

OFFICIAL – SENSITIVE - CABINET

Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 8th July 2020

**The Welsh Government
Minutes of a meeting of the Cabinet
27th May 2020**

Present: Rt. Hon. Mark Drakeford MS (Chair)
Vaughan Gething MS
Kirsty Williams MS

Via video link: Rebecca Evans MS
Lesley Griffiths MS
Julie James MS
Eluned Morgan MS
Ken Skates MS
Jeremy Miles MS
Jane Hutt MS
Hannah Blythyn MS
Julie Morgan MS
Lee Waters MS
Dafydd Elis Thomas MS

Shan Morgan, Permanent Secretary
Des Clifford, Director General Office of the First Minister
Carys Evans, Principal Private Secretary First Minister
Will Whiteley, Head of Cabinet Division
Toby Mason, Head of Strategic Communications (via video link)
Jane Runeckles, Special Adviser (via video link)
Madeleine Brindley, Special Adviser (via video link)
Alex Bevan, Special Adviser (via video link)
NR, Special Adviser (via video link)
Ian Butler, Special Adviser (via video link)
Kate Edmunds, Special Adviser (via video link)
Paul Griffiths, Special Adviser (via video link)
Clare Jenkins, Special Adviser (via video link)
Andrew Johnson, Special Adviser (via video link)
NR, Specialist Adviser for Education Reform (via video link)
Gareth Williams, Special Adviser (via video link)
NR, Special Adviser (via video link)
Tom Woodward, Special Adviser (via video link)
Christopher W. Morgan, Cabinet Secretariat (minutes)
NR, Cabinet Secretariat
NR, Specialist Policy Adviser (via video link)
Frank Atherton, CMO
Reg Kilpatrick, Director Local Government
Debra Carter, Deputy Director Local Government Strategic Finance (via video link)
NR, COVID-19 team
Jo Trott, Head of COVID-19 project team
Jonathan Price Chief Economist (via video link)

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

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through indoor areas was kept to a minimum. Touching surfaces, using toilets and the sharing of materials, such as plates and cups, would not be allowed, given that the virus could remain on an indoor surface for up to seven and a half hours, whereas outdoors, the virus was not likely to survive beyond one and a half minutes.

- 1.16 Cabinet agreed with these proposed changes and indicated that there was a need to ensure that the guidance clearly set out the additional risks of travelling through someone's home. *There was also a need to continue to encourage Local Authorities to reopen public spaces.*
- 1.17 The MA also considered the evidence for easements linked to education and care for children. A critical factor for re-opening would be having an effective test, trace and protect system in place, which could be possible by the next review period. It was recommend that further advice should be provided following that review to signal the need for preparation for the first phase of restarting schools, FE and childcare from no earlier than 22nd June, providing conditions were safe.
- 1.18 There was a specific issue of FE learners needing to complete practical assessments on site. Whilst that was already permissible under the Regulations, Institutions would be supported to enable those learners that needed to complete practical components of study, to do so safely.
- 1.19 *The Minister for Education advised Cabinet that she was exploring with the teaching Trades Unions whether it was possible to vary planned term dates for the remainder of this, and the next, academic year. The proposal was that the summer holidays would be brought forward to begin on or around the 22nd June, with schools returning at or around the beginning of August, as testing and tracing was likely to be more embedded by this point.*
- 1.20 *The risk of schools returning in summer was likely to be lower as the virus was believed to be transmitted less in sunlight and outdoors, while good weather allowed schools to maximise use of outdoor spaces, which was safer for learners and staff. Furthermore, staff had shown dedication in responding to this crisis so far and the Government was conscious of fatigue.*
- 1.21 *This change would guarantee that learners would have had at least some contact time should there be a need to decrease operations due to a second peak. There was also a need to prepare for further peaks over the autumn and winter months.*
- 1.22 *In addition, it would give schools some planning time before the summer and allow both schools and learners a longer 'bedding in' period over August to focus on reintroduction and well-being, while supporting learners to become 'learning fit'.*
- 1.23 *There would be further discussions with Trades Unions later that week and Cabinet would be informed of the outcome.*

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- 1.24 In terms of the economy, it was recommended that existing restrictions on businesses were maintained given the limited scope to make changes during the current review period. There was still scope to encourage more businesses to safely return to activity and this process should continue to be supported.
- 1.25 It was suggested that the Government could signal that a wider opening of outdoor businesses, such as markets and showrooms, was likely to take place in the next review and protocols should be put in place. Non-essential retail and the reopening of the housing market would also be considered at the next review and businesses should start to prepare for this, should it be decided that conditions were considered safe. *There was a need to consider the challenges facing indoor markets.*
- 1.26 Cabinet welcomed the proposals and agreed that there would be a need for careful messaging, *particularly given what was planned in England. It was noted that there had been some calls from small businesses for the Government to provide financial support to enable them to adapt their premises.*
- 1.27 Ministers agreed that the plans to gradually open up healthcare as part of the approach to using public services should continue. In addition, the Regulations should be changed to allow weddings to take place, where the bride or groom was terminally ill and to relax the prohibition on gatherings to allow the attendance of guests.
- 1.28 Once the formal decision had been taken, the First Minister would announce the outcome of the review on Friday, with any changes coming into effect the following Monday. *This would allow time for officials to finalise the necessary guidance and Q&A briefing. This guidance would be shared with Ministers.*
- 1.29 *Cabinet noted that the CMO's advice in relation to the review would be presented to the First minister as part of the formal decision process. However, the CMO indicated that he supported the set of easements that had been proposed as they were unlikely to lead to significant increase in the community transmission of the virus. It would be important to allow people some respite over the summer months, particularly as there may be a need to re-impose more restrictive measures in the winter if viral activity increased.*
- 1.30 *Ministers acknowledged that, given the timescales there had not been the opportunity to undertake full equality impact assessments, but assessments had taken place which reflected the need to take decisions at pace. Cabinet had considered these impacts and consciously made decisions within the context they set out. It was also noted that the underpinning principles that the Cabinet had taken were based on the principles of ensuring equality for all, in line with the Well-being of Future Generations Act.*
- 1.31 *It was agreed that officials would need to take into account comments made by Ministers and provide further advice on whether the five mile limit could be relaxed for family visits.*

Sections 28, 35 & 36

Item 2: Communications

- 2.1 *Cabinet considered the note on the proposed communications handling for the outcome of the review of the Regulations. The paper set out a way forward towards more integrated and consistent approach in the longer term.*
- 2.2 *The calm, cautious and reassuring approach of the Welsh Government had been welcomed by the series of focus groups that had been established.*
- 2.3 *It was proposed that Keep Wales Safe should become the overarching message, both to explain the approach and also for people to understand their role in avoiding behaviours that could spread the virus and risk a second peak.*
- 2.4 *Cabinet welcomed the proposed approach and suggested that the Keep Wales Safe message could be preceded by 'stay local', which would be the emphasis of the outcome of the current review.*

Sections 35 & 36

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Action points and outcomes from a meeting of Cabinet on
27th May 2020

OFFICIAL SENSITIVE – Cabinet, Policy and Commercial in Confidence

<i>Item</i>	<i>Action / Outcome</i>	<i>Outcome/ Deadline</i>	<i>Officials</i>
Item 1: Three week review of Health Protection (Coronavirus Restrictions) Regulations	<i>Legal Services to consider the definitions around a 5 mile limit in line with the Cabinet discussion</i>	Complete	<i>Helen Lentle</i>
	<i>Officials to explore the work ongoing in Scotland around setting a 5 mile limit and the associated guidance – Covid-19 team</i>	Complete	<i>Legal Services / Zowie Hay</i>