

Statement No.: 2

Exhibits: AA/1 – AA/12

Dated: 25 August 2023

## **UK COVID-19 INQUIRY**

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### **WITNESS STATEMENT OF ALISON ALLEN (MODULE 2C)**

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I, Alison Allen, will say as follows: -

#### **Introduction**

1. I am the Chief Executive of the Northern Ireland Local Government Association (“NILGA”) of Bradford Court, Upper Galwally, Belfast BT8 6RB. I was appointed to this role on 01 February 2022 having worked as an officer in local government since 2007. I am authorised by NILGA to make this, my second witness statement on its behalf.
2. As I was appointed on 01 February 2022, I was not in post for most of the period within the scope of Module 2C, namely, 11 January 2020 to 15 February 2022. Accordingly, while this statement is my own, in preparing this statement it has been necessary for me to engage with a range of local government officers, including chief executives of local councils, and the previous NILGA Chief Executive, Derek McCallan, who was in post during the specified period, to ascertain the requisite information.
3. Further, this statement should be read as representing the collective understanding of the local government sector in Northern Ireland, rather than a statement

pertaining to every operational decision taken by stand alone and sovereign councils and/or NILGA itself.

## **The Northern Ireland Local Government Association**

### The Role of NILGA

4. NILGA was formed in 2001, and its original constitution included objectives such as the representation of member authorities, formulation of sound policies for the development of local government, provision of a forum for the discussion of matters of concern to member authorities and a means whereby joint views might be formulated and expressed.
5. A key objective was to ensure that members of all political parties in Northern Ireland were afforded the opportunity to contribute to NILGA's activities and to the development of policies which represented, as far as possible, consensus between parties.
6. Much of the early work of NILGA focused on anticipated local government reforms brought forward via the Review of Public Administration (NI), including the transfer of development planning and other functions.
7. NILGA promotes, develops and champions local government by developing regional, all council, approaches to key issues affecting the sector. This includes elected member development, collective lobbying, policy formulation, best practice events and campaigns, all aimed at improving democracy and public services.
8. By ensuring a collective framework for and with councils, NILGA communicates the importance of local government as a growing, sustainable and contemporary part of government in Northern Ireland, ensuring that the sector is an equal partner in the delivery of public services, equipped with an informed, strong, unified voice when dealing with central government (both UK and NI), the EU and other legislative bodies.

## The Structure of NILGA

9. Each political party with five or more representatives can appoint an Office Bearer, and the presidency of NILGA is held by these Office Bearers, with the position rotating annually. The Office Bearer from the party with the greatest political strength at the most recent election, takes the first year of the mandate as president at the Annual General Meeting ("AGM") immediately following the election, with the presidency handed over to the Office Bearer of the next strongest party at the following AGM. The Presidents of NILGA during the relevant period were:
  - a. Councillor Frances Burton (Democratic Unionist Party) 21 June 2019 – 18 June 2020;
  - b. Councillor Matt Garrett (Sinn Fein) 18 June 2020 – 13 August 2021; and
  - c. Councillor Robert Burgess (Ulster Unionist Party) 13 August 2021 – 16 June 2022.
10. The membership of NILGA is open to all eleven district councils in Northern Ireland, represented at meetings by nominated councillors. Ten of the councils are entitled to nominate eight members, with Belfast City Council entitled to ten nominees. These nominations must proportionally reflect the political balance and diversity of the council.
11. The business of NILGA is focused at an Executive Committee, comprised of the Office Bearers, Office Bearer Alternates, and twenty three ordinary members, derived from full member nominations from member councils. NILGA, in conjunction with the regional d'Hondt process (an electoral system of proportional representation) and political parties, must ensure that two members from each council (three from Belfast) are represented on the Executive.
12. The Chief Executive of each council is entitled to attend, but not to vote at, NILGA meetings.
13. There were no significant changes to the structure or role of NILGA during the relevant period.

#### NILGA's role in the pandemic

14. My understanding is that local government officers were first formally briefed on COVID-19 via a briefing at the NI Public Health Agency-led multi-agency Port Health Forum on 28 January 2020.
15. Local government in Northern Ireland does not have the same responsibilities as local government in England, Scotland and Wales. Of particular relevance to this Inquiry is the difference in responsibilities in relation to public health, housing, social care and education. These are managed by a number of NI government's Arm's Length Bodies in Northern Ireland. Further, local government in Northern Ireland is not designated as a 'Category 1' responder as cited in the Civil Contingencies Act 2004, as is the case for local government in England, Scotland and Wales, and accordingly does not have the statutory duties, responsibilities and powers its counterparts in other areas of the UK have in relation to emergency preparedness.
16. NILGA itself did not have a designated role in respect of the pandemic but acted in accordance with their member's objectives throughout.
17. Indeed, NILGA's primary objectives were to:
  - a. inform and be informed, on all pandemic matters as they related to the role and purpose of local government in supporting communities;
  - b. ensure that local government was protected as far as possible in terms of human and fiscal resources;
  - c. adopt a resilient, proactive delivery approach to non-Covid matters, as far as reasonably possible, to maintain the daily services, relevance and continuity of local government in NI; and
  - d. enable NILGA Office Bearers and executive members to show effective leadership, on all of the above objectives and more, for their councils, their party colleagues at all levels, and in wider society.
18. NILGA believes strongly that local government is a highly productive public service, as it is an extremely dynamic and resourceful sector, with extensive levels of officer and political cross-party partnership within and between councils. The councils

themselves are deeply rooted in their communities both through local political decision making, but also because council staff are embedded in the communities they serve. During the pandemic, the councils played a huge role not just in their own business continuity in keeping critical services going, but also in supporting Northern Ireland Government Departments and their Arm's Length Bodies to deliver quickly and effectively for their communities.

19. Both NILGA and local government believe that multi-agency working is key to public service delivery and during the pandemic the councils put robust arrangements in place which could be adapted to deal with necessary provision. As such both NILGA and local government worked closely with their local partners, third sector organisations, their businesses & communities and indeed the NI government and its various departments, throughout the pandemic, as discussed in further detail within this statement.
20. Pandemic planning was deemed a regional workstream in Northern Ireland under the remit of the Civil Contingencies Group (Northern Ireland) ("CCGNI"). Emergency Preparedness Groups ("EPGs") are the multi-agency conduit to prepare for all types of emergencies at a local level in Northern Ireland. In Northern Ireland, there are three EPGs – Northern, Southern and Belfast. All local councils are members of their local EPGs and on a rotational basis each council jointly chairs the Northern or Southern EPGs alongside the Police Service of Northern Ireland ("PSNI"). Belfast City Council is the permanent Joint Chair of the Belfast Emergency Preparedness Group. The Chairs of each EPG also attend the Northern Ireland Emergency Preparedness Group ("NIEPG"), which is jointly chaired by the PSNI and a local government Chief Executive nominated via the Society of Local Authority Chief Executives NI ("SOLACE NI") (SOLACE NI acts as the professional network for local authority Chief Executives and Directors in NI).
21. The local government co-chair of the NIEPG also represents local government at the CCGNI supported by the Regional Officer for local government civil contingencies, who manages the Regional Resilience Team. Briefings are then provided back to the other councils. The Regional Resilience Team is hosted by local government. The team provides the secretariat function for NIEPG and the EPGs. They also facilitate the Local Government Emergency Planning Officer

("EPO") Group to enable consultation, cross council planning and engagement. Please see Flowchart exhibited hereto marked **AA/1 [INQ000236312]** explaining the organisational set up.

22. Since 2013, a Regional Community Resilience Group has been in place, bringing multi-agency partners together to engage with communities. As part of this work core messages were agreed and placed on the 'NIDirect' website, which is the official government website for citizens in Northern Ireland and aims to provide a single point of access to public sector information and services. The content included tools such as the Household Emergency Plan and Community Emergency Plan template to aid community preparation.
23. After wave one, the role of partnership working via the NIEPG became recognised in response mode and was used as the main coordination route for the local level. The role of the NIEPG in response is now officially recognised in the updated 2021 NI Civil Contingencies Framework as a Strategic Co-Ordinating Group ("SCG") (NIEPG), alongside SCG (PSNI) and SCG (Lead Government Department).
24. At the local level, councils continued to deliver frontline services with alternative delivery mechanisms, e.g. registration of births, deaths, marriages and civil partnerships, bereavement services, waste management, parks and open spaces (particularly in use), and emergency response (concurrent incidents continued e.g. weather, security alerts etc). They also identified new ways of working to enable services to return and engaged with communities to ascertain what support was needed.
25. Local government also reprioritised its staff and resources to provide support to its communities and to aid other partners to deliver their pandemic response. Examples include:
  - a. Providing dedicated changing/shower facilities at leisure centres for healthcare staff so that they could change before going home;
  - b. Supporting local health trusts to deliver food parcels and other support to those who were shielding, self-isolating or vulnerable;
  - c. Providing premises for use as vaccination centres and test centres;
  - d. Providing premises and staff to support local businesses to join the test and trace programme;

- e. Engaging with local businesses to support them to adhere to guidance;
  - f. Community engagement and guidance; and
  - g. Administering grants on behalf of NI government to community organisations and businesses.
26. Local government was, and is, an advocate for local communities and businesses, and during the pandemic it provided a vital communications role, adding localisation to support central messaging. Councils provided a central conduit for queries between businesses, communities, local and central government to aid uniformity of approach and participated in central government groups to provide guidance in relation to the views/challenges being faced at local level and how to aid a return to normality.
27. NILGA collated a summary of the flexible and agile responses of councils in Northern Ireland in supporting communities through the COVID-19 pandemic on 28 April 2020 and a copy of same is exhibited hereto and marked **AA/2** [INQ000236317].
28. Further, during the early and middle stages of the pandemic, the senior regional political leadership in NILGA (cross-party) met weekly. The purpose of those meetings was to facilitate collaboration across all eleven NI councils and to represent the regional interests of the local government sector in Northern Ireland to the NI government, sharing good practice and ensuring a consistent approach was taken by local government. Examples included working with the Department of Finance to ensure local government was able to participate in the furlough scheme for their staff, and NILGA/SOLACE giving evidence to the NI Assembly Finance Committee on the serious financial impacts of COVID-19 on the financial sustainability of councils.
29. In relation to the unsustainable position of council finances, NILGA's representations included the following, copies of [a]-[g] are exhibited hereto:
- a. 3 April 2020 – NILGA letter to the Finance Minister; **AA/3a** [INQ000236318]
  - b. 30 April 2020 – NILGA letter to the Secretary of State for Northern Ireland the Rt Hon Brandon Lewis MP; **AA/3b** [INQ000236319]

- c. 13 May 2020 – SOLACE gave evidence to the NI Assembly Communities Committee; **AA/3c [INQ000236320]**
- d. 26 May 2020 – NILGA/SOLACE gave evidence to the Economy Committee on economic recovery; **AA/3d [INQ000236321]**
- e. 2 June 2020 – NILGA/SOLACE letter to Finance Committee; **AA/3e [INQ000236322]** and
- f. 18 June 2020 – SOLACE written update to the NI Assembly Communities Committee. **AA/3f [INQ000236323]**
- g. 21 October 2020 – NILGA/SOLACE gave evidence to the Economy Committee on tourism recovery; **AA/3g [INQ000236324]** and
- h. 2 August 2021 – NILGA meeting with the then Economy Minister on a range of matters, including economic recovery.**

30. NILGA also provided bi-weekly bulletins that were distributed across local government, a sample of which are exhibited hereto and marked **AA/4a [INQ000236325]** and **AA/4b [INQ000236326]**

31. Additionally, the eleven Council Chief Executives met regularly each week in the early stages of the COVID-19 pandemic and throughout to ensure as much operational co-ordination between councils as possible.

#### NILGA's role in relation to other Local Government Authorities

32. In terms of the relationship between NILGA and the other UK Local Associations, i.e. the Welsh Local Government Association ("WLGA"), Local Government Association ("LGA") and Convention of Scottish Local Authorities ("COSLA"), although they do co-operate closely, these are all stand alone organisations (though the WLGA has corporate membership of the LGA).

33. NILGA does not work directly with sister associations specifically on emergency preparedness. However, the leading members of NILGA usually meet annually with their counterparts in the other UK Local Government Authorities via the UK Local Government Forum. During the COVID-19 pandemic these formal meetings were however paused due to competing and more urgent priorities in responding locally to the pandemic. To the best of my knowledge, there were no instances



where NILGA attended meetings with its sister associations in England, Scotland and Wales where a NI government department was represented.

34. That said, as the pandemic moved on, during 2020 a number of informal sessions took place where NILGA was invited at Chief Executive level to attend/observe in National Forums with respect to COVID resilience, the roles of councils in COVID and resource deficits. These were often led by the LGA and/or a Whitehall Department, and as a sister association, NILGA was encouraged to attend alongside the other UK Local Government Associations.
35. More formally, a COVID-19 orientated UK Local Government Finance Group was established between England, Scotland and Wales. Northern Ireland joined this group from mid-2020 and was represented by the then Chief Executive of NILGA, Derek McCallan. A joint virtual event was held in November 2021 across the four UK Local Government Associations on “Sustainable Council Finances in a Post COVID-19 World”, with political leaders directing the content and outcomes. Relevant matters arising from the UK Local Government Finance Group were communicated within NILGA, SOLACE and the councils.

#### **Joint working of local government with the NI Government**

36. NILGA and local government in Northern Ireland did not have a formal role in Northern Ireland government’s core political and administrative decision making. However, this witness statement highlights a number of existing mechanisms which adapted to manage any COVID-19 related issues, as well as highlighting new mechanisms which were established in response to COVID-19, together with a range of informal mechanisms through which local government was able to engage with NI Executive departments.
37. Mechanisms to raise queries from local government to NI government were established very early on in the pandemic and maintained throughout. This was initially via Local Government Situational Reports to the Department for Communities (“DfC”) which was then passed to the NI Hub each day for central collation to create a Northern Ireland situation report. This process was started by the NI Government and local government was quickly requested to participate. Councils were able to highlight areas of concern and seek clarity via this conduit.

This later became a central list of 'LG Queries and Priorities', which were passed to TEO. TEO were the conduit with other NI Executive Departments in facilitating responses to local government on an ongoing basis and when answers were available, these were shared with all eleven councils by the Regional Resilience Team. Local government used this approach as there were a large number of queries coming from different sectors, to try and provide a cohesive and uniform response, mainly to the various Non-Pharmaceutical Interventions ("NPIs") imposed. A sample of each is exhibited hereto and marked **AA/5a [INQ000236327]** and **AA/5b [INQ000236328]** to demonstrate the type of queries being raised.

38. There were also pre-existing mechanisms in place such as the Northern Ireland Political Partnership Panel ("the Partnership Panel"), which was established under the Local Government Act (NI) 2014. The Partnership Panel provides a formal mechanism for political and strategic liaison between Executive Ministers and local government elected members on policy matters of mutual interest and concern. Meetings of the Partnership Panel took place during the specified period on 16 September 2020, 20 January 2021, 21 April 2021 and 20 October 2021. Whilst a range of policy matters of mutual interest were discussed, those related to COVID-19 were:
- a. The important role of local government in working with TEO during the COVID-19 pandemic;
  - b. NILGA's campaign "Councils Make it Happen" to demonstrate the value of good essential services in times of need;
  - c. Concern about the sustainability of council finances as a result of COVID-19;
  - d. Legislation needed to enable council meetings to take place virtually; and
  - e. COVID-19 Recovery Planning.
39. A sub-group of the Partnership Panel was established between local and NI government to examine the sustainability of council finances and this met on 12 January 2021, 08 September 2021 and 06 January 2022, with these meetings usually being attended by both NILGA and SOLACE representatives.

40. Additionally, meetings took place between NILGA and individual NI Executive Departments as needed, in particular with the DfC, having policy responsibility for local government.

41. The Health Minister, Robin Swann, also addressed the November 2021 NILGA Conference and The Executive Office Junior Minister Gordon Lyons and Declan Kearney, and Department for Agriculture, Environment and Rural Affairs (“DAERA”) Minister Edwin Poots attended the NILGA Executive during the specified period.

42. There were a number of further groups established or adapted in response to the pandemic by the NI Government at which local government was represented. These were in place at various intervals throughout the specified time period and included the following:

Title	Chair	Date Range	Frequency	Purpose
<b>Part (i)</b> These were groups formed to deal with the pandemic, or were pre-existing groups which dealt with emergency preparedness				
1. NI Pandemic (Excess Deaths) Working Group/renamed Project Dignity Steering Group in response (Pre-existing)	Department of Justice (“DoJ”)	Throughout the period in scope and remains in place	Standing CCG(NI) Working Group which met regularly (as needed) in the specified period	Standing working group to plan for pandemic excess deaths which was renamed during the response period to provide co-ordination including the establishment and delivery of the NI temporary resting place.
2.Chief Medical Officer Briefing	Department of Health (“DoH”)	13 March 2020	Single Meeting	Briefing to local government to outline the situation.
3.Civil Contingencies Group (NI) Meetings	Head of Civil Service (“HOCS”)	Throughout the period in scope and	Group met daily initially and reduced	Strategic Civil Contingencies Group for Northern Ireland. It is the

(Pre-existing)		remains in place	to weekly and returned to normal schedule.	principal strategic emergency preparedness body for the public sector and comprises of representatives for the local government sector, government departments and emergency services.
4. NIEPG (previously known as CCG(NI) Sub-Group Sub Regional Civil Emergency Preparedness ("SCEP").  (Pre-existing)	Jointly chaired by Local Government ("LG") and PSNI	Throughout the period in scope and remains in place	Standing CCG(NI) Sub Group which met regularly in the specified period	The NIEPG is a sub-group of CCG (NI). Its purpose is to ensure that work at local level is in line with strategic direction provided by CCG (NI). It provides direction to the work of the EPGs, facilitates cohesion between these groups and ensures effective communication between the EPGs, regional working groups and CCG (NI).
5.Community and Voluntary Service ("CVS") Emergencies Leadership Group  (formed in response to the pandemic)	Department for Communities DfC	20 March 2020 onwards	Established and met regularly throughout the specified period	A regional multi agency group, consisting of membership from the community and voluntary sector to respond to community need arising from the pandemic.
6.Strategic Co-ordination Centre Dial-In Meetings	Police Service of Northern Ireland  PSNI	Established 25 March 2020. Finished 31 May 2020	Met daily in early stages and then by exception	PSNI led horizon scanning multi agency teleconference to identify concerns by exception that could impact operationally.

(formed in response to the pandemic)		and convened periodically as needed		
7.C3 (Command, Control and Co-ordination) Leads Group. Initially named C3 (COVID-19 Response) Meeting and then renamed C3 Leads Group  (formed in response to the pandemic)	The Executive Office  TEO	Commenced 8 April 2020 and still in existence on 15 February 2022	Met weekly in early stages and on a quarterly basis thereafter	TEO led group aimed to provide cohesion across departmental and government boundaries in Prepare, Respond and Recover phases as required.
8.Relaxation of COVID-19 Restrictions Working Group which became the Cross Departmental Working Group  (formed in response to the pandemic)	The Executive Office  TEO	Established 2 June 2020 and still in existence on 15 February 2022	Initially weekly but frequency reduced/increased as required	Cross departmental co-ordination meeting which LG/PSNI was invited to join. TEO then arranged various sector/topic briefings and discussions e.g. play areas, enforcement, tourism, faith and non-faith engagement etc.
9.COVID-19 VCS Emergencies Response Programme – Covid Clusters and Next Steps	Department for Communities DfC	8 September 2020	Single Meeting	Update on Covid VCS Emergencies Response Programme.

10.NIEPG (Covid Regional Co-ordination Meeting)  (formed in response to the pandemic)	PSNI and Local Government	Commenced 6 November 2020 and continued on a weekly basis until 28 May 2021	Weekly	Multi Agency Subgroup established to assist regional co-ordination.
11.COVID-19 Vaccination Programme  (formed in response to the pandemic)	Department of Health  DoH	1 December 2020 and still in existence on 15 February 2022	Initially occurred several times per week, moving to a weekly basis	DoH lead meetings to facilitate the roll out of the vaccination programme via GPs, Health & Social Care Trusts and Community Pharmacy.
12.Adherence Group meeting  (formed in response to the pandemic)	Department of Justice  DoJ	15 January 2021 and still in existence on 15 February 2022	Meetings initially on a weekly basis and then fortnightly up to end of specified period	Remit of workstream to cover providing input on the formulation of guidance/ regulations, linking in with strategic communications/messaging and specific issues as identified by workstream members. Various subgroups established to consider topics e.g., ventilation, behavioural insight etc.
13.Community Asymptomatic Testing programme	Department of Health  DoH	3 March 2021 and still in existence on	Monthly meetings throughout	To assist co-ordination of the asymptomatic testing programme.

(formed in response to the pandemic)		15 February 2022	specified period	
14. EPG Public Information and Media Working Group (pre-existing)	Resilience Team	Throughout the period in scope and remains in place	Standing EPG working group which met regularly during the period	Multi-agency working group to facilitate preparedness across media and communications representatives from EPG partner organisations. The group has an emergency mechanism for sharing communications from the lead agency and this was used at various points during the COVID19 response.
<b>Part (ii)</b> These were standing cross departmental groups used prior to the pandemic, at which the pandemic and issues related to same were discussed.				
15. NI Strategic Waste Partnership (pre-existing)	Joint LG and Department of Agriculture, Environment and Rural Affairs DAERA	Ongoing, but currently paused. Established 2016	Quarterly, increasing to weekly when emergency response plan initiated 16/3/2020	Designed to have strategic oversight of the delivery of the Action Plan for Central and Local Government to manage Northern Ireland's municipal waste.
16. Governmental Waste Working Group (pre-existing)	Joint LG and DAERA	Established 2016	Quarterly, increasing to weekly when emergency response plan initiated 16/3/2020	A partnership forum to enable central and local government to collectively address operational matters relating to the management of municipal waste.

43. These were also a range of standing cross council topic specific groups which were in place prior to the pandemic and at which the pandemic and issues related to same were discussed. Examples include Environmental Health Northern Ireland, the Local Authority Safety Advisors Network and the Chief Leisure Officer's Association.

44. In terms of the concerns held by NILGA, in large part these mirrored those of sister bodies in Great Britain, including unrealistic expectations in regard to growing financial losses, capacity to deliver services, and substantial requests by wider government (both UK and NI) to do additional Covid work without the resources to do so (in terms of finance, staff capacity and staff competency).

#### **NPIs**

45. Local government in Northern Ireland was not directly involved in any decision making relating to the imposition or non-imposition, extension or removal of national and regional NPIs during the specified period. This is partly because local government in Northern Ireland does not have the same responsibilities as local government in England, Scotland and Wales but also as a result of the leadership of the response being at regional level led by the NI Executive and TEO in Northern Ireland.

46. The role of local government in relation to NPIs was limited to that of a consultee in respect of the interpretation and practicality of enforcement of the Health Protection (Coronavirus Restrictions) Regulations (NI) 2020 (as amended) from a local government perspective. This consultation was via a number of conduits further detailed at paragraph 42 but for example, the Cross Departmental Working Group and sector specific consultations.

47. Local government was not formally consulted by the NI government regarding their decisions to impose, extend or remove NPIs. Nor did they have access to scientific or medical expertise to formulate any representations had the same been sought.



48. Instead, practical feedback on the enforcement of NPIs amongst other COVID-19 related matters was sought by the NI government before and after decisions were taken. This feedback was provided via the structures/meetings identified above at paragraph 42.

49. As far as I am aware, there were no disagreements between local government and NI government over the particular NPIs imposed, extended or removed.

50. It was understood that the fast moving and complex operating environment may have affected the ability of the NI government to consult with local government in the way both parties would normally have wished to do so. The key consideration for local government was that there were mechanisms in place with NI government to seek clarity on significant decisions.

51. Local government did not canvass views or the response of the public to NPIs as local government had no role in decision making. However, individual councils did receive queries from the public and businesses within their areas. Councils will have answered these queries or sought further guidance from NI government via situational reports and/or LG Queries and Priorities spreadsheet and then relayed the answers.

52. As above, local government did not have the power to impose or remove NPIs, but to support businesses to operate in what was a very difficult trading environment. For example, some councils took decisions at a local level to relax the enforcement of certain licensing laws, e.g. Sunday trading hours and/or pavement café licensing. Any such discretion was exercised within the remit of existing local government powers.

### **Absence of the Northern Ireland Executive**

53. As politically led organisations, NILGA and the councils believe wholeheartedly in the importance of political scrutiny of public services. Politicians are embedded in their communities and ensure the needs of those communities are met.

54. Operationally, I am advised that civil contingencies work continued throughout any period of Northern Ireland Executive absence prior to 11 January 2020, including in partnership with NI government and others.

55. Having Ministers in place before 11 January 2020 may have assisted NI government in the prioritisation of workstreams and resources in relation to civil contingencies and also in the progression of the civil contingencies legislation, which local government has been calling for, for many years, but it did not affect the workflow within local government.

### **Equality Considerations**

56. As stated above at paragraph 15 local government's role in Northern Ireland does not extend to public health or health and social care, therefore local government had limited responsibility for the identification and support of vulnerable individuals and groups, nor did they have access to the personal data needed to reach such individuals or groups. As such they could not identify or monitor the impact of Covid measures on these individuals or groups. Nor is local government aware of any specific work carried out in relation to the impact on groups specified under section 75 of the Northern Ireland Act 1998 by the NI government. This does not however mean no such work was carried out.

57. Local government always considers section 75 in their service provision, and they were in constant liaison with local communities and businesses to ensure their feedback on a range of topics was sought, including in relation to bereavement services and supporting vulnerable people in communities, both via the Local Government Queries and Priorities mechanism and various meetings (please see paragraphs 37 above in relation to how answers to queries were then provided).

58. Further, local government was involved in supporting activities run by other departments to vulnerable individuals and groups. For example: health and social care trusts and councils worked together to provide support to vulnerable groups such as the delivery of food parcels and the delivery of the vaccination programme, supported

by mechanisms to ensure priority was given to those categorised as most vulnerable and in need; local government attended meetings with faith and non-faith representatives which considered their specific needs; and the CVS (discussed at paragraph 42(5) above) was also focused on vulnerable groups.

## **Other nations**

59. Local government participated as part of the regional structures led by NI government, and as identified at paragraph 42, in discussions on the practical implementation of restrictions on a cross border basis e.g. differences in travel restrictions and travel of essential workers on a cross border basis. However, local government had no lead or formal role in cross border liaison.

60. Local government was not involved in any joint working with local government in the other devolved nations, however the Resilience Team was invited to attend Local Resilience Forum Chairs Conference Calls which used this pre-existing group to discuss COVID related issues, but the information was predominantly English centric.

61. It was apparent that the NI public and NI businesses accessed information via general/social media on Covid regulations and restrictions which were not specifically relevant to Northern Ireland, which may have caused or contributed to some confusion.

62. The LG Queries and Priorities spreadsheet submitted by the Regional Resilience Team on behalf of local government to TEO on a regular basis demonstrated the need for further clarity. From a local government perspective this was particularly in relation to the practical application of the various Covid regulations. This mechanism was used to help reduce any confusion caused by differing NPIs throughout the UK. The NI Executive Departments provided answers (through TEO) to local government queries, which were then shared across all eleven councils, as it was recognised local councils might meet similar queries from the public. Examples from the LG Queries and Priorities' spreadsheet included large UK/multi-national businesses which were finding it difficult to combine corporate compliance with legislative variations between NI, Great Britain and the Republic of Ireland. Further discussed at paragraph 37 above.

### **Joint working between NILGA and the Northern Ireland Office (“NIO”)**

63. There is likely to have been some liaison between individual senior council officers and the NIO, however I am not aware of this taking place on a structured and regional basis. Further, NIO officers and council officers may have attended the same meetings, but again I am not aware of any specifics.

64. NILGA was not formally directly involved with the NIO to the best of my knowledge with the exception of writing to the Secretary of Northern Ireland as referred to in paragraph 29 of this statement.

### **Public communication including public health messaging**

65. Public communication including health messaging was predominantly managed by the NI government and the relevant arm's length bodies (DOH, the Public Health Agency NI (“PHA”) and Executive Information Services (“EIS”)). There were joint meetings between local government and NI government communication officers as and when needed to discuss communications and the need for any additional local support.

66. As per the EPG Public Information & Media Plan, some public health messaging from NI government was passed to the EPG Public Information and Media Working Group to increase visibility of messaging. There was a general agreement that partners would monitor each other's messaging and re-share as appropriate. At times new campaigns would be highlighted and the Public Information and Media Working Group would sometimes be used for that purpose. The group would also have discussed the pandemic as part of its agenda when it met, including what messaging was in place and if any issues were arising out of same. It also provided a mechanism for sharing messaging which had been written by other organisations, albeit it wasn't the case that all messaging came via this conduit.

67. There was also a huge amount of sector communication too. Communication was a key topic in a lot of the ‘Groups’, for example, the Adherence Group talked regularly

about how and what to communicate. EPG updates also highlighted recent communications and any areas of focus.

68. In some instances, local government enhanced the NI public health messaging by using local representatives to communicate and explain the NI government message for local communities. Some councils were also involved in developing and making social media campaigns with the NI government.

69. It was very much the case that local messaging did not diverge from the NI government public health message, and it was agreed the default platform in Northern Ireland for information was NI Direct and this should be followed. For businesses 'nibusinessinfo' was used. Both platforms signposted relevant messaging from other partners, such as the Public Health Agency.

### **Public health and coronavirus legislation**

70. The initial legislation passed in Northern Ireland in response to the pandemic was the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020. Local government, as far as I am able to determine, was not consulted on this legislation prior to it being enacted. Due to membership of the DoJ led Pandemic (Excess Deaths) Working Group, local government was aware of discussions in respect of a draft pandemic bill, but this was at a preliminary stage.

71. As the pandemic continued, there were various amendments to this legislation and new pieces of legislation implemented, which all came from the UK and NI government; local government adhered to this.

72. Very early on in the pandemic a mechanism was created for local government to raise queries with NI government as the fast moving and complex decision making environment often meant that guidance supporting regulations took some days to be made available, after the legislation came into force, which made it challenging to accurately advise the public and businesses (as discussed at paragraph 37 above). Any feedback provided by local government focused on trying to agree a central

interpretation of the complex regulations to aid education, engagement and encourage adherence and enforceability.

73. Towards the latter stages of the pandemic, local government was copied into the proposed changes to the legislation and was a consultee in order to ascertain if there were any potential issues regarding interpretation or practicalities of enforcement from a local government perspective.

74. There were a number of instances when local government made representations to NI government in relation to the proposed/enacted legislation, via meetings and situational reports. There was significant interaction across the eleven councils and their various departments. In the main this was to aid interpretation, but at times it was also to provide representation on behalf of communities/businesses in relation to the challenges they were facing. A number of these are highlighted in the collated 'local government lessons learned' which was provided to TEO as part of their collation of lessons learned in June 2022 (a copy of which is exhibited hereto and marked **AA/6 [INQ000236329]**). Examples included:

- a. The first version of The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 made on 28 March 2020 required those responsible for a crematorium or burial ground to close it to members of the public, except for funerals or burials. This meant that bereaved families and friends who wished to visit their loved ones were unable to do so. Following representations made at the Northern Ireland Pandemic (Excess Deaths) Working Group Meeting and via situational reports, this was amended in April 2020 to enable the public to visit a burial ground.
- b. As legislation was continually being updated, the ability of organisations and the public to adhere to legislation and the capacity of councils to provide guidance and enforce the regulations with the level of qualified staff available was challenging. While councils were able to flex their resources to aid the provision of advice, local government highlighted that only qualified officers could undertake checks and enforcement activities meaning that prioritisation of resources to perceived higher risk locations was required.

- c. As I highlighted above, many of the representations made to NI government by local government sought clarification and guidance regarding the intent of the legislation as it was challenging to understand and enforce. Examples of this included:
- i. The use of the 'wholly or mainly test' to determine if a retailer was essential or non-essential using a 50% floor space test. The consequence of this approach was discussed at length as, by way of example, it meant shops which sell food but also have large clothing departments should have been required to close – but this was clearly not the intent.
  - ii. The use of the smoking regulations (Regulation 2 of the Smoke Free (Premises, Vehicle Operations and Penalty Notices) Regulations (Northern Ireland) 2007), to define 'enclosed' to determine if a licensed/unlicensed premises was able to open. Examples included premises with partially enclosed courtyards and outdoor spaces with awnings/umbrellas falling under the definition and being unable to open despite being clearly outdoors.
  - iii. When the Health Protection (Coronavirus, wearing of face coverings) Amendment Regulations 2020 was introduced, there was initial confusion in relation to designation of local government in relation to enforcement. Local government expressed concerns that no organisation or even a sector could require the public to adhere to the regulations. Liaison (via various discussions and email correspondence) with the DOH and TEO led to clarification that businesses should encourage the wearing of face coverings, however in practice it was recognised that there was only so much that could be done and that this had the potential to lead to confrontation without a resolution being possible.

75. The Regional Resilience Team also began issuing written EPG/LG updates in relation to COVID in March 2020 to aid shared situational awareness. Please see example exhibited hereto and marked **AA/7 [INQ000236330]**.

76. Broadly, there was no difference of opinion. However, there were individual cases where local government made representations that an alternative approach would be more suitable.

77. When the legislative obligations were removed, some areas were replaced by guidance from NI government which mirrored the original legislation. This enabled the private sector to reduce mitigations by carrying out risk assessments. However, public services were not able to override government guidance with internal risk assessments and therefore maintained adherence at the previous level. This led to challenges, including additional costs for the public sector and extended recovery time in comparison to the private sector.

### **Education, Engagement, Encouragement and Enforcement**

78. Councils were designated as one of the 'enforcement authorities' under the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020 (as amended) ("the 2020 Regulations"). Associated guidance was issued by TEO and was publicly available and continuously updated to keep pace with legislative changes. Due to the fast changing situation, the focus was on education, engagement and encouragement, prior to enforcement action.

79. Councils' enforcement role under the 2020 Regulations involved: compliance visits to premises (ensuring that relevant premises were closed, or if allowed to remain open, ensuring that all restrictions and requirements were put in place); the collection and sharing of information to restaurants, cafes, bars and public houses; and providing support and advice to all businesses within that council's enforcement area with an overall aim to protect public health.

80. Each council had their own locally tailored approach to engagement/enforcement and enforcement roles were allocated only to council officers with specific training and associated authority e.g. Environmental Health Officers and Licensing Officers. Under normal non COVID-19 pandemic conditions these council officers would have routinely



provided guidance to businesses and the public on compliance and would have had enforcement responsibilities under other legislation.

81. Officers designated as 'Enforcement Officers' for the purpose of the 2020 Regulations could issue various notices, such as a Premises Improvement Notice or Prohibition Notices.

82. The PSNI and Belfast Harbour Police were also designated enforcement authorities under the 2020 Regulations.

83. Accordingly a Memorandum of Understanding between the councils, the PSNI and Belfast Harbour Police was drawn up to set out the various enforcement responsibilities under the 2020 Regulations and reporting requirements. This was first published on 18 June 2020 and was kept under review. The two versions of the same are exhibited hereto and marked **AA/8a [INQ000236331]** and **AA/8b [INQ000236332]**.

84. This Memorandum of Understanding outlined that the PSNI would be the lead enforcement authority in respect of licenced premises, whilst the councils would take the lead in respect of retail enforcement. Both were to provide each other with assistance where required, and whilst working under their own respective enforcement protocols. It was agreed that monitoring and progress meetings should take place regularly to assess the effectiveness of the enforcement partnership and that other local meetings should take place to discuss operational issues that arose. An Information Sharing Protocol was agreed to ensure information was expediently shared and a uniform approach adopted.

85. An environmental health 'on call' service was also put in place to deal with complaints.

86. In the absence of case law, a mechanism for sharing queries between councils, TEO and the PSNI was established to aid a uniform interpretation of the regulations.

This was partly facilitated by sharing the LG Queries and Priorities spreadsheet with PSNI.

87. Local government participated in a number of meetings, chaired by NI government (as detailed in the table above at paragraph 42) at which enforcement was discussed. There was also engagement led by NI government in relation to the practicalities of the councils' role as designated enforcing authorities under the 2020 Regulations. This engagement took place primarily through relevant regional professional officer networks.

88. Further, on an individual council basis, discussions will have taken place not only with the PSNI but also with the Health and Safety Executive NI in their designated enforcing authority role, in the context of each councils' individual enforcement approach.

89. Some of these discussions did identify concerns from councils as to their ability to resource their role as a designated enforcing authority under the 2020 Regulations. This was noted via the situation reports and LG Queries and Priorities spreadsheet submitted by the Regional Resilience Team on behalf of councils to TEO on a regular basis, highlighting activities, queries and concerns, as discussed above at paragraph 37.

90. Concerns raised primarily focused on councils' ability to balance their COVID-19 guidance and enforcement role with their existing statutory functions at a time when staffing pressures as a result of COVID-19 were already putting serious pressure on service delivery. Councils will have had varying levels of available enforcement resource and had to make dynamic decisions based on the needs of their local areas.

91. NILGA did not undertake any assessment or analysis as to whether councils were able to fulfil or did fulfil their enforcement functions.

### **Involvement with third sector organisations**

92. The third sector is a valued partner in NI and the strong pre-existing relations were utilised during Covid. Councils worked directly with third sector organisations in their areas to develop the most appropriate mechanisms and services needed to support communities, whether it was the provision of food parcels, venues for vaccination, helplines or community and business guidance etc.

93. A wide range of voluntary and community organisations provided assistance to support the responding agencies. This included a partnership approach established by Volunteer Now and the British Red Cross, which offered the opportunity for other voluntary and sporting organisations to work in partnership to support vaccination centres.

94. The DfC established the regional Emergency Leadership Group which local government participated in. As part of this DfC provided additional funding directly to each of the eleven councils to support communities and to assist with the identification of people in need and this was very much undertaken in partnership with the third sector. Extensions were also added to the existing Community Support Grants.

95. NILGA gathered evidence of activities to support communities across Northern Ireland, which was later used to contribute to a Carnegie UK Trust publication “COVID-19 and Communities Listening Project: A Shared Response”. A copy of the full UK report is available publicly on the Carnegie UK Trust website, however, a presentation summarising the Northern Ireland contribution is hereto exhibited **AA/9 [INQ000236333]**. This included examples of working with local charities such as St Vincent de Paul and Advice NI, and local community and sporting groups, to provide food parcels and staff food banks, open and run advice lines, provide counselling and funding, amongst other endeavours.

## **Recovery Planning**

96. Given the size and resources of NILGA, it was not possible for it to play a lead role in the formulation of recovery plans in response to COVID-19. Rather, both NILGA and local government engaged with regional COVID-19 recovery planning as requested by NI Executive departments.

97. TEO led the development of a regional recovery plan. This was managed via the Relaxation of COVID-19 Restrictions Working Group, (which became the Cross Departmental Working Group) which included representatives from NI and local government and the PSNI. NILGA was not directly involved. This group aimed to develop a roadmap to recovery for Northern Ireland. The Resilience Team and a nominated Chief Executive represented local government on the group and provided the conduit for briefing across the local government sector.

98. NILGA also participated in the 'High Streets Taskforce' and was involved in the production of a 'High Streets Toolkit' with the DfC Ministerial Advisory Group. The High Streets Taskforce was established to provide advice to ministers on how the challenges facing NI high streets could be overcome. It brought together NI and local government, business and community representatives, universities and others. After issuing a call for evidence the group produced a set of thirteen short, medium and long term recommendations for the Ministers exhibited hereto and marked **AA/10 [INQ000130716]**.

99. Further, Councils had in place their own organisational recovery plans. The Northern Ireland Audit Office ("NIAO") Local Government Auditor Report 2021 noted that *"NIAO also examined the recovery plans councils had produced as a consequences of the COVID-19 pandemic, and were content that councils had put in place recovery plans to help address the issues arising from the COVID-19 pandemic and were monitored on an ongoing basis"*. The report is exhibited hereto and marked **AA/11 [INQ000236315]**.

100. SOLACE established both internal and external recovery groups, which consisted of representatives from all councils. The internal recovery group aimed to provide a consistent approach to recovery across local government by encouraging the sharing of information across the eleven councils on common topics such as waste and leisure. The external recovery group focused on the recovery of businesses, how best to support them and the best use of business grants etc.

## Lessons Learned

101. At a NILGA and local government level, there have been a range of informal and formal lessons learned and reflections on the response to the COVID-19 pandemic. Councils have considered the lessons learned internally and participated in various debriefs.

102. At a NI government level a number of reviews were undertaken which local government fed into, including:

- a. Following the identification of a variant of concern a multi-agency debrief was convened in June 2021 to consider any lessons learned to assist with any further instances in Northern Ireland. This resulted in a new multi-agency response plan being developed for future variants of concern;
- b. DAERA (the Department of Agriculture, Environment and Rural Affairs) held a lessons learned exercise on building waste sector resilience on 24 November 2020;
- c. TEO circulated a lessons learned template in May 2022 which sought input from a wide range of professional bodies ; and
- d. TEO led scenario planning for Autumn/Winter 2022/23 pressures.

103. At local government level, the SOLACE Internal Recovery Group produced a lessons learned report in September 2020, a copy of which is exhibited hereto and marked **AA/12 [INQ000236316]**.

104. Further, a number of multi-agency plans were written or updated since January 2020 to address interim arrangements as a result of the pandemic. This included a range of regional plans and COVID related guidance by various organisations and specialisms. Specific multi agency plans that I have been made aware of include:

- a. "An Operating Model for Council Co-ordination Hubs" in relation to the distribution of food parcels in April 2020.

- b. Interim Guidance to take cognisance of Covid-19 mitigation measures was added to the existing EPG Generic Protocol for the Establishment of Emergency Support Centres incorporating emergency rest centres, survivor reception centres and friends and relatives' reception centres in May 2020.
- c. An Interim Multi-Agency Plan in relation to Variants under Investigation/Variants of Concern was developed in May 2021 to link existing PHA internal plans with external partner arrangements.

105. A range of multi-agency structures updated their guidance post covid. This included the Northern Ireland Civil Contingencies Framework being revised in June 2021. Work is ongoing at local level to review all plans and arrangements to align with this including the EPG's Public Information & Media Plan which was updated in January 2022.

106. The work of this Inquiry is also a key opportunity for local government and NILGA to learn lessons to help with future pandemic planning and response. NILGA is therefore pleased to be able to contribute information to the Inquiry and looks forward to the Inquiry Panel's reports.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

**Signed:** Personal Data

**Dated:** 25/08/2023