

OFFICIAL – SENSITIVE - CABINET

*Cabinet will wish to note that these minutes, except those items in italics, will be published in week commencing 10 January 2022*

**The Welsh Government**  
**Minutes of a meeting of the Cabinet**  
**2<sup>nd</sup> 6<sup>th</sup> 8<sup>th</sup> & 9<sup>th</sup> December 2021**

Present: Rt. Hon. Mark Drakeford MS  
Rebecca Evans MS  
Vaughan Gething MS  
Jane Hutt MS  
Julie James MS  
Jeremy Miles MS  
Eluned Morgan MS  
Mick Antoniw MS

Dawn Bowden MS  
Hannah Blythyn MS  
Julie Morgan MS  
Lynne Neagle MS  
Lee Waters MS

Apologies: Lesley Griffiths MS (2<sup>nd</sup> December)  
Julie James MS (6<sup>th</sup> 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  
Alex Bevan, Special Adviser  
Daniel Butler, Special Adviser  
Ian Butler, Special Adviser  
Kate Edmunds, Special Adviser  
Sara Faye, Special Adviser  
Clare Jenkins, Special Adviser  
NR, Special Adviser  
NR, Special Adviser  
NR, Special Adviser  
Tom Woodward, Special Adviser  
Christopher W Morgan, Head of 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  
Rob Orford, Chief Scientific Adviser – Health  
Fliss Bennee, Co-Chair of TAC.

Dylan Hughes, First Legislative Counsel  
Andrew Sallows, Delivery Programme Director NHS  
Liz Lalley, Director Recovery  
Tom Smithson, Deputy Director COVID-19 Restart  
Chris Jones, Deputy Director COVID Certification  
Jason Thomas, Director Culture, Sport and Tourism

## **Thursday 2<sup>nd</sup> December**

### **Item 1: Update on COVID-19 and the new variant**

- 1.1 The First Minister informed Cabinet the purpose of the meeting was to provide officials with a steer in advance of the formal paper on the review of the Coronavirus Restrictions (No. 5) Regulations, which was scheduled for the following week.
- 1.2 The briefing paper outlined some proposed precautions aimed at slowing the growth of the new variant, Omicron, and suggested an approach to implementing COVID Urgent, should there be a need to introduce more stringent measures to halt transmission of the virus and relieve pressure on the NHS.
- 1.3 Ministers were 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.
- 1.4 The First Minister invited officials from the Health Department to provide Cabinet with an update on the spread of COVID-19 and specifically Omicron.
- 1.5 The CMO reported the Delta wave appeared to be plateauing. There were reductions in community transmission, which was being reflected in hospital admissions. There were still questions, however, as to whether the UK was behind or ahead of the spike in cases being experienced in mainland Europe.
- 1.6 Although there were a small number of Omicron cases in the UK, these were increasing, but there were still no cases in Wales. The procedures in place, TTP and new self-isolation requirements, would help slow the transmission of the new variant, which would provide time to assess the risk. It was possible there would be vaccine escape and increased infection rates, but there were still questions about the harm caused by the new variant.
- 1.7 The Chief Scientific Adviser for Health advised Cabinet there had been a significant increase in cases of Omicron in South Africa, particularly in Gauteng Province, which was reporting 3,000 new cases a day. In terms of the UK, there were early signs that cases might start increasing in London and the West Midlands.

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- 1.8 The briefing paper outlined alternative options for strengthening the current response to the potential threat from Omicron, while recognising the stable public health context and improving NHS COVID pressures.
- 1.9 Cabinet agreed that everyone, even those who were fully vaccinated should be encouraged to take a lateral flow test (LFT) as close as possible before undertaking social activities, gathering in crowded places or visiting people, particularly the vulnerable. It was suggested that plans to extend the use of the COVID pass should be kept under review.
- 1.10 Ministers agreed the regulations should be amended to ensure it was clear that face coverings should be worn in cinemas and theatres, unless consuming food or drink. There should not be any legal requirements for such coverings to be worn in hospitality settings at present, however, people should be encouraged to wear them when not eating or drinking.
- 1.11 Cabinet agreed that officials should proceed in line with the decisions taken by Ministers and instruct lawyers accordingly.

**Monday 6<sup>th</sup> December**

**Item 1: Minutes of previous meetings**

- 1.1 Cymeradwydd y Cabinet gofnodion y 25 & 29 Tachwedd / Cabinet approved the minutes of 25 & 29 November.

**Item 2: Senedd Business**

- 2.1 Cabinet considered the contents of the Plenary grid and noted that voting time was scheduled for 7:10pm on Tuesday and around 6:20pm on Wednesday.

**Item 3: Review of Coronavirus Restrictions (No. 5) Regulations – 9 December 2021**

- 3.1 The First Minister introduced the paper, which sought a steer on the current review period of the Coronavirus Restrictions (No. 5) Regulations. With the high level of uncertainty surrounding Omicron, Ministers would first consider the paper in the context of the current dominant variant, Delta. This would be followed by a briefing later in the meeting on the new variant.
- 3.2 Given the need for the Government to be able to respond quickly to the emerging situation, the regulations would now be reviewed on a weekly cycle and Cabinet would meet again on Wednesday to assess whether the decisions taken at this meeting would need to be revisited at all in light of any emerging evidence.
- 3.3 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.

- 3.4 The paper outlined the current public health situation, which suggested a gradual improvement since the previous Thursday and cases of COVID-19 continued to fall across Wales. COVID pressures in the NHS were also reducing. Therefore, Cabinet agreed that overall the regulations remained necessary and proportionate as a public health response to the current threat posed by coronavirus, subject to any strengthening Ministers considered necessary to slow the spread of Omicron.
- 3.5 Cabinet confirmed there was a need to actively promote the use of LFTs within 24 hours for all circumstances where a person would be mixing. This would include social activities or when meeting others, especially the vulnerable, and visiting crowded indoor places, regardless of vaccination status and even if COVID passes were required. Tests should also be taken in advance of travelling to or from other parts of Wales or the UK and when working in an office. Furthermore, all learners over 11 and all staff in education settings, should also take such tests.
- 3.6 Ministers agreed the guidance and supporting communications should be amended to promote greater use of LFTs.
- 3.7 The guidance should also be updated, with communications to stakeholders asking them to encourage customers to wear face coverings when not eating and drinking in hospitality settings. In addition, it was important to ensure people were wearing the correct form of face covering.
- 3.8 Ministers confirmed the regulations should also be changed to clarify the auditorium of a theatre, cinema or concert hall along with the viewing halls of an indoor arena or stadium were not treated as premises where food and drink were sold.
- 3.9 It was important to keep these decisions under close review.
- 3.10 Cabinet turned to planning for COVID Urgent and recognised that unless financial support was made available by the UK Government, the economic harms from moving to Alert Level 4 would be much greater than in previous waves.
- 3.11 Ministers agreed in principle that if there was a risk the NHS could become overwhelmed by COVID cases, Alert Level 4 should be the basis for the Government's response. It was confirmed the closure of public transport and night time curfews should not be included in plans for Alert Level 4 at this stage, but this should be kept under review.
- 3.12 Should COVID Urgent be enacted, self-isolation rules should revert to the previous requirements, and be applied to all contacts regardless of age or vaccination status.
- 3.13 Ministers confirmed that schools and childcare facilities should remain open as long as possible under COVID Urgent and education would move to online only if circumstances and emerging evidence required such changes.

- 3.14 The First Minister turned to the preparations for responding to Omicron and invited Health officials to provide Cabinet with an update on what was known about the new variant.
- 3.15 The CMO reported that Omicron was swiftly spreading throughout the world and could become the dominant variant. South Africa had the highest number of cases, with the UK reporting the second highest infection rates. There were currently 261 cases in England, 71 in Scotland and 4 in Wales, with clear evidence of community transmission, particularly through super-spreading events.
- 3.16 Recent analysis suggested the time between contact and infection may be shorter and the number of cases appeared to double every three to four days. In terms of harm, it was still not known whether Omicron would result in more severe illness or whether there would be vaccine escape. Therefore, it would be important to monitor case rates and how they fed through to hospitalisations.
- 3.17 The Co-chair of TAC added that even if the rate of harm from Omicron was no less than the Delta variant, because of increased transmissibility the subsequent rise in cases would result in added pressures on the NHS. Furthermore, a small drop in the effectiveness of the vaccines would also result in more people entering hospitals. All this at a time when the NHS was dealing with the usual challenging winter pressures.
- 3.18 The NHS Delivery Programme Director informed Cabinet that cases and test positivity rates were rising faster in Gauteng province, South Africa than in previous waves. Hospitalisations were rising steeply and those requiring oxygen appeared to be rising faster than the Delta wave.
- 3.19 The Chief Scientific Adviser for Health confirmed that more evidence was required for the true impact of Omicron to be known and this may become apparent over the next seven days.
- 3.20 Ministers indicated it was important to scale up the messaging about the threat and potential harms of the new variant, while asking people to take more precautions over the Christmas period.
- 3.21 Cabinet agreed that officials should proceed in line with the decisions taken by Ministers and instruct lawyers accordingly.

### **Wednesday 8<sup>th</sup> December**

- 1.1 The First Minister informed Cabinet it was likely the UK Government would announce later that day it was introducing the remaining elements of its COVID Plan B, in response to the spread of the Omicron variant. This would require people to work from home, where possible, and the introduction of a COVID passport for entry into certain venues in England.

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- 1.2 In view of these developments, it was agreed Ministers would need to have a further discussion about the implications of the UK Government plans when the information was available. In the meantime, officials would need to give some thought to whether now was the time to extend the use of the COVID pass to hospitality settings.
- 1.3 In terms of Omicron, recent information from SAGE confirmed infection rates were expected to grow faster than Delta, particularly given it appeared to be more transmissible by aerosol spread, which could have significant implications for closed settings, such as nightclubs and gyms.
- 1.4 The variant had the ability to escape vaccines but it was not yet clear how severe symptoms would be. Recent infections in England had been traced to small gatherings, providing further evidence of community transmission.
- 1.5 It had been suggested the number of people needing hospital treatment from the Omicron variant may reach at least 1,000 a day in England by the end of the year.
- 1.6 Therefore, in addition to the measures already planned for Friday, further safeguards should be announced. Additional precautions for staff, particularly when visiting numerous sites, and those visiting care homes and hospitals would need to be introduced. People would be encouraged to take LFTs before travelling, particularly students returning home from University. Furthermore, guidance would need to encourage people to obtain better quality face coverings. It was suggested some thought should be given to procuring stocks for distribution to the public.
- 1.7 At this stage, in addition to the amendments agreed on 6 December, there should be one further change to the regulations to make face coverings a legal requirement during professional driving lessons and practical tests.
- 1.8 The tone of the press conference on Friday should be sombre with clear warnings that people should expect further restrictions before Christmas.
- 1.9 Given the fast moving situation, Ministers agreed it would not be prudent to signal the additional measures confirmed so far would be sufficient for the following week. Health officials would be asked to brief Cabinet on the latest public health situation on Monday, they would then produce a note for the review Cabinet meeting scheduled for the following Thursday.

**Thursday 9<sup>th</sup> December**

- 1.1 The First Minister informed Cabinet that he, along with the First Ministers of Scotland and Northern Ireland, had attended a meeting with the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations the previous afternoon. At that meeting it was confirmed the UK Government would be introducing the remaining measures of its COVID control Plan B for England, which would be similar to the restrictions already in place in Wales.

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- 1.2 Technical groups were meeting that day to assess the severity of Omicron and data on hospitalisations in England, particularly the London area, was expected the following week.
- 1.3 Given the requirement for people to work from home, it was confirmed that Ministers would be attending the Senedd virtually the following week.
- 1.4 Cabinet agreed that officials should take into account comments made by Ministers.