Health.
12. The Minister of Agriculture, Environment and Rural Affairs requested that any vote on the paper be taken on a Cross-Community basis.
13. The Minister of Justice recorded her deep concern about the use of a Cross-Community vote, which she believed would sectarianise the issue; be used as a veto to stop consensus from being achieved; and exclude her from the voting process; and requested that further efforts be made to find consensus on the matter.
14. In response to a request from the deputy First Minister that a Cross-Community Vote should not be taken, the Minister of Agriculture, Environment and Rural Affairs advised that he was using the mechanism in the absence of any compromise on the issue under consideration. His proposal was supported by the Minister of Education and the Minister for the Economy.
15. The Minister for the Economy advised of her disappointment that the paper she had circulated on Economic Impact of the Four Week Circuit Breaker and Proposed Recommendations was not considered before a vote was taken on the Minister of Health's paper.
16. A Cross-Community Vote was taken on the recommendations in Executive Memorandum E (20) 259 (C) - Modelling the course of the COVID epidemic and the impact of different interventions and recommendations.
17. The First Minister, the Minister of Agriculture, Environment and Rural Affairs, the Minister for the Economy and the Minister of Education voting against, and

all other Ministers voting for, cross-community support was not demonstrated, and the recommendations were therefore not agreed.

Economic Impact of the Four Week Circuit Breaker and Proposed Recommendations (DFE)

18. The Minister for the Economy introduced the paper she had circulated in relation to the Economic Impact of the Four Week Circuit Breaker and Proposed Recommendations.
19. The Executive Committee discussed a number of proposed amendments to the recommendations.
20. The Minister of Health advised of his concern regarding the impact on the health service and on the transmission rate of the COVID virus of any easement of current restrictions.
21. The Chief Medical Officer and the Chief Scientific Adviser acknowledged the difficult decisions facing the Executive, and advised that it was more likely that they would be obliged to return to the Executive in mid-December to seek further interventions if easements were made to the current restrictions. The Chief Medical Officer advised of the prospect of excess deaths.
22. The Minister for Infrastructure advised of her strong concern that the Executive was being asked to make an invidious choice between easements to the current regulations, or the current regulations falling at the end of their four-week period, both of which carried strong risks; and of her wish to ensure that the Christmas period could be protected.
23. The Minister for the Economy recorded her concern about the effect of the current transmission rate on the Health Service but also stressed that the economy could not function in a continuing lockdown.
24. **The meeting was adjourned at 8.15 p.m. to enable the amendments to the Minister the Economy's proposals to be circulated.**

- 25. The meeting was reconvened at 10.00 p.m.**
26. The deputy First Minister requested further clarification from the Chief Medical Officer in relation to his reference to excess deaths.
27. The Chief Medical Officer advised of his view that the COVID pandemic would lead to excess deaths no matter which approach was agreed by the Executive, but that the likely level of excess deaths would depend on decisions made by the Executive at this meeting; and on future actions; and that having some restrictions in place was preferable to allowing all current restrictions to fall. However, any reduction in restrictions may lead to a further intervention being required before Christmas. He recognised the difficult decisions required to balance short term COVID restrictions with longer term economic wellbeing.
28. The Chief Scientific Adviser recognised the difficult choices facing the Executive as it sought to balance the need for health protection with economic difficulties resulting from COVID restrictions, advising that the nature of a pandemic is to cause deaths no matter what measures are put in place, but reiterating that anything leading to an increase in the R rate would have a short term and more visible impact.
29. The deputy First Minister proposed that the Minister for the Economy's proposals be put to a vote.
30. The Minister of Health requested that the Minister for the Economy's amended proposals, which had been discussed earlier in the meeting, be circulated in writing.
- 31. The meeting was adjourned at 11.05 p.m. to enable the Minister for the Economy's amended proposals to be circulated to Ministers in written form.**
- 32. The meeting reconvened on Wednesday 11 November at 12.10 a.m.**

Executive Options Outline (DFE)

33. The amended proposals from the Minister for the Economy's paper, titled 'Executive Options Outline', were circulated. Some drafting amendments from the Minister of Justice were also circulated

34. The Minister of Justice proposed that, as no consensus was evident on the way forward, that the meeting be adjourned to the morning to allow for further consideration of how a consensus position might be reached. The Minister for the Economy seconded the Minister of Justice's proposal.

35. Following further discussion, the meeting was adjourned at 12.35 a.m.

36. The meeting was reconvened on Wednesday 11 November at 1.15 p.m.

Updated – COVID-19 Restrictions (DOH)

37. The Minister of Health introduced the paper 'Updated – COVID-19 Restrictions', which he had circulated that morning, and which provided an assessment by the Chief Medical Officer and the Chief Scientific Adviser of three options: his original proposal for a two-week extension; the amended proposals as tabled by the Minister for the Economy, as amended following discussion; and a "do nothing" option – by which, in the absence of a clear decision as to a new form of restrictions to be put in place, the position would default to that existing prior to 16th October.

38. The Minister advised that the paper proposed a one-week extension to restrictions as a compromise position, but that his preference would be for a two-week extension of restrictions.

39. The Executive discussed the Minister's paper,

40. The Minister of Justice proposed some further alternative approaches to the reopening of coffee-shops and close contact services.

41. The meeting was adjourned at 2.30 p.m.

42. The meeting was reconvened at 3.30 p.m.

43. A vote was taken on the Minister of the Economy's 'Executive Options Outline' document, as revised following discussion during the previous evening and incorporating the Minister of Justice's amendments.

44. The First Minister, the Minister of Agriculture, Environment and Rural Affairs, the Minister for the Economy and the Minister of Education voting for, and all other Ministers voting against, the recommendations in the 'Executive Options Outline' document were not agreed.

45. The Minister of Education requested that any vote in relation to the Minister of Health's paper 'Updated – COVID-19 Restrictions' be taken on a Cross-Community basis. This proposal was supported by the Minister for the Economy and the Minister of Agriculture, Environment and Rural Affairs.

46. The Minister of Justice reiterated her concern that use of the Cross Community Vote mechanism was an abuse of the mechanism, would sectarianise the COVID issue, and was against the spirit of New Decade, New Approach. She further stated that continued abuse of the mechanism in this way would ultimately make her continued membership of the Executive unsustainable.

47. The First Minister advised that as a mechanism of the Belfast Agreement, created to protect minority views, the use of the Cross Community Vote was legitimate, and objected to selective interpretations of the constitutional arrangements.

48. A Cross Community Vote was taken in relation to the Minister of Health's paper 'Updated – COVID-19 Restrictions'.

49. The deputy First Minister, the Minister for Communities, the Minister of Finance, the Minister of Health, the Minister for Infrastructure and the Minister of Justice voting for, and all other Ministers voting against, cross-community support was not demonstrated and the paper was not agreed.

50. The Minister of Justice proposed an amended approach comprising elements of the papers provided by the Ministers of Health and the Economy. It was agreed that the Executive would adjourn to enable the Minister to put her proposals in writing, and to allow the Minister of Health, the Chief Medical Officer and the Chief Scientific Adviser an opportunity to assess and advise on the health impacts of the proposals.

51. The Minister for the Economy wished to record her congratulations to journalists Jayne McCormack and Tracey Magee on live tweeting the proceedings of the Executive meeting.

52. The meeting was adjourned at 4.00 p.m.

53. The meeting was reconvened at 6.55 p.m.

COVID-19 – Ease of Restrictions (DOJ)
Updated Letter to FM/dFM re COVID-19 Restrictions (DOH)

54. The deputy First Minister advised that two papers had been circulated – one from the Minister of Justice titled ‘COVID-19 – Ease of Restrictions’ and one from the Minister of Health titled ‘Updated Letter to FM/dFM re COVID-19 Restrictions’, which included an updated Annex A from the Minister’s previous paper, seeking to help Ministers understand the implications of the Minister of Justice’s latest proposal.

55. The First Minister advised of positive engagement during the afternoon with the other devolved administrations and Michael Gove in relation to introduction of mass testing and development of a vaccination strategy.

56. The Minister of Health advised that he would bring a paper on mass testing to the next Executive meeting; and that officials in his department were working on a vaccination strategy. He provided an update on the Flu Vaccination Programme.

57. The Chief Medical Officer advised that a high level paper on vaccination would be circulated in the following week.

58. It was agreed that more information on positive developments in mass testing and the vaccination strategy should be provided in public discourse on COVID, to provide hope and reassurance to people.

59. The Executive discussed the Minister of Justice's paper and the Minister of Health's advice on the Minister of Justice's proposals. The Minister of Health advised of his strong wish that consensus and agreement be reached so that the current regulations would not fall.

60. The deputy First Minister advised that it had been clarified that the deadline for current regulations to end was midnight on Friday 13 November rather than Thursday 12 November.

61. The Minister for the Economy agreed to engage with the Minister of Justice in relation to her proposals.

62. The meeting was adjourned at 8.20 p.m.

63. The meeting reconvened on Thursday 12 November at 4.15 p.m.

COVID-19 – Easing of Restrictions (DFE)

64. In response to a query from the deputy First Minister, the Minister of Justice advised that, as the Minister for the Economy's paper incorporated many of the proposals she had put forward, she was content for consideration of the Economy Minister's paper to proceed in the first instance.

65. The Minister for the Economy introduced her paper 'COVID-19 – Easing of Restrictions' which had been circulated to Ministers, advising that it had been drafted to provide a compromise position which may enable the Executive to reach agreement.

66. The Executive discussed, and agreed some amendments to, the paper.

67. The deputy First Minister advised that her party would not use the Cross Community Vote mechanism to block agreement to the paper.
- 68. The meeting was adjourned at 5.00 p.m. to enable Ministers to consider a revised version of the Minister for the Economy's paper incorporating the amendments agreed during discussion.**
69. The meeting reconvened at 5.20 p.m.
70. A vote was taken in relation to the Minister for the Economy's paper titled "COVID-19 – Easing of Restrictions" as discussed and amended by Ministers.
71. The First Minister, the Minister of Agriculture, Environment and Rural Development, the Minister for the Economy, the Minister of Education, the Minister of Health and the Minister of Justice voting for; the deputy First Minister, the Minister for Communities and the Minister of Finance voting against, and the Minister for Infrastructure abstaining, the Executive agreed that:
- a) Close contact services including driving instructors would reopen by appointment on 20 November;
 - b) Hospitality would reopen on a graduated basis, with unlicensed premises such as cafes and coffee shops opening on 20 November, with restricted opening hours to 8.00pm. This would not include the purchase or consumption of alcohol on such premises;
 - c) Support would be provided for mitigations to reduce risk within the hospitality sector, including improved ventilation and requirements for the recording of customer information for contact tracing purposes;
 - d) Pubs and bars would be permitted to sell sealed off sales on 20 November;
 - e) The remaining restrictions, which came into being on 16 October, would be extended and come to an end at midnight on 26 November, leaving all elements of hospitality including hotels able to open on 27 November;

- f) A vaccination programme would be rolled out from as early as possible in December in line with England, initially targeting priority groups such as health care staff, care homes and those with underlying vulnerabilities;
- g) Ongoing preparation for introduction of rapid testing at the earliest opportunity;
- h) Additional financial support for affected businesses; and
- i) A strengthened adherence/compliance working group, which would work to assist and to mitigate risk in the opening up of the hospitality businesses.

72. The Minister of Justice wished to record that she had voted for the paper in order to enable the Executive to reach an agreed position, but that her preference would have been for a two-week extension of the current regulations as originally proposed by the Minister of Health.

73. The Minister of Health wished to record that he had also voted for the paper as a compromise measure, but that his preference would have been for the two-week extension of the current regulations as outlined in his original paper.

74. The Minister for Infrastructure advised of her view that the recommendations in the paper did not go far enough to prevent the possibility of further restrictions before Christmas.

75. The deputy First Minister advised that she and the First Minister would make a Written Ministerial Statement in the Assembly, and engage in publicity to regain the trust of the public.

76. In response to a range of queries from the Minister of Education, the Minister of Health provided updates in relation to intensive care bed capacity, and sick absence levels among health and social care staff. He advised that he would seek and share information in relation to new measures in the Republic of Ireland aimed at getting health care workers back to work after sick absence.

77. The First Minister chaired the remainder of the main meeting.

78. The Minister of Health introduced this paper.

79. At the request of the Minister for the Economy, the Minister of Health clarified reference to DSO advice contained at Paragraph 16 of the paper.

80. The Executive agreed that:

- i. the requirement in regulation 3 for a review of the need for the restrictions and requirements in the No. 2 Regulations had been duly met;
- ii. the current restrictions and requirements in the No. 2 Regulations, as amended, were at this point in time an appropriate and necessary response to the serious and imminent threat to public health which was posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Northern Ireland;
- iii. overall the restrictions and requirements imposed by these Regulations continued to be proportionate to what the Regulations sought to achieve, which was a public health response to that infectious disease threat in the context of the increasing rate of infection in Northern Ireland since September; and
- iv. this as a fast-changing scenario which required the Executive to take complex and detailed decisions speedily over the coming days and weeks in order to achieve the least harmful balance between health protection measures and normal freedoms.

81. The Executive meeting in COVID-19 format then ended.

Any Other Business

Irrelevant & Sensitive

