

OFFICIAL – SENSITIVE - CABINET

*Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 31 January 2022*

The Welsh Government  
Minutes of meetings of the Cabinet  
20 & 21 December 2021

- Present: Rt. Hon. Mark Drakeford MS (Chair)  
Rebecca Evans MS  
Vaughan Gething MS (Chair 21 December - paragraphs 3:13 & 3:14)  
Lesley Griffiths MS  
Jane Hutt MS  
Julie James MS  
Jeremy Miles MS (apologies 20 December)  
Eluned Morgan MS  
Mick Antoniw MS
- Hannah Blythyn MS  
Dawn Bowden MS  
Julie Morgan MS  
Lynne Neagle MS  
Lee Waters MS (apologies 21 December)
- Officials: Andrew Goodall, Permanent Secretary  
Des Clifford, Director General Office of the First Minister  
Will Whiteley, Deputy Director Cabinet Division  
Toby Mason, Strategic Communications  
Jane Runeckles, Special Adviser  
Madeleine Brindley, Special Adviser  
NR Special Adviser  
NR Special Adviser  
Ian Butler, Special Adviser  
Kate Edmunds, Special Adviser  
Sara Faye, Special Adviser  
Clare Jenkins, Special Adviser  
NR Special Adviser  
NR Special Adviser  
Tom Woodward, Special Adviser  
Christopher W Morgan, Cabinet Secretariat (minutes)  
NR Cabinet Secretariat  
Tracey Burke, Director General, Education and Public Services  
Reg Kilpatrick, Director General, COVID-19 Crisis Coordination  
Judith Paget, Director General Health  
Andrew Slade, Director General, Economy, Skills and Natural Resources  
Helen Lentle, Director Legal Services  
Frank Atherton, CMO  
Eliss Bennee, Co-Chair of TAC.  
NR First Legislative Counsel  
Andrew Sallows, Delivery Programme Director NHS  
Liz Lalley, Director Recovery  
Tom Smithson, Deputy Director COVID-19 Restart

Andrew Jeffreys, Director Treasury  
Neil Buffin Senior Lawyer  
Terry Kowal, Senior Legislative Counsel  
Jason Thomas, Director Culture Sport and Tourism  
Rob Holt, Deputy Director Events Wales (20 December)  
Sioned Evans, Director Business and Regions (21 December)  
Duncan Hamer, Chief Operating Office Business and Regions (21 December)  
Steffan Roberts, Deputy Director Tourism Development and Sport (21 December)

## 20<sup>th</sup> December

### Item 1: Minutes of previous meetings

- 1.1 Cymeradwyodd y Cabinet gofnodion y 13 a 16 Rhagfyr / Cabinet approved the minutes of 13 and 16 December.

### Item 2: Review of Coronavirus Restrictions (No. 5) Regulations – 21 December 2021 CAB(20-21)63

- 2.1 The First Minister introduced the briefing paper, which outlined options relating to the approach to major events with the aim of combating the spread of the new variant, Omicron. *Ministers would also have the opportunity for an initial discussion on potential changes to hospitality venues and social gatherings.*
- 2.2 Cabinet was reminded the restrictions relating to COVID-19 within the Coronavirus Control Plan were 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.
- 2.3 The First Minister reported there had been a COBRA meeting the previous day, the outcome of which had been inconclusive. There had been an offer of further resources for the Devolved Governments *but there was a need to ascertain whether this was additional or simply the bringing forward of funding already announced.*
- 2.4 It was noted the UK Cabinet was meeting again that afternoon to discuss its response to Omicron, as cases were rising fast in some areas, particularly in London, Manchester and Bristol, which was having an impact on hospital admissions. It would only be a matter of time before there was a significant rise in cases in Wales.
- 2.5 Given the increased transmissibility of Omicron and potential for vaccine escape, there could be a greater risk of super-spreader events. It was not just the events themselves, but the associated mixing before, during and afterwards which posed the greatest risks.

OFFICIAL – SENSITIVE - CABINET

*Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 31 January 2022*

- 2.6 *The paper set out three options. Firstly, to apply Alert Level 2 in full and require all sporting events, whether indoor, outdoor, professional or community events, to take place behind closed doors. This could be supported by a fund of £3m to recompense for the loss of spectators.*
- 2.7 *The second option was to make an exception to Alert Level 2 in terms of event numbers and social distancing and allow the events to proceed based on their full COVID-19 risk assessments, but with additional measures in place. These measures could include requiring all attendees to undertake, and show, a negative lateral flow test (LFT) in addition to their covid-pass. However, stakeholders believed it would unenforceable to require face masks at all times during an event. Furthermore reducing capacity and introducing social distancing would be challenging for some events.*
- 2.8 *Thirdly, to do nothing on the basis that the mitigations already in place were sufficient.*
- 2.9 *Cabinet discounted the third option, as the Government's messaging the previous week was that people's lives would be changing post Christmas.*
- 2.10 There was a wide ranging discussion around the suitability of the remaining two options. Ministers concluded, given the expected increase in cases of Omicron and the impact this would have on the NHS along with the delivery of public services, including public transport, through staff absences, there was a need to introduce measures that would slow down transmission rates. Therefore, it was agreed all indoor and outdoor events should be closed to spectators from Boxing Day. There would be a need to consider the implications for other indoor venues, such as cinemas, theatres and concert halls.
- 2.11 *Cabinet had an initial discussion on potential changes to hospitality post Christmas and indicated that officials should provide further advice on the introduction of restrictions. This should include: potential limits on numbers; social distancing; use of face coverings; and whether the covid-pass could be introduced for such settings. It would also be important to consider whether it was possible to provide financial support to the sector and how to help staff on casual contracts.*
- 2.12 *In terms of social mixing in people's homes, Ministers requested further advice on whether it was possible to have guidance for small groups with regulations for larger gatherings. It would also be important to consider compliance and enforcement issues. Given the implications for public transport, officials should also consider whether trains could be considered exempt from the classification of being a regulated setting.*
- 2.13 *It was agreed that Cabinet would meet again to consider the advice from officials, the affordability of the options and whether it would be possible to secure safe passage of the regulations through the Senedd.*

- 2.14 *In the meantime, officials should proceed with the decisions taken by Ministers and instruct lawyers accordingly.*

***Officials should proceed with the decisions taken by Ministers and instruct lawyers accordingly***

## 21 December

- 3.1 The First Minister referred to the changing context since Cabinet last met, with the Scottish Government introducing similar measures to Wales for outdoor events and the UK Government announcing a £1bn support package for businesses in England hit by new COVID-19 cases. Wales had already been offered additional support from the UK Treasury on Sunday, which would allow Welsh Ministers to introduce a more generous support package.
- 3.2 The First Minister introduced the paper, which set out a number of issues listed under Alert Level 2 that would need to be resolved.
- 3.3 In relation to reasonable measures, Cabinet agreed to reinstate the requirement for 2m physical distancing as a specific step in the regulations that must be taken before other measures. However, it would be important to make clear other mitigations were possible should businesses be unable to introduce physical distancing. Given specific implications for public transport, it was agreed the sector should be removed from those premises covered by obligations in the regulations that applied to 'regulated premises'. *The exemption would also apply to critical safety work.*
- 3.4 It was also agreed that specific measures should be applicable to licensed and 'bring your own alcohol' premises. Besides controlling entry, the reintroduction of table service and the collection of contact details, customers would be required to wear face coverings when moving around.
- 3.5 Furthermore, the current range of illustrative reasonable measures in regulations should be retained, while emphasising in guidance and stakeholder communications additional protections were required to be in place by 27 December. There would also be sector specific requirements.
- 3.6 In terms of gatherings in private dwellings, Ministers agreed a more flexible approach should be adopted, with a focus on minimising contacts and taking a LFT before visiting. However, there should be specific illustrative guidance to help people remain safe in their own homes.
- 3.7 Cabinet considered the requirements for gatherings in public spaces indoors and agreed the rule of six under the original Alert Level 2 should be reinstated in the regulations. *It was recognised there may be a need to provide additional financial support to the hospitality and entertainment sectors.*

OFFICIAL – SENSITIVE - CABINET

*Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 31 January 2022*

- 3.8 It was confirmed that the rules for gatherings outdoors should reflect the requirements for private dwellings and restrictions on holiday accommodation should follow the previous regulations.
- 3.9 Cabinet also agreed the Alert Level 2 provisions for events in public places, of up to 50 attendees outdoors and 30 indoors, should be reinstated. The previous exemptions would still apply, so would the provisions that alcohol should not be consumed or sold at such regulated events. The same limits should be included as an offence in private dwellings, which would allow the relevant Authorities to stop house parties with attendance above the agreed limits. *It was agreed the regulations should be drafted to exempt those participating in team sports from the overall limits on numbers.*
- 3.10 Limits would be removed for those attending weddings and wakes, but numbers would be determined by the ability of the venue to comply with social distancing and other reasonable measures including all guests taking a LFT before attending. Adult entertainment venues and ice skating rinks should remain open to the public with additional mitigations in place.
- 3.11 Ministers agreed the rule of six should be applied to cinemas, theatres and concert halls to allow groups of people to sit together and specific risk assessments should be undertaken for performances in hospitality sessions.
- 3.12 In terms of financial support, £120m would now be available for nightclubs, events, retail, hospitality, leisure and tourism businesses affected by the move to Alert Level 2 and there would be additional funds to support sports venues, arts and cultural organisations affected by the pandemic.
- 3.13 The First Minister left the meeting to brief the leader of Plaid Cymru on the decisions taken by Cabinet. In his absence, Ministers agreed there should be no extension to the use of the covid-pass at this stage and further thought should be given to its expansion when restrictions were lifted.
- 3.14 Ministers noted that seasonal outdoor activities, such as ‘Winter Wonderland’, were classed as events under the law. Organisers would have to follow the relevant specific rules if they tried to repurpose them as hospitality settings.
- 3.15 The First Minister returned to the meeting *and informed Cabinet the leader of Plaid Cymru was broadly supportive of the Government’s action. Adam Price MS had noted the regulations would be subject to the usual three week reviews, gyms could operate within the rules, and there would be guidance for congregating in private dwellings. He also observed that a limited number of spectators could attend outdoor field sport and there would be additional financial support for businesses affected by Alert Level 2.*

**OFFICIAL – SENSITIVE - CABINET**

*Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 31 January 2022*

- 3.16 The First Minister informed Cabinet he would take a decision on when the revised regulations would come into force in advance of the Plenary session, which had been scheduled for 1:30pm the following day.
- 3.17 It was agreed that officials should proceed with the decisions taken by Ministers *and instruct lawyers accordingly.*

***Officials should proceed with the decisions taken by Ministers and instruct lawyers accordingly.***

Sections 35 & 36